STATUTORY INSTRUMENTS

2025 No. 884

SOCIAL SECURITY

The Social Security (Habitual Residence, Past Presence and Temporary Absence) (Amendment) Regulations 2025

Made - - - -	*at 10:26 a.m. on 17th July 2025*
Laid before Parliament	*at 3:00 p.m. on 17th July 2025*
Coming into force - -	*18th July 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 64(1), 70(4), 71(6), 123(1)(a) and (d), 137(2)(a), (b) and (h), 175(1), (3) to (5) and 176(3) of the Social Security Contributions and Benefits Act 1992(**a**), section 36(2) and (4) of, and paragraphs 11 of Schedule 1, to the Jobseekers Act 1995(**b**), sections 1(5), 17(2)(a) and 19(1) of the State Pension Credit Act 2002(**c**), section 25(2), (3) and (5), and paragraphs 5 and 6 of Schedule 2, to the Welfare Reform Act 2007(**d**) and sections 4(5)(a) and (b), 42(1) to (3), 77(3), 92(1) and 94(1) to (3) of the Welfare Reform Act 2012(**e**).

In accordance with section 176(2)(a) of the Social Security Administration Act 1992(**f**), it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient for the Secretary of State to consult with organisations representative of the authorities concerned.

In accordance with section 173(1)(a) of the Social Security Administration Act 1992, it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient to refer the proposals in respect of these Regulations to the Social Security Advisory Committee.

(**a**) 1992 c. 4. See section 137(1) for the meaning given to "prescribed". Section 123(1)(a) and (d) were repealed by the Welfare Reform Act 2012 (c. 5), section 147, schedule 14 part 1, however this repeal is yet to be appointed under section 150(3) of that Act.
(**b**) 1995 c. 18. See section 35(1) for the meanings given to "prescribed" and "regulations".
(**c**) 2002 c. 16. See section 17(1) for the meaning given to "regulations".
(**d**) 2007 c. 5. See section 24(1) for the meaning given to "regulations".
(**e**) 2012 c. 5. See section 95 for the meaning given to "prescribed".
(**f**) 1992 c. 5.

PART 1

PRELIMINARY

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Social Security (Habitual Residence, Past Presence and Temporary Absence) (Amendment) Regulations 2025 and come into force on 18th July 2025.

(2) These regulations extend to England and Wales and Scotland, save for Parts 4 and 5 which extend to England and Wales only.

PART 2

AMENDMENTS TO THE HABITUAL RESIDENCE TEST FOR INCOME-RELATED BENEFITS

Amendment of the Universal Credit Regulations 2013

2.—(1) The Universal Credit Regulations 2013(**a**) are amended as follows.

(2) In regulation 9(1) (persons treated as not being in Great Britain), after "(4)" and before "," insert "and subject to paragraph (4A)".

(3) In regulation 9(4), after sub-paragraph (ze) insert—

"(zf) a person who—

(i) was residing in a country or territory outside Great Britain immediately before His Majesty's Government—

(aa) provided public information to advise British nationals to leave that country or territory, or

(bb) arranged the evacuation of British nationals from that country or territory;

(ii) has left that country or territory and is present in Great Britain; and

(iii) has—

(aa) a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971(**b**),

(bb) no requirement of leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act(**c**),

(cc) leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of that Act(**d**), or

(dd) leave on a discretionary basis outside of rules made under section 3(2) of that Act; or

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(**a**) S.I. 2013/376. Relevant amendments are made by S.I. 2013/1508, 2015/546, 2019/872, 2020/683,1309 and 1372, 2021/1034, 2022/344 and 990 and 2023/532 and 1144.

(**b**) 1971 c. 77.

(**c**) Section 3ZA is inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20).

(**d**) Section 2 is substituted by section 39(2) of the British Nationality Act 1981 (c. 61) and amended by S.I. 2019/745.

(zg) a person who, as part of a safe and legal humanitarian immigration route, has leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of the Immigration Act 1971 or leave on a discretionary basis outside of rules;".

(4) After regulation 9(4), insert—

"(4A) A person who falls within paragraph (4)(zf) will be treated as a person in Great Britain in the circumstances specified in paragraph (1) for 6 months beginning on the day on which the public information is issued, or the evacuation is started.".

