

09-25: HRT, PPT, and Temporary Absence Amendment Regulations 2025

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Introduction

1. This memo provides guidance on the Social Security (Habitual Residence, Past Presence and Temporary Absence) (Amendment) Regulations 2025¹, which came into force on 18.07.2025.

1 [SS \(HRT, PPT & TA\) \(Amdt\) Regs 2025, SI 2025/884](#)

2. These amendments¹ make two broad changes:

1. Provide exemption from the Habitual Residence Test (HRT) and the Past Presence Test (PPT) for individuals who:

1.1 resided in a country or territory outside Great Britain immediately before His Majesty's Government (HMG) –

1.1.1 provided public information to advise British nationals to leave that country or

territory, **or**

1.1.2 has arranged the evacuation of British nationals from that country or territory,
and

have left that country or territory (paragraphs 8.1-8.2 and 15-16);

1.2. hold an immigration status under a safe and legal humanitarian immigration route to the UK (paragraphs 8.3 and 17).

2. Extend the permitted period of temporary absence from Great Britain to a maximum of 6 months, or 26 weeks, for persons who have travelled to a country or territory that HMG subsequently provided public information to advise British nationals to leave that country or territory, or HMG arranged the evacuation of British nationals from that country or territory².

1 [SS \(HRT, PPT & TA\) \(Amdt\) Regs 2025](#);

2 [IS \(Gen\) Regs 1987, reg 4\(3B\)](#); [IS \(Gen\) Regs 1987, reg 4\(3C\)](#); [JSA Regs 1996, reg 50\(5A\)](#); [JSA Regs 1996, reg 50\(6E\)](#); [SPC Regs 2002, reg 3\(3A\)](#); [SPC Regs 2002, reg 3\(3B\)](#); [SPC Regs 2002, reg 5\(1D\)](#); [SPC Regs 2002, reg 5\(1E\)](#); [HB Regs 2006, reg 7\(17E\)](#); [HB Regs 2006, reg 7\(17F\)](#); [HB \(SPC\) Regs 2006, reg 7\(17E\)](#); [HB \(SPC\) Regs 2006, reg 7\(17F\)](#); [ESA Regs 2008, reg 151\(1A\)](#); [ESA Regs 2008, reg 155A](#); [UC Regs 2013, reg 11\(4A\)](#); [UC Regs 2013, reg 11\(4A\)](#); [UC Regs 2013, reg 11\(4B\)](#); [JSA Regs 2013, reg 41\(6A\)](#); [JSA Regs 2013, reg 41\(6B\)](#); [ESA Regs 2013, reg 88\(1A\)](#); [ESA Regs 2013, reg 92A](#); [SS \(PIP\) 2013, reg 18A](#); [SS \(PIP\) 2013, reg 18B](#); [SS \(AA\) Regs 1991, reg 2\(3D\)](#); [SS \(AA\) Regs 1991, reg 2\(3E\)](#); [SS \(DLA\) Regs 1991, reg 2\(3D\)](#); [SS \(DLA\) Regs 1991, reg 2\(3E\)](#)

Note 1. HMG public advice includes public advice issued by the Foreign, Commonwealth & Development Office (FCDO) foreign travel advice¹.

1 [Foreign travel advice - GOV.UK](#)

Note 2. Legislation refers to HMG arranging the evacuation of British nationals. An evacuation could be civil, including chartered flights, or military and could be coordinated directly by HMG, or HMG could, for example, arrange for another government to evacuate British nationals. This includes British nationals who are the subject of a HMG-led medical evacuation.

3. The regulations do not impact any other entitlement conditions and claimants still need to have recourse to public funds to be entitled to any public fund benefits.

4. The regulations should be applied to any decision made from 18.07.2025.

Habitual Residence and Past Presence tests

5. The regulations exempt the following categories of persons from having to satisfy:

1. the HRT for income-related benefits,
2. the PPT, in addition to the HRT, for disability and carers benefits.

