
STATUTORY INSTRUMENTS

1991 No. 2890

The Social Security (Disability Living Allowance) Regulations 1991

PART II

GENERAL

[^{F1}^{F2}Refugees and certain persons with leave to enter and remain in the United Kingdom]

2C.—(1) Regulation 2(1)(a)(iii) shall not apply where the person has—

- (a) been granted refugee status or humanitarian protection under the immigration rules; ^{F3}...
- (b) leave to enter or remain in the United Kingdom as the dependant of a person granted refugee status or humanitarian protection under the immigration rules.

[leave to enter or remain in the United Kingdom granted under the immigration rules by ^{F4}(c) 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), ^{F5}...
- (e) leave granted under the Afghan Citizens Resettlement Scheme][^{F6}; [^{F7}...]]

[leave to enter or remain in the United Kingdom granted under or outside the immigration ^{F8}(f) rules [^{F9}, a right][^{F10}a right] of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971 [^{F11}or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,][^{F12}, or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act] where the person—

- (i) was residing in Ukraine immediately before 1st January 2022; and
- (ii) left Ukraine in connection with the Russian invasion which took place on 24th February 2022][^{F13}; [^{F14}...]]
- (g) leave to enter or remain in the United Kingdom granted under or outside the immigration rules, a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971 or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act, where the person—
 - (i) was residing in Sudan before 15th April 2023; and
 - (ii) left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan][^{F15}, or

- (h) leave to enter or remain in the United Kingdom granted under or outside the immigration rules, a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971 or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act, where the person—
- (i) was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7 October 2023, and
 - (ii) left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7 October 2023 or the violence which rapidly escalated in the region following the attack.]

[
^{F16}(1A) Regulation 2(1)(a)(i) shall not apply where [^{F17}any sub-paragraph in paragraph (1)] applies to the person.]

- [
^{F18}(2) For the purposes of this regulation—
- ((a)) “immigration rules” means the rules laid before Parliament under section 3(2) of the Immigration Act 1971,
 - ((b)) “the Afghan Citizens Resettlement Scheme” means the scheme announced by the United Kingdom Government on 18 August 2021.]]

Textual Amendments

- F1** Reg. 2C inserted (16.11.2017) by The Social Security (Miscellaneous Amendments No. 4) Regulations 2017 (S.I. 2017/1015), regs. 1(2), **7(3)**
- F2** Reg. 2C heading substituted: (S.) (15.9.2021) by The Social Security (Residence Requirements) (Afghanistan) (Scotland) Regulations 2021 (S.S.I. 2021/320), regs. 1(1), **2(2)(5)(c)**; and (E.W.) (16.9.2021) by The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2021 (S.I. 2021/1034), regs. 1(1), **4(2)(4)**
- F3** Word in reg. 2C(1)(a) omitted: (S.) (15.9.2021) by virtue of The Social Security (Residence Requirements) (Afghanistan) (Scotland) Regulations 2021 (S.S.I. 2021/320), regs. 1(1), **2(3)(a)(5)(c)**; and (E.W.) (16.9.2021) by virtue of The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2021 (S.I. 2021/1034), regs. 1(1), **4(3)(a)(4)**
- F4** Reg. 2C(1)(c)-(e) inserted: (S.) (15.9.2021) by The Social Security (Residence Requirements) (Afghanistan) (Scotland) Regulations 2021 (S.S.I. 2021/320), regs. 1(1), **2(3)(b)(5)(c)**; and (E.W.) (16.9.2021) by The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2021 (S.I. 2021/1034), regs. 1(1), **4(3)(b)(4)**
- F5** Word in reg. 2C(1)(d) omitted (E.W.) (22.3.2022) by virtue of The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2022 (S.I. 2022/344), regs. 1(1), **4(2)(a)(4)(c)**; and (S.) (22.3.2022 at 5.40 p.m.) by virtue of The Social Security (Residence Requirements) (Ukraine) (Scotland) Regulations 2022 (S.S.I. 2022/108), regs. 1(1), **2(2)(a)(4)(c)**
- F6** Word in reg. 2C(1)(e) substituted (E.W.) (18.10.2022) by The Social Security (Habitual Residence and Past Presence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/990), regs. 1(1), **3(1)(a)(2)(c)**
- F7** Word in reg. 2C(1)(e) omitted (E.W.) (15.5.2023) by virtue of The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2023 (S.I. 2023/532), regs. 1(1), **4(1)(a)(2)(c)**; (S.) (17.5.2023 at 5.54 p.m.) by virtue of The Social Security (Residence Requirements) (Sudan) (Scotland) Regulations 2023 (S.S.I. 2023/149), regs. 1(1), **2(2)(a)**
- F8** Reg. 2C(1)(f) and word inserted (E.W.) (22.3.2022) by The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2022 (S.I. 2022/344), regs. 1(1), **4(2)(b)(4)(c)**; and (S.) (22.3.2022 at 5.40 p.m.) by The Social Security (Residence Requirements) (Ukraine) (Scotland) Regulations 2022 (S.S.I. 2022/108), regs. 1(1), **2(2)(b)(4)(c)**