Amendment of the State Pension Credit Regulations 2002, the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

3.—(1) In the provisions specified in paragraph (2), after sub-paragraph (zze) insert—

"(zzf) a person who—

(i) was residing in a country or territory outside Great Britain immediately before His Majesty's Government—

(aa) provided public information to advise British nationals to leave that country or territory, or

(bb) arranged the evacuation of British nationals from that country or territory;

(ii) has left that country or territory and is present in Great Britain; and

(iii) has—

(aa) a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971,

(bb) no requirement of leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,

(cc) leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of that Act, or

(dd) leave on a discretionary basis outside of rules made under section 3(2) of that Act; or

(zzg) a person who, as part of a safe and legal humanitarian immigration route, has leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of the Immigration Act 1971 or leave on a discretionary basis outside of rules;".

(2) Those provisions are—

(a) regulation 2(4) of the State Pension Credit Regulations 2002 (persons not in Great Britain)(**a**);

(b) regulation 10(3B) of the Housing Benefit Regulations 2006 (persons from abroad)(**b**); and

(**a**) S.I. 2002/1792. Regulation 2 is substituted by S.I. 2006/1026. Relevant amendments are made by S.I. 2006/2528, 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309, 2021/1034, 2022/344 and 990 and 2023/532 and 1144.

(**b**) S.I. 2006/213. Relevant amendments are made by S.I. 2006/1026 and 2528, 2008/1082, 2009/362, 2013/2536, 2014/539 and 902, 2019/872, 2020/683 and 1309, 2021/1034, 2022/344 and 990 and 2023/532 and 1144.

(c) regulation 10(4A) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (persons from abroad)(**a**).

(3) After the provision specified in paragraph (2)(a) insert—

"(4A) Paragraph (4)(zzf) does not apply after the expiry of 6 months beginning on the day on which the public information is issued, or the evacuation is started.".

(4) After the provision specified in paragraph (2)(b) insert—

"(3C) Paragraph (3B)(zzf) does not apply after the expiry of 6 months beginning on the day on which the public information issued, or the evacuation is started.".

(5) After the provision specified in paragraph (2)(c) insert—

"(4B) Paragraph (4A)(zzf) does not apply after the expiry of 6 months beginning on the day on which the public information is issued, or the evacuation is started.".

PART 3

AMENDMENTS TO THE TEMPORARY ABSENCE RULES FOR INCOME-RELATED AND CONTRIBUTORY BENEFITS

Amendment of the Income Support (General) Regulations 1987

4.—(1) The Income Support (General) Regulations 1987(**b**) are amended as follows.

(2) In regulation 4 (temporary absence from Great Britain)—

(a) at the end of paragraph (1)(b) for the full stop substitute "; and";

(b) after paragraph (1)(b) insert—

"(c) in the circumstances specified in paragraph (3B), during the first 26 weeks of that period.";

(c) after paragraph (3A) insert—

"(3B) A claimant's entitlement to income support is to continue during a temporary absence from Great Britain during the first 26 weeks of the absence if—

(a) the claimant was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) paragraphs (1)(a) or (b) or (3A) applied to the person when the public information was issued or the evacuation began;

(c) the Secretary of State is satisfied that it would be unreasonable to expect the claimant to return, or have returned, to Great Britain; and

(d) the claimant did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(**a**) S.I. 2006/214. Relevant amendments are made by S.I. 2006/1026 and 2528, 2009/362, 2013/2536, 2014/902, 2019/872, 2020/683 and 1309, 2021/1034, 2022/344 and 990 and 2023/532 and 1144.

(**b**) S.I. 1987/1967. Relevant amendments are made by S.I. 1990/547.

(3C) Where a person is temporarily absent from Great Britain, except where the circumstances in paragraph (3A) apply, the total period of absence where the person is treated as present in Great Britain will not exceed 26 weeks.".

Amendment of the Jobseeker's Allowance Regulations 1996

5.—(1) The Jobseeker's Allowance Regulations 1996(**a**) are amended as follows.

(2) In regulation 50 (persons temporarily absent from Great Britain)—

(a) at the end of paragraph (1)(b) for the full stop substitute "; and";

(b) after paragraph (1)(b) insert—

"(c) not exceeding 26 weeks in the circumstances specified in paragraph (5A).";

(c) after paragraph (5) insert—

"(5A) The circumstances specified in this paragraph are that—

(a) the claimant was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) paragraphs (1)(a) or (b), (6), (6AA), (6A), (6B), (6C) or (6D) applied to the person when the public information was issued or the evacuation began;

(c) the Secretary of State is satisfied that it would be unreasonable to expect the claimant to return, or have returned, to Great Britain; and

(d) the claimant did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.".

