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STATUTORY INSTRUMENTS

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**2023 No. 532**

**The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2023**

**PART 2**

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

**Amendments to income-related benefit legislation**

- 2.—**(1) In the provisions specified in paragraph (2), after sub-paragraph (zzc) insert—
- “(zzd) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—
- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971(1);
  - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act(2); or
  - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act(3);”.
- (2) Those provisions are—
- (a) regulation 21AA(4) of the Income Support (General) Regulations 1987(4);
  - (b) regulation 85A(4) of the Jobseeker’s Allowance Regulations 1996(5);
  - (c) regulation 2(4) of the State Pension Credit Regulations 2002(6);
  - (d) regulation 10(3B) of the Housing Benefit Regulations 2006(7);
  - (e) regulation 10(4A) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(8); and

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(1) 1971 c. 77.

(2) Section 2 is substituted by section 39(2) of the British Nationality Act 1981 (c. 61) and amended by S.I. 2019/745.

(3) Section 3ZA is inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20).

(4) 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, 2020/683 and 1309, 2021/1034 and 2022/344 and 990.

(5) 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, 2020/683 and 1309, 2021/1034 and 2022/344 and 990.

(6) 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, 2020/683 and 1309, 2021/1034 and 2022/344 and 990.

(7) S.I. 2006/213. Relevant amendments are made by S.I. 2006/1026 and 2528, 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309, 2021/1034 and 2022/344 and 990.

(8) S.I. 2006/214. Relevant amendments are made by S.I. 2006/1026 and 2528, 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309, 2021/1034 and 2022/344 and 990.

(f) regulation 70(4) of the Employment and Support Allowance Regulations 2008<sup>(9)</sup>.

### **Amendments to the Universal Credit Regulations 2013**

**3.** In regulation 9(4) of the Universal Credit Regulations 2013<sup>(10)</sup>, after sub-paragraph (zc) insert—

- “(zd) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—
- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
  - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
  - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;”.

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<sup>(9)</sup> S.I. 2008/794. Relevant amendments are made by S.I. 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309, 2021/1034 and 2022/344 and 990.

<sup>(10)</sup> S.I. 2013/376. Relevant amendments are made by S.I. 2013/1508, 2020/683 and 1309, 2021/1034 and 2022/344 and 990.