- F9** Words in reg. 2C(1)(f) substituted (E.W.) (18.10.2022) by The Social Security (Habitual Residence and Past Presence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/990), regs. 1(1), **3(1)(b)(i)(2)(c)**
- F10** Words in reg. 2C(1)(f) substituted (S.) (14.11.2022) by The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), **6(1)(a)(2)(c)**
- F11** Words in reg. 2C(1)(f) inserted (E.W.) (18.10.2022) by The Social Security (Habitual Residence and Past Presence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/990), regs. 1(1), **3(1)(b)(ii)(2)(c)**
- F12** Words in reg. 2C(1)(f) inserted (S.) (14.11.2022) by The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (S.S.I. 2022/336), regs. 1(1), **6(1)(b)(2)(c)**
- F13** Reg. 2C(1)(g) and word inserted (E.W.) (15.5.2023) by The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2023 (S.I. 2023/532), regs. 1(1), **4(1)(b)(2)(c)**; (S.) (17.5.2023 at 5.54 p.m.) by The Social Security (Residence Requirements) (Sudan) (Scotland) Regulations 2023 (S.S.I. 2023/149), regs. 1(1), **2(2)(b)**
- F14** Word in reg. 2C(1)(f) omitted (S.) (26.10.2023 at 5.38 p.m.) by virtue of The Social Security (Residence and Presence Requirements) (Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights and Lebanon) (Scotland) Regulations 2023 (S.S.I. 2023/309), regs. 1(2), **2(2)(a)(3)(c)**; (E.W.) (27.10.2023) by virtue of The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/1144), regs. 1(1), **10(1)(a)(2)(c)**
- F15** Reg. 2C(1)(h) and word inserted (S.) (26.10.2023 at 5.38 p.m.) by The Social Security (Residence and Presence Requirements) (Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights and Lebanon) (Scotland) Regulations 2023 (S.S.I. 2023/309), regs. 1(2), **2(2)(b)(3)(c)**; (E.W.) (27.10.2023) by The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/1144), regs. 1(1), **10(1)(b)(c)(2)(c)**
- F16** Reg. 2C(1A) inserted: (S.) (15.9.2021) by The Social Security (Residence Requirements) (Afghanistan) (Scotland) Regulations 2021 (S.S.I. 2021/320), regs. 1(1), **2(8)**; and (E.W.) (16.9.2021) by The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2021 (S.I. 2021/1034), regs. 1(1), **4(7)**
- F17** Words in reg. 2C(1A) substituted (E.W.) (22.3.2022) by The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations 2022 (S.I. 2022/344), regs. 1(1), **4(3)(4)(c)**; and (S.) (22.3.2022 at 5.40 p.m.) by The Social Security (Residence Requirements) (Ukraine) (Scotland) Regulations 2022 (S.S.I. 2022/108), regs. 1(1), **2(3)(4)(c)**
- F18** Reg. 2C(2) substituted (S.) (15.9.2021) by The Social Security (Residence Requirements) (Afghanistan) (Scotland) Regulations 2021 (S.S.I. 2021/320), regs. 1(1), **2(4)(5)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Disability Living Allowance) Regulations 1991, Section 2C.