Immigration and Asylum Act 1999

CHAPTER 33

Note: The material reproduced below is limited to what is relevant to this volume, comprising s. 115 .

An Act to make provision about immigration and asylum; to make provision about procedures in connection with marriage on superintendent registrar's certificate; and for connected purposes. [11th November 1999]

Exclusions

Exclusion from benefits.

[1]**115. -** (1) No person is entitled to income-based jobseeker's allowance under the Jobseekers Act 1995 or to–

(a) attendance allowance,
(b) severe disablement allowance,
(c) invalid care allowance,
(d) disability living allowance,
(e) income support,
(f) working families' tax credit,
(g) disabled person's tax credit,
(h) a social fund payment,
(i) child benefit,
(j) housing benefit, or
(k) council tax benefit,

under the Social Security Contributions and Benefits Act 1992 while he is a person to whom this section applies.

(2) .....

(3) This section applies to a person subject to immigration control unless he falls within such category or description, or satisfies such conditions, as may be prescribed

(4) Regulations under subsection (3) may provide for a person to be treated for prescribed purposes only as not being a person to whom this section applies

(5) In relation to the benefits mentioned in subsection (1)(f) or (g), "prescribed" means prescribed by regulations made by the Treasury

(6) In relation to the matters mentioned in subsection (2) (except so far as it relates to the benefits mentioned in subsection (1)(f) or (g)), "prescribed" means prescribed by regulations made by the Department

(7) Section 175(3) to (5) of the Social Security Contributions and Benefits Act 1992 (supplemental powers in relation to regulations) applies to regulations made by the Secretary of State or the Treasury under subsection (3) as it applies to regulations made under that Act.

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[1] S. 115 came into force on 1.1.00 for regulation making purposes.

(8) .....

(9) "A person subject to immigration control" means a person who is not a national of an EEA State and who–

(a) requires leave to enter or remain in the United Kingdom but does not have it;

(b) has leave to enter or remain in the United Kingdom which is subject to a condition that he does not have recourse to public funds;

(c) has leave to enter or remain in the United Kingdom given as a result of a maintenance undertaking; or

(d) has leave to enter or remain in the United Kingdom only as a result of paragraph 17 of Schedule 4.

(10) "Maintenance undertaking", in relation to any person, means a written undertaking given by another person in pursuance of the immigration rules to be responsible for that person's maintenance and accommodation.