6. To be entitled to income-related benefits a claimant needs to show that they are not “a person treated as not being in Great Britain”, which means they must have a qualifying legal right to reside and be factually habitually resident in the Common Travel Area (CTA)¹. To be entitled to a disability or carer benefit a person must be habitually resident in the CTA and be present in Great Britain for a specified period of time². The persons covered by this part of the regulations will be exempt from:

1. the HRT for income-related benefits listed in paragraph 12;
2. the HRT and the PPT for disability and carers benefits listed in paragraph 13.

1 [ADM C1225](#), 2 [ADM C2021](#)

7. The regulations¹ exempt the following categories of persons from having to satisfy the HRT and the PPT, provided they also satisfy the relevant criteria in paragraph 8:

1. Those with a pre-existing right of abode in the UK (including British nationals);
2. Those not required to have leave to enter or remain in the UK (Irish nationals);
3. Those who hold leave under or outside the Immigration Rules (as long as they have recourse to public funds).

1 UC Regs 2013, reg 9(4)(zf)(iii), SPC Regs 2002, reg 2(4)(zzf)(iii); HB Regs 2006, reg 10(3B)(zzf)(iii); HB (SPC) Regs 2006, reg 10(4A)(zzf)(iii); SS (ICA) Regs 1976, reg 9C(1)(i); SS (AA) Regs 1991, reg 2C(1)(i); SS (DLA) Regs 1991, reg 2C(1)(i); SS (PIP) Regs 2013, reg 23A(1)(i)

8. Persons holding any status in paragraph 7 and who satisfy any of the following criteria:

1. For income-related benefits – they have been residing in a country or territory outside Great Britain immediately before HMG provided public information to advise British nationals to leave that country or territory, or HMG arranged the evacuation of British nationals from that country or territory. Additionally, they have left that country or territory, and arrived in Great Britain within 6 months of the public information being issued or the beginning of the evacuation operation. Please see paragraph 15 for relevant dates.

1.1 For the rules¹ in 1 to apply a person must be present in Great Britain and arrived in Great Britain within 6 months after the advice to leave was issued, or the beginning of the

evacuation.

1 [UC Regs 2013, reg 9\(4A\)](#); [SPS Regs 2002, reg 2\(4A\)](#); [HB Regs 2006, reg 10\(3C\)](#); [HB \(SPC\) Regs 2006, reg 10\(4B\)](#)

2. For disability and carers benefits – they have been residing in a country or territory outside Great Britain immediately before HMG provided public information to advise British nationals to leave that country or territory, or HMG arranged the evacuation of British nationals from that country or territory. Additionally, they have left that country or territory, and arrived in Great Britain within 26 weeks of the public information being issued or the beginning of the evacuation operation. Please see paragraph 16 for relevant dates.

2.1 For the rules¹ in 2 to apply a person must be present in Great Britain and arrived in Great Britain within 26 weeks after the leave advice was issued, or the beginning of the evacuation. This applies for 26 weeks for the HRT and 130 weeks for the PPT from the date of the public information being issued or the beginning of the evacuation.

1 [SS \(ICA\) Regs 1976, reg 9C\(1B\)](#); [SS \(AA\) Regs 1991, reg 2C\(1B\)](#); [SS \(DLA\) Regs 1991, reg 2C\(1B\)](#); [SS \(PIP\) Regs 2013, reg 23A\(1B\)](#)

2.2 For DLA only – for those aged 6 months to 16 years the PPT exemption is reduced to 52 weeks, and for those aged under 6 months to 39 weeks¹.

1 [SS \(DLA\) Regs 1991, reg 2C\(1B\)](#)

3. All benefits (listed in paragraphs 12 and 13) - they have been granted immigration status under a safe and legal humanitarian immigration route to the UK¹ (see paragraph 17), including leave granted outside the rules and for as long as they retain that status.