(d) After paragraph (6D) insert—

"(6E) Where a person is temporarily absent from Great Britain, except where the circumstances in paragraphs (6AA), (6A) or (6C) apply, the total period of absence where the person is treated as present in Great Britain will not exceed 26 weeks.".

Amendment of the State Pension Credit Regulations 2002

6.—(1) The State Pension Credit Regulations 2002(**b**) are amended as follows.

(2) In regulation 3 (persons temporarily absent from Great Britain)—

(a) at the end of paragraph (1)(b) omit "or";

(b) in paragraph (1)(c) for the comma substitute "; or";

(c) after paragraph (1)(c) insert—

"(d) 26 weeks, where paragraph (3A) applies,";

(d) after paragraph (3) insert—

"(3A) This paragraph applies where—

(**a**) S.I. 1996/207. Relevant amendments are made by S.I. 2000/1978, 2004/1869, 2008/2767, 2012/2575 and 2015/389.
(**b**) Relevant amendments are made by S.I. 2016/624.

(a) the claimant was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) paragraphs (1)(a), (b) or (c) applied to the person when the public information was issued or the evacuation began;

(c) the Secretary of State is satisfied that it would be unreasonable to expect the claimant to return, or have returned, to Great Britain; and

(d) the claimant did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(3B) Where a person is temporarily absent from Great Britain, the total period of absence where the person is treated as present in Great Britain will not exceed 26 weeks.".

(3) In regulation 5 (persons treated as being or not being members of the same household)—

(a) at the end of paragraph (1A)(b) omit "or";

(b) at the end of paragraph (1A)(c) omit the full stop and insert "; or";

(c) after paragraph (1A)(c) insert—

"(d) 26 weeks, where paragraph (1D) applies.";

(d) after paragraph (1C) insert—

"(1D) This paragraph applies where—

(a) the person was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) the Secretary of State is satisfied that it would be unreasonable to expect the person to return, or have returned, to Great Britain; and

(c) the person did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(1E) Where a person is temporarily absent from Great Britain, the total period of absence where the person is treated as being a member of the same household will not exceed 26 weeks.".

Amendment of the Housing Benefit Regulations 2006

7.—(1) The Housing Benefit Regulations 2006(**a**) are amended as follows.

(2) In regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home)—

(a) in paragraph (13D) for "(17C) and (17D)" substitute "(17C), (17D) and (17E)";

(b) after paragraph (17D) insert—

(**a**) S.I. 2006/213. Relevant amendments are made by S.I. 2016/624.

"(17E) A person who is absent from Great Britain is treated as occupying the main dwelling as his home during the first 26 weeks of the absence if—

(a) the person was present in a country or territory immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) paragraphs (13A), (13D), (13E), (13G), (17A), (17C) or (17D) applied to the person when the public information was issued or the evacuation began;

(c) the relevant authority is satisfied that it would be unreasonable to expect the person to return, or have returned, to Great Britain; and

(d) the person did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(17F) Where a person is temporarily absent from Great Britain, except where the circumstances in paragraph (17A) apply, the total period of absence where the person is treated as occupying the main dwelling as his home will not exceed 26 weeks.".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

8.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**a**) are amended as follows.

(2) In regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home)—

(a) in paragraph (13D) for "(17C) and (17D)" substitute "(17C), (17D) and (17E)";

(b) after paragraph (17D) insert—

"(17E) A person who is absent from Great Britain is treated as occupying the main dwelling as his home during the first 26 weeks of the absence if—

(a) the person was present in a country or territory immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) paragraphs (13A), (13D), (13E), (13G), (17A), (17C) or (17D) applied to the person when the public information was issued or the evacuation began;

(c) the relevant authority is satisfied that it would be unreasonable to expect the person to return, or have returned, to Great Britain; and

(d) the person did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(17F) Where a person is temporarily absent from Great Britain, except where the circumstances in paragraph (17A) apply, the total period of absence where the person is treated as occupying the main dwelling as his home will not exceed 26 weeks.".

(**a**) S.I. 2006/214. Relevant amendments are made by S.I. 2016/624.

Amendment of the Employment and Support Allowance Regulations 2008

9.—(1) The Employment and Support Allowance Regulations 2008(**a**) are amended as follows.

