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STATUTORY INSTRUMENTS

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**2021 No. 1034**

**The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2021**

**PART 2**

**AMENDMENTS TO BENEFIT LEGISLATION EXTENDING TO ENGLAND AND WALES AND SCOTLAND**

**Amendment of income-related benefit legislation**

**2.—**(1) The provisions specified in paragraph (4) are amended as follows.

(2) Before sub-paragraph (za) insert—

“(zza) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971(1), where such leave is granted by virtue of—

- (i) the Afghan Relocations and Assistance Policy; or
- (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);

(zzb) a person in Great Britain not coming within sub-paragraph (zza) or (h)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;”.

(3) In sub-paragraph (h)—

(a) at the end of (ii), omit “or”;

(b) after (iii) insert—

“or

(iv) granted under the Afghan Citizens Resettlement Scheme(2);”;

(4) Those provisions are—

(a) regulation 21AA(4) of the Income Support (General) Regulations 1987(3);

(b) regulation 85A(4) of the Jobseeker’s Allowance Regulations 1996(4);

(c) regulation 2(4) of the State Pension Credit Regulations 2002(5);

(d) regulation 10(3B) of the Housing Benefit Regulations 2006(6);

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(1) 1971 c. 77. See Part 7 of the Immigration Rules. The scheme is contained in Rules 276BA1- 276BS2.

(2) <https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme>.

(3) S.I. 1987/1967. Regulation 21AA is inserted by S.I. 2006/1026. Relevant amendments are made by S.I. 2006/2528, 2009/362, 2013/2536, 2014/902, 2019/872 and 2020/683 and 1309.

(4) S.I. 1996/207. Regulation 85A is inserted by S.I. 2006/1026. Relevant amendments are made by S.I. 2006/2528, 2009/362, 2013/2536, 2014/902, 2019/872 and 2020/683 and 1309.

(5) S.I. 2002/1792. Regulation 2 is substituted by S.I. 2006/1026. Relevant amendments are made by S.I. 2006/2528, 2009/362, 2013/2536, 2014/902, 2019/872 and 2020/683 and 1309.

(6) S.I. 2006/213. Relevant amendments are made by S.I. 2006/1026 and 2528, 2009/362, 2013/2536, 2014/902, 2019/872 and 2020/683 and 1309.

- (e) regulation 10(4A) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(7); and
- (f) regulation 70(4) of the Employment and Support Allowance Regulations 2008(8).

### **Amendment of the Universal Credit Regulations 2013**

- 3.—(1) Regulation 9(4) of the Universal Credit Regulations 2013(9) is amended as follows.
- (2) Before sub-paragraph (a) insert—
  - “(za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
    - (i) the Afghan Relocations and Assistance Policy; or
    - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
  - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;”.
- (3) In sub-paragraph (e)—
  - (a) at the end of (ii), omit “or”;
  - (b) after (iii) insert—
    - “or
    - (iv) granted under the Afghan Citizens Resettlement Scheme;”;

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(7) S.I. 2006/214. Relevant amendments are made by S.I. 2006/1026 and 2528, 2009/362, 2013/2536, 2014/902, 2019/872 and 2020/683 and 1309.

(8) S.I. 2008/794. Relevant amendments are made by S.I. 2009/362, 2013/630 and 2536, 2014/902, 2019/872 and 2020/683 and 1309.

(9) S.I. 2013/376. Relevant amendments are made by S.I. 2013/1508 and 2020/683 and 1309.