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## STATUTORY INSTRUMENTS

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### 2000 No. 636

## The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000

### Persons not excluded from specified benefits under section 115 of the Immigration and Asylum Act 1999

2.—(1) For the purposes of entitlement to income-based jobseeker's allowance, income support, a social fund payment [<sup>F1</sup>or], <sup>F2</sup>... [<sup>F3</sup>income-related employment and support allowance]<sup>F4</sup>..., as the case may be, a person falling within a category or description of persons specified in Part I of the Schedule is a person to whom section 115 of the Act does not apply.

[<sup>F5</sup>(1A) For the purposes of entitlement to [<sup>F6</sup>housing benefit under the Contributions and Benefits Act, state pension credit under the State Pension Credit Act 2002, or] universal credit<sup>F7</sup>, as the case may be,] a person falling within a category or description of persons specified in [<sup>F8</sup>paragraphs 2 and 3] of Part I of the Schedule is a person to whom section 115 of the Act does not apply. ]

(2) For the purposes of entitlement to attendance allowance, severe disablement allowance, [<sup>F9</sup>carer's allowance], disability living allowance, a social fund payment<sup>F10</sup>, health in pregnancy grant] or child benefit under the Contributions and Benefits Act [<sup>F11</sup>or personal independence payment], as the case may be, a person falling within a category or description of persons specified in Part II of the Schedule is a person to whom section 115 of the Act does not apply.

(3) For the purposes of entitlement to child benefit, attendance allowance or disability living allowance under the Contributions and Benefits Act [<sup>F12</sup>or personal independence payment], as the case may be, a person in respect of whom there is an Order in Council made under section 179 of the Social Security Administration Act 1992 giving effect to a reciprocal agreement in respect of one of those benefits, as the case may be, is a person to whom section 115 of the Act does not apply.

[<sup>F13</sup>(3A) For the purposes of entitlement to child benefit under the Contributions and Benefits Act, a person—

- (a) who is lawfully working in Great Britain; and
- (b) who is a national of a State with which the United Kingdom has concluded an agreement which replaces, in whole or in part, an agreement under Article 217 of the Treaty on the Functioning of the European Union which makes provision for the receipt of family allowances for members of their family who are legally resident in the United Kingdom,

is a person to whom section 115 of the Act does not apply.]

(4) For the purposes of entitlement to—

- (a) income support, a social fund payment, housing benefit <sup>F14</sup>... under the Contributions and Benefits Act, [<sup>F15</sup>or income-related employment and support allowance,] as the case may be, a person who is entitled to or is receiving benefit by virtue of paragraph (1) or (2) of regulation 12 of the Persons from Abroad Regulations is a person to whom section 115 of the Act does not apply;
- (b) attendance allowance, disability living allowance, [<sup>F9</sup>carer's allowance], severe disablement allowance, a social fund payment or child benefit under the Contributions

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and Benefits Act, as the case may be, a person who is entitled to or is receiving benefit by virtue of paragraph (10) of regulation 12 is a person to whom section 115 of the Act does not apply.

[<sup>F16</sup>(c) state pension credit under the State Pension Credit Act 2002, a person to whom subparagraph (a) would have applied but for the fact that they have attained the qualifying age for the purposes of state pension credit, is a person to whom section 115 of the Act does not apply.]

[<sup>F17</sup>(5) For the purposes of entitlement to [<sup>F18</sup>universal credit,] income support, a jobseeker’s allowance [<sup>F19</sup>an income-based jobseeker’s allowance under the Jobseekers Act 1995], an employment and support allowance [<sup>F20</sup>income-related] or a social fund payment under the Contributions and Benefits Act, as the case may be, a person who is an asylum seeker within the meaning of paragraph (4) of regulation 12 who has not ceased to be an asylum seeker by virtue of paragraph (5) of that regulation is a person to whom section 115 of the Act does not apply.]