(2) In regulation 151 (absence from Great Britain), after paragraph (1) insert—

"(1A) Where a person is temporarily absent from Great Britain, except where the circumstances in regulations 154 or 155 apply, the total period of temporary absence where the claimant is treated as present in Great Britain will not exceed 26 weeks.".

(3) After regulation 155 (absence of member of family of member of Her Majesty's forces) insert—

"Absence where His Majesty's Government provides public information to advise British nationals to leave a country or territory or arranges the evacuation of British nationals from that country or territory

155A. A claimant is to continue to be entitled to an employment and support allowance during the first 26 weeks of a temporary absence from Great Britain if—

(a) the claimant was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) any of regulations 152 to 155 applied to the person when the public information was issued or the evacuation began;

(c) the Secretary of State is satisfied that it would be unreasonable to expect the claimant to return, or have returned, to Great Britain; and

(d) the claimant did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.".

Amendment of the Universal Credit Regulations 2013

10.—(1) The Universal Credit Regulations 2013(**b**) are amended as follows.

(2) In regulation 11 (temporary absence from Great Britain)—

(a) in paragraph (1)(b)(ii) for "." substitute ", or";

(b) after paragraph (1)(b)(ii) insert—

"(iii) paragraph (4A) applies."

(c) after paragraph (4) insert—

"(4A) This paragraph applies where—

(a) the person was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(**a**) S.I. 2008/794. Relevant amending instruments are S.I. 2008/2428, 2010/641, 2011/2425, 2017/329, 2020/618, 2021/1405 and 2023/640 and 1144.

(**b**) Relevant amendments are made by S.I. 2019/128.

(b) paragraphs (1)(a), (b)(i), (b)(ii) or (2) applied to the person when the public information was issued or the evacuation began;

(c) the Secretary of State is satisfied that it would be unreasonable to expect the person to return, or to have returned, to Great Britain; and

(d) the person did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(4B) Where a person is temporarily absent from Great Britain, the total period of absence disregarded in determining whether they meet the basic condition to be in Great Britain will not exceed 6 months.".

Amendment of the Jobseeker's Allowance Regulations 2013

11.—(1) The Jobseeker's Allowance Regulations 2013(**a**) are amended as follows.

(2) In regulation 41 (persons temporarily absent from Great Britain)—

(a) at the end of paragraph (1)(b) for "." substitute "; or";

(b) after paragraph (1)(b) insert—

"(c) not exceeding 26 weeks in the circumstances specified in paragraph (6A).";

(c) after paragraph (6) insert—

"(6A) The circumstances in this paragraph are that—

(a) the claimant was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) paragraphs (1)(a) or (b), (2), (4), (5) or (6) applied to the claimant when the public information was issued or the evacuation began;

(c) the Secretary of State is satisfied that it would be unreasonable to expect the claimant to return, or have returned, to Great Britain; and

(d) the claimant did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(6B) Where a person is temporarily absent from Great Britain, except where the circumstances in paragraph (5) apply, the total period of absence where the person is treated as present in Great Britain will not exceed 6 months.".

Amendment of the Employment and Support Allowance Regulations 2013

12.—(1) The Employment and Support Allowance Regulations 2013(**b**) are amended as follows.

(2) In regulation 88 (absence from Great Britain)—

(a) in sub-paragraph (1) for "92" substitute "92A";

(b) after sub-paragraph (1) insert—

(**a**) S.I. 2013/378. Relevant amendments are made by S.I. 2015/389.
(**b**) S.I. 2013/279.

"(1A) Where a claimant is temporarily absent from Great Britain, except where the circumstances in regulations 91 or 92 apply, the total period of absence where the claimant is treated as present in Great Britain will not exceed 26 weeks."

(3) After regulation 92 (absence of member of family of member of Her Majesty's forces) insert—

"Absence where His Majesty's Government provides public information to advise British nationals to leave a country or territory or arranges the evacuation of British nationals from a country or territory

92A. A claimant is to continue to be entitled to an employment and support allowance during the first 26 weeks of a temporary absence from Great Britain if—

(a) the claimant was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) any of regulations 88 to 92 applied to the claimant when the public information was issued or the evacuation began;

(c) the Secretary of State is satisfied that it would be unreasonable to expect the claimant to return, or have returned, to Great Britain; and

(d) the claimant did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.".

