



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART VI

SUPPORT FOR ASYLUM-SEEKERS

Exclusions

115 Exclusion from benefits

(1) No person is entitled to income-based jobseeker's allowance under the Jobseekers Act 1995 or to—

- (a) attendance allowance,
- (b) severe disablement allowance,
- (c) invalid care allowance,
- (d) disability living allowance,
- (e) income support,
- (f) working families' tax credit,
- (g) disabled person's tax credit,
- (h) a social fund payment,
- (i) child benefit,
- (j) housing benefit, or
- (k) council tax benefit,

under the Social Security Contributions and Benefits Act 1992 while he is a person to whom this section applies.

(2) No person in Northern Ireland is entitled to—

- (a) income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995, or
- (b) any of the benefits mentioned in paragraphs (a) to (j) of subsection (1),

under the Social Security Contributions and Benefits (Northern Ireland) Act 1992 while he is a person to whom this section applies.

Status: This is the original version (as it was originally enacted).

- (3) This section applies to a person subject to immigration control unless he falls within such category or description, or satisfies such conditions, as may be prescribed.
- (4) Regulations under subsection (3) may provide for a person to be treated for prescribed purposes only as not being a person to whom this section applies.
- (5) In relation to the benefits mentioned in subsection (1)(f) or (g), “prescribed” means prescribed by regulations made by the Treasury.
- (6) In relation to the matters mentioned in subsection (2) (except so far as it relates to the benefits mentioned in subsection (1)(f) or (g)), “prescribed” means prescribed by regulations made by the Department.
- (7) Section 175(3) to (5) of the Social Security Contributions and Benefits Act 1992 (supplemental powers in relation to regulations) applies to regulations made by the Secretary of State or the Treasury under subsection (3) as it applies to regulations made under that Act.
- (8) Sections 133(2), 171(2) and 172(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 apply to regulations made by the Department under subsection (3) as they apply to regulations made by the Department under that Act.
- (9) “A person subject to immigration control” means a person who is not a national of an EEA State and who—
 - (a) requires leave to enter or remain in the United Kingdom but does not have it;
 - (b) has leave to enter or remain in the United Kingdom which is subject to a condition that he does not have recourse to public funds;
 - (c) has leave to enter or remain in the United Kingdom given as a result of a maintenance undertaking; or
 - (d) has leave to enter or remain in the United Kingdom only as a result of paragraph 17 of Schedule 4.
- (10) “Maintenance undertaking”, in relation to any person, means a written undertaking given by another person in pursuance of the immigration rules to be responsible for that person’s maintenance and accommodation.