

# PARLIAMENTARY BUREAU: APPROVAL OF SCOTTISH STATUTORY INSTRUMENT

## AFFIRMATIVE INSTRUMENT

### The Social Security (Residence Requirements) (Afghanistan) (Scotland) Regulations 2021

#### *Background*

1. In order to support people evacuated to the UK from Afghanistan, the UK Government introduced relocation and resettlement schemes, including the [Afghan Relocations and Assistance Policy \(ARAP\)](#), the [previous scheme for locally-employed staff in Afghanistan](#) (sometimes referred to as the ex-gratia scheme). Under these two schemes the Home Office grants individuals leave to enter or remain in the United Kingdom under the immigration rules made under section 3(2) of the Immigration Act 1971. There is also a third scheme called the [Afghan Citizens' Resettlement Scheme](#), announced by the UKG on 18 August 2021.
2. The Department for Work and Pensions is introducing regulations to allow those evacuated from Afghanistan to have immediate access to social security assistance where they enter the UK under the UK Government's relocation and resettlement schemes detailed above.
3. The UK Government's changes impact Scottish benefits and entitlement conditions, and this instrument has two aims: firstly to ensure the modification of social security legislation for benefits delivered by the Department of Work and Pensions under Agency Agreement in Scotland and secondly, to make changes to regulations made under Social Security (Scotland) Act 2018 and the Social Security Act 1988. Doing so will ensure parity of access to benefits for which Scottish Ministers have responsibility.
4. UK Government intend to have their emergency legislation enacted week commencing 13 September. In order to ensure parity of access to benefits for which Scottish Ministers have responsibility, the Scottish Government aims to mirror the enactment dates for the Scottish benefits affected. To that end, the laying date is Monday 13 September with the regulations intended to come into effect on Wednesday 15 September, subject to Parliamentary approval.

#### *Issues for consideration*

5. In order for the intended timescales to be met, the Bureau is invited to consider recommending to the Parliament that—
  - the instrument be referred to the Parliament;
  - that business on Tuesday 14 September be revised to insert an item on Approval of SSIs before Decision Time.

### *Consideration by committee*

6. The Delegated Powers and Law Reform Committee will consider the instrument at its meeting on 12 September 2021 and officials will provide an oral update to the Bureau on the Committee's consideration.
7. It is understood that the Convener of the Social Justice and Social Security Committee, which would have been the lead committee for this SSI has consulted representatives of all of the parties represented on that Committee and that they have indicated they are content for the instrument to be considered by the Parliament.. The Committee has an upcoming general evidence session with the Cabinet Secretary which would provide an opportunity to pursue any outstanding points relating to the legislation.

### **Decision**

8. The Bureau is invited to approve of this expedited process for this SSI.