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DRAFT STATUTORY INSTRUMENTS

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**2015 No.**

**The Welfare Reform (Northern Ireland) Order 2015**

**PART 3**

**Working-age benefits**

**CHAPTER 4**

**Entitlement to work**

**Entitlement to work: employment and support allowance**

- 67.**—(1) The Welfare Reform Act (Northern Ireland) 2007 is amended as follows.
- (2) In section 1 (employment and support allowance), in subsection (3), before paragraph (a) insert—
- “(za) is entitled to be in employment in the United Kingdom.”.
- (3) In that section, after subsection (3A) insert—
- “(3B) For the purposes of subsection (3)(za), a person is entitled to be in employment in the United Kingdom if, and only if—
- (a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or
  - (b) the person has been granted such leave and—
    - (i) the leave is not invalid,
    - (ii) the leave has not for any reason ceased to have effect, and
    - (iii) the leave is not subject to a condition preventing the person from accepting any employment.”
- (4) In Schedule 2 (supplementary provisions), after paragraph 4A (as inserted by Article 60) insert—

*“Entitlement to work in the United Kingdom*

**4B.** Regulations may provide that in prescribed circumstances a person who is not entitled to be in employment in the United Kingdom may nevertheless be entitled to an employment and support allowance.”