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STATUTORY INSTRUMENTS

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**2022 No. 344**

**The Social Security (Habitual Residence and  
Past Presence) (Amendment) Regulations 2022**

**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 (5) are amended as follows.
- (2) In paragraph (zzb), for “(h)(iv)” substitute “(h)”.
- (3) After sub-paragraph (zzb) insert—
- “(zzc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971<sup>(1)</sup>; or
- (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act<sup>(2)</sup>.”.
- (4) In sub-paragraph (h), omit the words from “where that leave is” to the end of that sub-paragraph.
- (5) Those provisions are—
- (a) regulation 21AA(4) of the Income Support (General) Regulations 1987<sup>(3)</sup>;
- (b) regulation 85A(4) of the Jobseeker’s Allowance Regulations 1996<sup>(4)</sup>;
- (c) regulation 2(4) of the State Pension Credit Regulations 2002<sup>(5)</sup>;
- (d) regulation 10(3B) of the Housing Benefit Regulations 2006<sup>(6)</sup>;
- (e) regulation 10(4A) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(7)</sup>; 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).

(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, 2020/683 and 1309 and 2021/1034.

(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, 2020/683 and 1309 and 2021/1034.

(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, 2020/683 and 1309 and 2021/1034.

(6) 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 and 2021/1034.

(7) 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 and 2021/1034.

(f) regulation 70(4) of the Employment and Support Allowance Regulations 2008<sup>(8)</sup>.

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<sup>(8)</sup> S.I. 2008/794. Relevant amendments are made by S.I. 2009/362 and 2536, 2014/902, 2019/872, 2020/683 and 1309 and 2021/1034.