
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 320

**The Social Security (Residence Requirements)
(Afghanistan) (Scotland) Regulations 2021**

Amendment of the Disability Assistance for Children and Young People (Scotland) Regulations 2021

6.—(1) Regulation 5 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021⁽¹⁾ is amended in accordance with paragraphs (2) and (3).

(2) After paragraph (10) insert—

“(10A) The habitual residence condition in paragraph (1)(b) and the past presence condition in paragraph (1)(e) do not apply where an individual—

- (a) has 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),
- (b) has been granted discretionary leave outside the immigration rules as a dependant of a person referred to in sub-paragraph (a); or
- (c) has leave granted under the Afghan Citizens Resettlement Scheme⁽²⁾.”

(3) For paragraph (11) substitute—

“(11) For the purposes of paragraphs (10) and (10A)—

- (a) “immigration rules” means the rules laid before Parliament under section 3(2) of the Immigration Act 1971⁽³⁾,
- (b) “the Afghan Citizens Resettlement Scheme” means the scheme announced by the United Kingdom Government on 18 August 2021⁽⁴⁾.”

(1) S.S.I. 2021/174.

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

(3) 1971 c. 77. See Part 7 of the Immigration Rules; the relevant rules are Rules 276BA1 – 276BS2.

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