PART 4

AMENDMENTS TO THE PAST PRESENCE TEST AND HABITUAL RESIDENCE TEST FOR DISABILITY AND CARER BENEFITS

Amendment of the Social Security (Invalid Care Allowance) Regulations 1976, the Social Security (Attendance Allowance) Regulations 1991 and the Social Security (Disability Living Allowance) Regulations 1991

13.—(1) In the provisions specified in paragraph (4)—

(a) at the end of sub-paragraph (1)(g) omit "or";

(b) at the end of sub-paragraph (1)(h) for "." substitute ";";

(c) after sub-paragraph (1)(h) insert—

"(i) met conditions A to D.

Condition A

The person was residing in a country or territory outside Great Britain immediately before His Majesty's Government—

(a) provided public information to advise British nationals to leave that country or territory, or

(b) arranged the evacuation of British nationals from that country or territory.

Condition B

The person has left that country or territory.

Condition C

The person arrived in Great Britain in the first 26 weeks beginning on the day on which the public information is issued, or the evacuation is started.

Condition D

The person—

(a) has a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971,

(b) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,

(c) has leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of that Act, or

(d) has leave on a discretionary basis outside of rules made under section 3(2) of that Act; or

(j) as part of a safe and legal humanitarian immigration route, leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of the Immigration Act 1971 or leave on a discretionary basis outside of rules.".

(2) In the provisions specified in paragraphs (4)(a) and (b), after paragraph (1A) insert—

"(1B) Where paragraph (1)(i) of this regulation applies, it will apply for 130 weeks beginning on the day on which the public information is issued, or the evacuation is started.".

(3) In the provision specified in paragraph (4)(c), after paragraph (1A) insert—

"(1B) Where paragraph (1)(i) applies, it will apply for the following periods beginning on the day on which the public information is issued, or the evacuation is started—

(a) no more than 130 weeks for persons aged 16 years and over;

(b) no more than 52 weeks for persons aged between 6 months and under 16 years;

(c) no more than 39 weeks for persons aged under 6 months.".

(4) Those provisions are—

(a) regulation 9C of the Social Security (Invalid Care Allowance) Regulations 1976 (refugees and certain persons with leave to enter or remain in the United Kingdom)(**a**);

(b) regulation 2C of the Social Security (Attendance Allowance) Regulations 1991 (refugees and certain persons with leave to enter or remain in the United Kingdom)(**b**);

(c) regulation 2C of the Social Security (Disability Living Allowance) Regulations 1991 (refugees and certain persons with leave to enter or remain in the United Kingdom)(**c**).

(**a**) 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 and 1144.

(**b**) 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 and 1144.

(**c**) 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 and 1144.

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

14.—(1) The Social Security (Personal Independence Payment) Regulations 2013(**a**) are amended as follows.

(2) In regulation 23A(1) (refugees and certain persons with leave to enter or remain in the United Kingdom)—

(a) at the end of sub-paragraph (g) omit "or";

(b) at the end of sub-paragraph (h) for "." substitute ";";

(c) after sub-paragraph (h) insert—

"(i) met conditions A to D.

Condition A

The person was residing in a country or territory outside Great Britain immediately before His Majesty's Government—

(a) provided public information to advise British nationals to leave that country or territory, or

(b) arranged the evacuation of British nationals from that country or territory.

Condition B

The person has left that country or territory.

Condition C

The person arrived in Great Britain in the first 26 weeks beginning on the day on which the public information is issued, or the evacuation is started.

Condition D

The person—

(a) has a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971,

(b) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,

(c) has leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of that Act, or

(d) has leave on a discretionary basis outside of rules made under section 3(2) of that Act; or

(j) as part of a safe and legal humanitarian immigration route, leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of the Immigration Act 1971 or leave on a discretionary basis outside of rules.".

(3) In regulation 23A, after paragraph (1A) insert—

"(1B) Where paragraph (1)(i) applies, it will apply for 130 weeks beginning on the day on which the public information is issued, or the evacuation is started.".

(**a**) 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 and 1144.

