

SCHEDULE

Regulation 2

PERSONS NOT EXCLUDED FROM CERTAIN BENEFITS UNDER SECTION 115 OF THE IMMIGRATION AND ASYLUM ACT 1999

PART I

Persons not excluded under section 115 of the Immigration and Asylum Act from entitlement to [^{F1}universal credit,] income-based jobseeker's allowance, income support, [^{F2}Income-Related Employment and Support Allowance,] a social fund payment, housing benefit or council tax benefit

Textual Amendments

- F1** Words in Sch. Pt. I inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **31(4)**
- F2** Words in Sch. Pt. I inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) \(No.2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **69(5)**

1. A person who—
 - (a) has limited leave (as defined in section 33(1) of the Immigration Act 1971) to enter or remain in the United Kingdom which was given in accordance with the immigration rules (as defined in that section) relating to—
 - (i) there being or there needing to be, no recourse to public funds, or
 - (ii) there being no charge on public funds,during that period of limited leave; and
 - (b) having, during any one period of limited leave (including any such period as extended), supported himself without recourse to public funds, other than any such recourse by reason of the previous application of this sub-paragraph, is temporarily without funds during that period of leave because remittances to him from abroad have been disrupted, provided there is a reasonable expectation that his supply of funds will be resumed.
2. A person who has been given leave to enter or remain in, the United Kingdom by the Secretary of State upon an undertaking by another person or persons pursuant to the immigration rules within the meaning of the Immigration Act 1971, to be responsible for his maintenance and accommodation and who has not been resident in the United Kingdom for a period of at least five years beginning on the date of entry or the date on which the undertaking was given in respect of him, whichever date is the later and the person or persons who gave the undertaking to provide for his maintenance and accommodation has, or as the case may be, have died
3. A person who—
 - (a) has been given leave to enter or remain in, the United Kingdom by the Secretary of State upon an undertaking by another person or persons pursuant to the immigration rules within the meaning of the Immigration Act 1971, to be responsible for his maintenance and accommodation; and
 - (b) has been resident in the United Kingdom for a period of at least five years beginning on the date of entry or the date on which the undertaking was given in respect of him, whichever date is the later.

Status: Point in time view as at 01/07/2013.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

4. A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953 ^{M1}) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom.

Marginal Citations

M1 Cmd. 9512.

PART II

Persons not excluded under section 115 of the Immigration and Asylum Act from entitlement to attendance allowance, severe disablement allowance, [^{F3}carer's allowance], disability living allowance [^{F4}personal independence payment,] a social fund payment^{F5}, Health in Pregnancy Grant] or child benefit

Textual Amendments

- F3** Words in Sch. Pt. II 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
- F4** Words in Sch. Pt. II 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(4)**
- F5** Words in Sch. Pt. II inserted (1.1.2009) by [Health in Pregnancy Grant \(Entitlement and Amount\) Regulations 2008 \(S.I. 2008/3108\)](#), regs. 1(1), **8(3)**

1. A member of a family of a national of a State contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 [^{F6}as modified or supplemented from time to time.]^{M2}.

Textual Amendments

- F6** Words in Sch. Pt. II added (1.7.2013) by [The Social Security \(Croatia\) Amendment Regulations 2013 \(S.I. 2013/1474\)](#), regs. 1, **8(2)**

Marginal Citations

M2 OJ No. L1, 3.1.1994, p.3.

2. A person who is lawfully working in Great Britain and is a national of a State with which the Community has concluded an agreement under Article 310 ^{M3} of the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts ^{M4} providing, in the field of social security, for the equal treatment of workers who are nationals of the signatory State and their families.

Marginal Citations

- M3** Article 310 EC (ex Article 238).
- M4** OJ No. C340, 10.11.97, p.1.

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3. A person who is a member of a family of, and living with, a person specified in paragraph 2.
4. A person who has been given leave to enter, or remain in, the United Kingdom by the Secretary of State upon an undertaking by another person or persons pursuant to the immigration rules within the meaning of the Immigration Act 1971, to be responsible for his maintenance and accommodation.

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