1 [UC Regs 2013, reg 9\(4\)\(zg\)](#), [SPC Regs 2002, reg 2\(4\)\(zzg\)](#), [HB Regs 2006, reg 10\(3B\)\(zzg\)](#); [HB \(SPC\) Regs 2006, reg 10\(4A\)\(zzg\)](#); [SS \(ICA\) Regs 1976, reg 9C\(1\)\(j\)](#); [SS \(AA\) Regs 1991, reg 2C\(1\)\(j\)](#); [SS \(DLA\) Regs 1991, reg 2C\(1\)\(j\)](#); [SS \(PIP\) Regs 2013, reg 23A\(1\)\(j\)](#)

9. The guidance on impacted countries and territories, the applicable dates and the safe and legal humanitarian immigration routes will be updated on an ongoing basis.

Temporary Absence Abroad

10. A person can be treated as present in Great Britain, and therefore entitled to benefits, in specified circumstances if the absence from Great Britain is considered temporary. Temporary absence periods differ depending on the benefit being claimed.

11. These regulations¹ provide that a person who is temporarily absent from Great Britain can continue to be considered as present for benefit entitlement purposes for up to a total of 6 months in Universal Credit, and a total of 26 weeks for all other benefits listed in paragraph 14, if all of the following apply:

1. During the absence they were present in a country or territory immediately before HMG:

1.1 provided public information advising British nationals to leave that country or territory, or

1.2 arranged the evacuation or began evacuating British nationals from that country or territory.

1 [IS \(Gen\) Regs 1987, reg 4\(3B\)\(a\)](#); [JSA Regs 1996, reg 50\(5A\)\(a\)](#); [SPC Regs 2002, reg 3\(3A\)\(a\)](#); [HB Regs 2006, reg 7\(17E\)\(a\)](#); [HB \(SPC\) Regs 2006, reg 7\(17E\)\(a\)](#); [ESA Regs 2008, reg 155A\(a\)](#); [UC Regs 2013, reg 11\(4A\)\(a\)](#); [JSA Regs 2013, reg 41\(6A\)\(a\)](#); [ESA Regs 2013, reg 92A\(a\)](#); [SS \(PIP\) 2013, reg 18A\(1\)\(a\)](#); [SS \(AA\) Regs 1991, reg 2\(3D\)\(a\)](#); [SS \(DLA\) Regs 1991, reg 2\(3D\)\(a\)](#)

2. For income-related and contributory benefits only – they were entitled to the benefit at the point of public information provided to British nationals to leave that country, or the beginning of the evacuation of British nationals¹.

1 [IS \(Gen\) Regs 1987, reg 4\(3B\)\(b\)](#); [JSA Regs 1996, reg 50\(5A\)\(b\)](#); [SPC Regs 2002, reg 3\(3A\)\(b\)](#); [HB Regs 2006, reg 7\(17E\)\(b\)](#); [HB \(SPC\) Regs 2006, reg 7\(17E\)\(b\)](#); [ESA Regs 2008, reg 155A\(b\)](#); [UC Regs 2013, reg 11\(4A\)\(b\)](#); [JSA Regs 2013, reg 41\(6A\)\(b\)](#); [ESA Regs 2013, reg 92A\(b\)](#)

3. It would be unreasonable to expect the person to return to Great Britain within the normal temporary absence period¹, for example due to closure of or reduced capacity in transport routes out of the country or territory, or because travelling would pose a significant risk of serious harm.

1 [IS \(Gen\) Regs 1987, reg 4\(3B\)\(c\)](#); [JSA Regs 1996, reg 50\(5A\)\(c\)](#); [SPC Regs 2002, reg 3\(3A\)\(c\)](#); [HB Regs 2006, reg 7\(17E\)\(c\)](#); [HB \(SPC\) Regs 2006, reg 7\(17E\)\(c\)](#); [ESA Regs 2008, reg 155A\(c\)](#); [UC Regs 2013, reg 11\(4A\)\(c\)](#); [JSA Regs 2013, reg 41\(6A\)\(c\)](#); [ESA Regs 2013, reg 92A\(c\)](#); [SS \(PIP\) 2013, reg 18A\(1\)\(b\)](#); [SS \(AA\) Regs 1991, reg 2\(3D\)\(b\)](#); [SS \(DLA\) Regs 1991, reg 2\(3D\)\(b\)](#)

4. They have not exceeded a period of permitted temporary absence at the point of advice for British nationals to leave or the beginning of the evacuation of British nationals.