PART 5

AMENDMENTS TO THE TEMPORARY ABSENCE RULES FOR DISABILITY BENEFITS

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

15. In the Social Security (Personal Independence Payment) Regulations 2013, after regulation 18 (absence from Great Britain to receive medical treatment) insert—

"Absence where His Majesty's Government provides public information to advise British nationals to leave a country or territory or arranges the evacuation of British nationals from a country or territory

18A.—(1) Where C is temporarily absent from Great Britain, C is treated as present in Great Britain for the purposes of regulation 16(a) and (b) during the first 26 weeks of that absence, where—

(a) C was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) the Secretary of State is satisfied that it would be unreasonable to expect C to return, or have returned, to Great Britain; and

(c) C did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(2) In this regulation, "temporarily absent" has the same meaning as in regulation 17(2).

Time limits on absences where the claimant is treated as being in Great Britain

18B. Where a person is temporarily absent from Great Britain in the circumstances specified in regulation 17(1), 18(1) or 18A(1), the total period of an absence where C is treated as present in Great Britain will not exceed 26 weeks.".

Amendment of the Social Security (Attendance Allowance) Regulations 1991 and the Social Security (Disability Living Allowance) Regulations 1991

16. —(1) In paragraph (3BA) of the provision specified in paragraph (5)(b), for "and (3B)" substitute ", (3B) and (3D)".

(2) In paragraph (3C) of the provisions specified in paragraph (5), for "and (3B)" substitute ", (3B) and (3D)".

(3) After paragraph (3C) of the provision specified in paragraph (5)(a), insert—

"(3D) Where a person is temporarily absent from Great Britain, he is treated as present in Great Britain for the purposes of paragraph (1)(a)(ii) and (iii) for the first 26 weeks of that absence, where—

(a) that person was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) the Secretary of State is satisfied that it would be unreasonable to expect the person to return, or to have returned, to Great Britain; and

(c) the person did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(3E) Where a person is temporarily absent from Great Britain in the circumstances specified in paragraphs (2)(d), (3B) or (3D), the total period of an absence where the person is treated as present in Great Britain will not exceed 26 weeks.".

(4) After paragraph (3C) of the provision specified in paragraph (5)(b), insert—

"(3D) Where a person is temporarily absent from Great Britain, he is treated as present in the relevant area for the purposes of paragraph (1)(a)(ii) and (iii) for the first 26 weeks of that absence, where—

(a) that person was present in a country or territory outside Great Britain immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) the Secretary of State is satisfied that it would be unreasonable to expect the person to return, or to have returned, to Great Britain; and

(c) the person did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(3E) Where a person is temporarily absent from Great Britain in the circumstances specified in paragraphs (2)(d), (3B) or (3D), the total period of an absence where the person is treated as present in Great Britain will not exceed 26 weeks.".

(5) These provisions are—

(a) regulation 2 of the Social Security (Attendance Allowance) Regulations 1991 (conditions as to residence and presence in Great Britain); and

(b) regulation 2 of the Social Security (Disability Living Allowance) Regulations 1991 (conditions as to residence and presence in Great Britain).

Signed by the authority of the Secretary of State for Work and Pensions

Andrew Western
Minister for Transformation
Department for Work and Pensions

At 10.26 a.m. on 17th July 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of these Regulations enables certain persons to access income-related benefits upon arrival in Great Britain in the following situations, provided that they meet the other relevant entitlement conditions—

- where His Majesty's Government has provided public information to advise British nationals to leave a country or territory or has arranged the evacuation of British nationals from that country or territory; or
- where a person has permission to stay under immigration provisions which have been sanctioned by His Majesty's Government as safe and legal immigration routes for humanitarian reasons.

That Part amends the State Pension Credit Regulations 2002 (S.I. 2002/1792), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) and the Universal Credit Regulations 2013 (S.I. 2013/376) ("the income-related benefit regulations").

The income-related benefit regulations provide that a person is ineligible for benefit where they are a "person from abroad" (for the purposes of the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006), "a person not in Great Britain" (for the purposes of the State Pension Credit Regulations 2002) or "a person treated as not being in Great Britain" (for the purposes of the Universal Credit Regulations 2013), that is to say, where the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, subject to a list of exemptions.

Regulations 2 and 3 insert two new categories into the list of persons who are exempt from having to satisfy the habitual residence test for income-related benefits.

The first new category of exempt person is those who have leave to enter or remain in the United Kingdom granted in accordance with immigration rules made under section 3 of the Immigration Act 1971 (c.77), a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or do not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act and where the person was residing in a country or territory when His Majesty's Government provided public information to advise British nationals to leave a country or territory or has arranged the evacuation of British nationals from that country or territory.

