
STATUTORY INSTRUMENTS

2023 No. 1144

**The Social Security (Habitual Residence and Past Presence,
and Capital Disregards) (Amendment) Regulations 2023**

PART 3

**AMENDMENTS TO BENEFIT LEGISLATION
EXTENDING TO ENGLAND AND WALES ONLY**

Amendment of disability and carer's benefit legislation

10.—(1) In the provisions specified in paragraph (2)—

- (a) at the end of sub-paragraph (f) omit “or”;
- (b) at the end of sub-paragraph (g) omit the full stop and insert “; or”;
- (c) after sub-paragraph (g) insert—

“(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 7th 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 7th October 2023 or the violence which rapidly escalated in the region following the attack.”.

(2) Those provisions are—

- (a) regulation 9C(1) of the Social Security (Invalid Care Allowance) Regulations 1976 (refugees and certain persons with leave to enter and remain in the United Kingdom)(1);
- (b) regulation 2C(1) of the Social Security (Attendance Allowance) Regulations 1991 (refugees and certain persons with leave to enter and remain in the United Kingdom)(2);
- (c) regulation 2C(1) of the Social Security (Disability Living Allowance) Regulations 1991 (refugees and certain persons with leave to enter and remain in the United Kingdom)(3).

(1) [S.I. 1976/409](#). Regulation 9C is inserted by [S.I. 2017/1015](#). Relevant amendments are made by [S.I. 2021/1034](#), [2022/344](#) and [990](#) and [2023/532](#).

(2) [S.I. 1991/2740](#). Regulation 2C is inserted by [S.I. 2017/1015](#). Relevant amendments are made by [S.I. 2021/1034](#), [2022/344](#) and [990](#) and [2023/532](#).

(3) [S.I. 1991/2890](#). Regulation 2C is inserted by [S.I. 2017/1015](#). Relevant amendments are made by [S.I. 2021/1034](#), [2022/344](#) and [990](#) and [2023/532](#).

Amendment of the Social Security (Personal Independence Payment) Regulations 2013

11.—(1) Regulation 23A of the Social Security (Personal Independence Payment) Regulations 2013 (refugees and certain persons with leave to enter and remain in the United Kingdom)⁽⁴⁾ is amended as follows.

(2) In paragraph (1)—

- (a) at the end of sub-paragraph (f) omit “or”;
- (b) at the end of sub-paragraph (g) omit the full stop and insert “; or”;
- (c) after sub-paragraph (g) insert—

“**(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 C—

- (i) was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th 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 7th October 2023 or the violence which rapidly escalated in the region following the attack.”.

⁽⁴⁾ [S.I. 2013/377](#). Regulation 23A is inserted by [S.I. 2017/1015](#). Relevant amendments are made by [S.I. 2021/1034](#), [2022/344](#) and [990](#) and [2023/532](#).