5. They did not travel to the relevant country at a time HMG had advice in place advising British nationals to leave that country or territory¹.

1 [IS \(Gen\) Regs 1987, reg 4\(3B\)\(d\)](#); [JSA Regs 1996, reg 50\(5A\)\(d\)](#); [SPC Regs 2002, reg 3\(3A\)\(d\)](#); [HB Regs 2006, reg 7\(17E\)\(d\)](#); [HB \(SPC\) Regs 2006, reg 7\(17E\)\(d\)](#); [ESA Regs 2008, reg 155A\(d\)](#); [UC Regs 2013, reg 11\(4A\)\(d\)](#); [JSA Regs 2013, reg 41\(6A\)\(d\)](#); [ESA Regs 2013, reg 92A\(d\)](#); [SS \(PIP\) 2013, reg 18A\(1\)\(c\)](#); [SS \(AA\) Regs 1991, reg 2\(3D\)\(c\)](#); [SS \(DLA\) Regs 1991, reg 2\(3D\)\(c\)](#)

Note 1. For State Pension Credit only – the new category of permitted temporary absence extends to whether a person is treated as being a member of the same household as the claimant¹. This too cannot extend beyond 26 weeks.

1 [SPC Regs 2002, reg 5\(1D\)](#); [SPC Regs 2002, reg 5\(1E\)](#)

Note 2. The legislation does not impact normal temporary absence rules in which a stay abroad cannot be considered temporary if the absence would have always exceeded 52 weeks¹.

1 [IS \(Gen\) Regs 1987, reg 4\(3\)\(a\)](#); [JSA Regs 1996, reg 50\(3\)\(b\)](#); [ESA Regs 2008, reg 152\(a\)](#); [JSA Regs 2013, reg 41\(3\)\(b\)](#); [ESA Regs 2013, reg 89\(a\)](#); [SS \(PIP\) 2013, reg 17\(2\)](#); [SS \(AA\) Regs 1991, reg 2\(3C\)](#); [SS \(DLA\) Regs 1991, reg 2\(3C\)](#)

Benefits for HRT and PPT exemptions

Income-related benefits

12. Persons covered by the exemption provisions who apply for an income-related benefit will be exempted from satisfying the HRT in England, Wales and Scotland for the following benefits:

- Universal Credit,
- State Pension Credit,
- Housing Benefit,
- Housing Benefit (Pension Age).

Disability and carers benefits

13. Persons covered by the exemption provisions who apply for a disability and/or carers related benefits will be exempted from satisfying the HRT and the PPT in England and Wales only for the following benefits:

- Attendance Allowance,
- Disability Living Allowance,
- Personal Independence Payment,
- Carer's Allowance.

Benefits for extended temporary absence provisions

14. The extended temporary absence provisions will apply for the following benefits:

1. in England, Wales and Scotland:

- Universal Credit,

- Income Support,
- Employment and Support Allowance (IR),
- Jobseeker's Allowance (IB),
- State Pension Credit,
- New Style Employment and Support Allowance,
- New Style Jobseeker's Allowance,
- Housing Benefit,
- Housing Benefit (Pension Age).

2. In England and Wales only for:

- Attendance Allowance,
- Disability Living Allowance,
- Personal Independence Payment.

Note. These regulations do not change the temporary absence rules for Carer's Allowance as existing rules already provide protection in the intended circumstances.