The second new category of exempt person is persons who are granted leave under immigration provisions which have been sanctioned by His Majesty's Government as safe and legal humanitarian immigration routes.

Part 3 provides that payments of income-related and contributory benefits can continue to be paid if a person is in a country or territory outside Great Britain pursuant to other temporary absence provisions and His Majesty's Government has provided public information to advise British nationals to leave that country or territory or has arranged the evacuation of British nationals from that country or territory and where—

- the Secretary of State is satisfied that it would be unreasonable to expect the person to return, or have returned to Great Britain; and
- the person did not enter that country or territory when His Majesty's Government provided public information to advise British nationals to leave that country or territory.

That Part amends the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the State Pension Credit Regulations 2002 (S.I. 2002/1792), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulation 2006 (S.I. 2006/214), the Employment and Support Allowance Regulations 2008 (S.I. 2008/794), the Universal Credit Regulations 2013 (S.I. 2013/376), the Jobseeker's Allowance Regulations 2013 (S.I. 2013/378) and the Employment and Support Allowance Regulations 2013 (S.I. 2013/379).

Regulations 4 to 12 insert a new category of permitted temporary absence for income-related and contributory benefits. This new category extends permitted temporary absences for income-related and contributory benefits to a period not exceeding 6 months (for the purposes of Universal Credit), or 26 weeks (for the purposes of the other benefits covered by these amendments), beginning with the first day of the absence from Great Britain. This applies to persons who, during a period of permitted temporary absence outside Great Britain, were in a country or territory immediately before His Majesty's Government provided public information to advise British nationals to leave a country or territory or has arranged the evacuation of British nationals from that country or territory and—

- the Secretary of State for Work and Pensions, or the relevant authority in the case of Housing Benefit, considers that it would be unreasonable to expect the claimant to return to Great Britain within the period of permitted temporary absence applicable to that person; and
- the claimant did not enter that country or territory when His Majesty's Government provided public information to advise British nationals to leave that country or territory.

The new category of permitted temporary absence also applies in state pension credit when determining whether a person is treated as being or not being a member of the same household as the claimant.

Part 4 of these Regulations enables certain persons to access disability and carer benefits upon arrival in England and Wales in the following situations, provided that they meet the other relevant entitlement conditions—

- where His Majesty's Government has provided public information to advise British nationals to leave a country or territory or has arranged the evacuation of British nationals from that country or territory; or
- where a person has leave under safe and legal humanitarian immigration routes.

That Part amends the Social Security (Invalid Care Allowance) Regulations 1976 (S.I. 1976/409), the Social Security (Attendance Allowance) Regulations 1991 (S.I. 1991/2740), the Social Security (Disability Living Allowance) Regulations 1991 (S.I. 1991/2890) and the Social Security (Personal Independence Payment) Regulations 2013 (S.I. 2013/377) to exempt the same group of people from the past presence test. This is the test which normally has to be fulfilled in order to claim Carer's Allowance, Attendance Allowance, Disability Living Allowance and Personal Independence Payment. The past presence test normally requires that an individual has been present in Great Britain for a specified period of time to be eligible for those benefits. The amendments also have the effect of removing the habitual residence requirement for entitlement to disability and carer's benefits which would otherwise apply to these persons.

Part 5 of these Regulations provides that payments of disability benefits can continue to be paid temporarily if a person is in a country or territory outside Great Britain pursuant to other temporary absence provisions and His Majesty's Government provides public information to advise British nationals to leave that country or territory or has arranged the evacuation of British nationals from that country or territory.

That Part amends the Social Security (Personal Independence Payment) Regulations 2013 (S.I. 2013/377), the Social Security (Attendance Allowance) Regulations 1991 (S.I. 1991/2740) and the Social Security (Disability Living Allowance) Regulations 1991 (S.I. 1991/2890). Regulations 15 and 16 insert a new category of temporary absence for disability benefits not exceeding a period of 26 weeks beginning with the first day of the absence from Great Britain. This applies to persons who, during a period of permitted temporary absence outside Great Britain, were in a country or territory immediately before His Majesty's Government provided public information to advise British nationals to leave a country or territory or begins the evacuation of British nationals from that country or territory and—

- the Secretary of State for Work and Pensions considers that it would be unreasonable to expect the person to return to Great Britain within the period of permitted temporary absence applicable to that person; and
- the person did not enter that country or territory when His Majesty's Government provided public information to advise British nationals to leave that country or territory.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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