(6) For the purposes of entitlement to housing benefit <sup>F21</sup>... or a social fund payment under the Contributions and Benefits Act, as the case may be, a person to whom regulation 12(6) applies is a person to whom section 115 of the Act does not apply.

[<sup>F22</sup>(7) For the purposes of entitlement to state pension credit under the State Pension Credit Act 2002, a person to whom paragraph (5) would have applied but for the fact that they have attained the qualifying age for the purposes of state pension credit, is a person to whom section 115 of the Act does not apply.

<sup>F23</sup>(8)] .....

**Textual Amendments**

- F1** Word in reg. 2(1) inserted (3.5.2022) by [The Social Security and Council Tax Reduction Schemes \(Amendment\) Regulations 2022 \(S.I. 2022/449\)](#), regs. 1(1), **2(2)(a)(i)** (with reg. 1(3))
- F2** Words in reg. 2(1) omitted (3.5.2022) by virtue of [The Social Security and Council Tax Reduction Schemes \(Amendment\) Regulations 2022 \(S.I. 2022/449\)](#), regs. 1(1), **2(2)(a)(ii)** (with reg. 1(3))
- F3** Words in reg. 2(1) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **69(3)(a)**
- F4** Words in reg. 2(1) omitted (3.5.2022) by virtue of [The Social Security and Council Tax Reduction Schemes \(Amendment\) Regulations 2022 \(S.I. 2022/449\)](#), regs. 1(1), **2(2)(a)(iii)** (with reg. 1(3))
- F5** Reg. 2(1A) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **31(3)(a)**
- F6** Words in reg. 2(1A) inserted (3.5.2022) by [The Social Security and Council Tax Reduction Schemes \(Amendment\) Regulations 2022 \(S.I. 2022/449\)](#), regs. 1(1), **2(2)(b)(i)** (with reg. 1(3))
- F7** Words in reg. 2(1A) inserted (3.5.2022) by [The Social Security and Council Tax Reduction Schemes \(Amendment\) Regulations 2022 \(S.I. 2022/449\)](#), regs. 1(1), **2(2)(b)(ii)** (with reg. 1(3))
- F8** Words in reg. 2(1A) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security, Child Benefit and Child Tax Credit \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1505\)](#), regs. 1(1), **2(2)(a)**
- F9** Words in reg. 2 substituted (1.4.2003) by [Social Security Amendment \(Carer's Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 1, **2**
- F10** Words in reg. 2(2) inserted (1.1.2009) by [Health in Pregnancy Grant \(Entitlement and Amount\) Regulations 2008 \(S.I. 2008/3108\)](#), regs. 1(1), **8(2)**
- F11** Words in reg. 2(2) inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 23(3)(a)**

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- F12** Words in reg. 2(3) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 23(3)(b)**
- F13** Reg. 2(3A) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security and Tax Credits (Miscellaneous and Coronavirus Amendments) Regulations 2021 (S.I. 2021/495), regs. 1(1), **2(2)**
- F14** Words in reg. 2(4)(a) revoked (1.4.2013) by The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 (S.I. 2013/458), reg. 1, **Sch. 1**
- F15** Words in reg. 2(4)(a) inserted (27.10.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **69(3)(b)**
- F16** Reg. 2(4)(c) inserted (6.10.2003) by State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **6(3)**
- F17** Reg. 2(5) substituted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by Social Security (Miscellaneous Amendments) (No.5) Regulations 2009 (S.I. 2009/3228), **reg. 3(5)(a)**
- F18** Words in reg. 2(5) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **31(3)(b)(i)**
- F19** Words in reg. 2(5) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **31(3)(b)(ii)**
- F20** Words in reg. 2(5) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **31(3)(b)(iii)**
- F21** Words in reg. 2(6) revoked (1.4.2013) by The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 (S.I. 2013/458), reg. 1, **Sch. 1**
- F22** Reg. 2(7)(8) inserted (6.10.2003) by State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **6(4)**
- F23** Reg. 2(8) omitted (29.10.2013) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **9(2)**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- [Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10](#)