Current overseas emergencies

15. Exemptions will cover the following countries or territories from the relevant dates for 6 months for HRT purposes:

1. South Sudan from 27.03.2025 until 26.09.2025
2. Israel from 23.06.2025 until 22.12.2025
3. Occupied Palestinian Territories from 23.06.2025 until 22.12.2025
4. Jamaica from 01.11.2025 until 30.04.2026

16. Exemptions will cover the following countries or territories from the relevant dates for 130 weeks for PPT purposes:

1. Niger from 01.08.2023 until 26.01.2026
2. South Sudan from 27.03.2025 until 22.09.2027
3. Israel from 23.06.2025 until 19.12.2027
4. Occupied Palestinian Territories from 23.06.2025 until 19.12.2027
5. Jamaica from 01.11.2025 until 28.04.2028

This list will be updated in line with any relevant changes in the HMG public information.

Note: For DLA only - PPT dates will be shorter for those under 16 (paragraph 8.2.2.2).

Current safe and legal humanitarian immigration routes

17. Individuals currently considered to satisfy the conditions set out in these regulations for the exemption are those who hold following immigration status under a safe and legal humanitarian immigration route (paragraph 8.3) to the UK and have recourse to public funds. This includes persons granted discretionary leave, known as leave outside the rules. The exemptions apply for decisions taken from the 18th July 2025:

- The Afghan Resettlement Programme including those granted leave as part of the Afghanistan Response Route,
 - Any relevant instances where leave outside the rules has been granted as part of the Afghan Resettlement Programme,
- Hong Kong British National (Overseas) visas (Note that most people with these visas will have no recourse to public funds (NRPF) so cannot benefit from these provisions, unless the Home Office lift their NRPF condition),
- (Refugee) Family Reunion visas,
- Visas granted as part of the UK Government Gaza Medical Evacuation Scheme.

This list will be updated following the introduction of any new types of leave which are considered to be safe and legal humanitarian immigration routes¹. For any uncertainty on which routes are relevant, please contact DMA Leeds.

¹ [Report on safe and legal routes \(section 61 Illegal Migration Act 2023\) \(accessible\) - GOV.UK](#)

Examples

Example 1

David claims PIP on 05.09.2025. He reports that he has been living with relatives in Israel since 2014 but says that he moved back to Great Britain permanently following the HMG evacuation operation, which started on the 23.06.2025. David arrived in the UK on the 01.08.2025. The DM calculated that, during the 156 weeks ending on 04.09.2025, David had been present in GB for less than 104 weeks. The DM decided that although David did not satisfy the past presence condition, they accepted that he is exempt from the PPT in this instance. David is a British National

with a right to abode and was in Israel when the evacuation started and arrived in GB within 26 weeks of it starting and would therefore be exempt from the PPT until 19.12.2027 (130 weeks after the evacuation started). David's claim to PIP proceeds on this basis.

Example 2

Jack is a UC claimant who travelled to Israel on 10.04.2025 to undergo a medical treatment that was due to last for 3 months. On 23.06.2025 the HMG evacuation began but Jack became stranded and, despite his best efforts, unable to find a successful route home until 15.11.2025. As a result, Jack was outside GB for longer than intended. The DM determined that although the regulations allow absences for up to 6 months from 23.06.2025 for individuals stranded in Israel, as Jack had already spent 2 months before the evacuation, and the evacuation occurred when Jack was in Israel, his allowed period of absence would have ended on 11.10.2025. The DM concludes that the permitted absence period is only allowable to that date.

Example 3

Naseem travelled from Pakistan on 02.07.2025 to join her husband who has been granted refugee status in the UK. She was granted leave to enter and remain under a family reunion visa which is set to expire at the same time as her husband's leave, but she was not granted protection status herself. She applied for UC on 17.07.2025. The DM considered her application and decided that although not a recognised refugee herself, Naseem was granted leave under family reunion visa and therefore falls within the HRT and PPT exemption provided by the regulations. The DM awarded her UC from the date of claim.

Annotations

The number of this memo should be annotated against the following paragraphs of the ADM:

[C1225](#), [C1951](#), [C2021](#), [C2026](#), [C2029](#), [C2032](#), [C1988](#)

Contacts

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [7/19](#) Requesting case guidance from DMA Leeds for all benefits.

The content of the examples in this document (including use of imagery) is for illustrative purposes only