
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 269

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

Amendment of disability and carers benefit legislation

4.—(1) The provisions specified in paragraph (4) are amended in accordance with paragraphs (2) and (3).

(2) For the heading substitute “Refugees and certain persons with leave to enter or remain in the United Kingdom”.

(3) In paragraph (1)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) after sub-paragraph (b) add—

“(c) leave to enter or remain in the United Kingdom granted under the immigration rules 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);

(d) been granted discretionary leave outside the immigration rules as a dependant of a person referred to in sub-paragraph (c); or

(e) leave granted under the Afghan Citizens Resettlement Scheme.”.

(4) The provisions referred to in paragraph (1) are—

(a) regulation 9C of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(1) (refugees);

(b) regulation 2C of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(2) (refugees);

(c) regulation 2C of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(3) (refugees);

(d) regulation 23A(1) of the Personal Independence Payment Regulations (Northern Ireland) 2016(4) (refugees).

(5) In regulation 9C of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 (refugees) after paragraph (1) insert—

“(1A) Regulation 9(1)(a) shall not apply where paragraph (1)(c), (d) or (e) applies to the person.”.

(1) [S.R. 1976 No. 99](#); regulation 9C was inserted by regulation 2(3) of [S.R. 2017 No. 218](#); relevant amending Regulations are [S.R. 2016 No. 229](#)

(2) [S.R. 1992 No. 20](#); regulation 2C was inserted by regulation 7(3) of [S.R. 2017 No. 218](#); relevant amending Regulations are [S.R. 2016 No. 229](#)

(3) [S.R. 1992 No. 32](#); regulation 2C was inserted by regulation 8(3) of [S.R. 2017 No. 218](#); relevant amending Regulations are [S.R. 2016 No. 229](#)

(4) [S.R. 2016 No. 217](#); regulation 23A was inserted by regulation 15 of [S.R. 2017 No. 218](#)

(6) In regulation 2C of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992 (refugees) after paragraph (1) insert—

“(1A) Regulation 2(1)(a)(i) shall not apply where paragraph (1)(c), (d) or (e) applies to the person.”

(7) In regulation 2C of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 (refugees) after paragraph (1) insert—

“(1A) Regulation 2(1)(a)(i) shall not apply where paragraph (1)(c), (d) or (e) applies to the person.”

(8) In regulation 23A(1) of the Personal Independence Payment Regulations (Northern Ireland) 2016 (refugees) after paragraph (1) insert—

“(1A) Regulation 16(c) shall not apply in relation to a claim for personal independence payment where paragraph (1)(c), (d) or (e) applies to C.”