



Section 75 Screening Form

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations (Northern Ireland) 2021

Is this an existing, revised or a new policy?

~~Existing~~/~~Revised~~/New (delete as applicable)

What is it trying to achieve? (intended aims/outcomes)

The amendments are necessary as a result of the sudden and unexpected nature of the situation in Afghanistan.

The Home Office (HO) has established two resettlement routes for Afghan nationals: the Afghan Relocations and Assistance Policy (ARAP) and the Afghanistan Citizens' Resettlement Scheme (ACRS). There is currently another scheme in operation which is due

to end in 2022 - the Afghanistan Locally Employed Staff Ex-Gratia Scheme. This urgent legislation is required to ensure that anyone arriving here under one of these schemes is exempt from the habitual residence test (HRT) and the past presence test (PPT) and may be entitled to social security benefits upon arrival in Northern Ireland (NI).

The proposed legislation inserts a category to the list of persons who are exempted from having to satisfy the HRT and the PPT for income-related and disability and carers benefits. For the HRT, the additional category exempts persons who have come to the UK from Afghanistan under one of the listed HO resettlement schemes and also for those who are not covered by one of the listed schemes but who have left Afghanistan in connection with the collapse of the Afghan government on 15th August 2021. For the PPT, the additional category exempts persons who have come to the UK from Afghanistan under one of the listed HO resettlement schemes.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

Yes/~~No~~/~~NA~~ (delete as applicable)

If Yes, explain how.

The amendments being made will ensure day-one access to income-related and disability benefits for those arriving from Afghanistan under the HO resettlement schemes. Whilst this will largely benefit Afghan nationals, it will also benefit non-Afghan nationals, including returning UK nationals, as income-related benefit legislation is also being amended to cover people who aren't covered by such schemes and who are coming here as a result of the collapse of the Afghan government.

Who initiated or wrote the policy?

The Department for Work and Pensions and the Department for Communities.

Who owns and who implements the policy?

The Department for Communities.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

No

If yes, are they

- financial
- legislative
- other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

staff - Operational staff will be impacted when dealing with benefit claims from those arriving from Afghanistan either under the HO resettlement schemes or in connection with the fall of the Afghan government. They will need to be made aware of the amendments being made to the legislation. Guidance will be issued to staff.

service users - Those persons arriving from Afghanistan either under the HO resettlement schemes or in connection with the fall of the Afghan government.

other public sector organisations

voluntary/community/trade unions

other, please specify _____

Other policies with a bearing on this policy

What are they and who owns them?

None

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for **each** of the Section 75 categories.

Section 75 category	Details of evidence/information
Religious belief	The religious belief of claimants is not recorded. The measures do not make any direct provision in relation to religious belief.
Political opinion	The political opinion of claimants is not recorded. The measures do not make any direct provision in relation to political opinion.
Racial group	<p>The proposed legislation inserts a category to the list of persons who are exempted from having to satisfy the HRT and the PPT.</p> <p>Exemptions are being created for Afghan nationals coming to the UK under the listed HO resettlement schemes and for non-Afghan nationals not covered by one of the listed schemes but who have left Afghanistan because of the collapse of the Afghan government.</p> <p>This emergency legislation is needed because of the sudden and unexpected nature of the situation and the immediate need to provide support for those affected.</p>
Age	The measures do not make any direct provision in relation to age.
Marital status	The measures do not make any direct provision in relation to marital status.
Sexual orientation	The sexual orientation of claimants is not recorded. The measures do not make any direct provision in relation to sexual orientation.

Section 75 category	Details of evidence/information
Men and women generally	The measures do not make any direct provision in relation to gender.
Disability	The measures do not make any direct provision in relation to disability.
Dependants	<p>The measures allow exemptions from the HRT and the PPT for a person who has been granted discretionary leave outside the immigration rules as a dependant of a person covered by one of the HO schemes.</p> <p>This emergency legislation is needed because of the sudden and unexpected nature of the situation and the immediate need to provide support for those affected.</p>

Note to reader - If you are aware of and would like the Department to take into account any further evidence or information relevant to this policy, please send this to :

Social Security Policy and Legislation Division,
Department for Communities
Level 6 Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG
E-mail: DfCSSPLD.DOC@communities-ni.gov.uk

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details for **each** of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	There is no evidence of any different needs, experiences or priorities for people in relation to their religious belief.
Political opinion	There is no evidence of any different needs, experiences or priorities for people in relation to their political opinion.
Racial group	Exemptions are being created for Afghan nationals coming to the UK under the listed HO resettlement schemes and for non-Afghan nationals not covered by one of the listed schemes but who have left Afghanistan because of the collapse of the Afghan government.
Age	There is no evidence of any different needs, experiences or priorities for people in relation to their age.
Marital status	There is no evidence of any different needs, experiences or priorities for people in relation to their marital status.
Sexual orientation	There is no evidence of any different needs, experiences or priorities for people in relation to their sexual orientation.
Men and women generally	There is no evidence of any different needs, experiences or priorities for people in relation to their gender.

Section 75 category	Details of needs/experiences/priorities
Disability	There is no evidence of any different needs, experiences or priorities between persons with a disability and persons without.
Dependants	There is no evidence of any different needs, experiences or priorities between persons with dependants and persons without.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are

concerns amongst affected individuals and representative groups, for example in respect of multiple identities;

- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	<p>The proposed legislation inserts a category into the list of persons who are exempted from having to satisfy the HRT and the PPT irrespective of religious belief.</p> <p>We do not envisage any adverse impact on these grounds.</p>	None
Political opinion	<p>The proposed legislation inserts a category into the list of persons who are exempted from having to satisfy the HRT and the PPT irrespective of political opinion.</p> <p>We do not envisage any adverse impact on these grounds.</p>	None
Racial group	<p>The proposed legislation inserts a category into the list of persons who are exempted from having to satisfy the HRT and PPT. This will benefit certain Afghan nationals and non-Afghan nationals, including returning UK nationals, who have been affected by the collapse of the Afghan government, by ensuring they are not excluded from access to benefits on arrival in NI.</p> <p>We do not envisage any adverse impact on these grounds.</p>	None
Age	<p>The proposed legislation inserts a category into the list of persons who are exempted</p>	None

Section 75 category	Details of policy impact	Level of impact? minor/major/none
	<p>from having to satisfy the HRT and the PPT irrespective of age.</p> <p>We do not envisage any adverse impact on these grounds.</p>	
Marital status	<p>The proposed legislation inserts a category into the list of persons who are exempted from having to satisfy the HRT and the PPT irrespective of marital status.</p> <p>We do not envisage any adverse impact on these grounds.</p>	None
Sexual orientation	<p>The proposed legislation inserts a category into the list of persons who are exempted from having to satisfy the HRT and the PPT irrespective of sexual orientation.</p> <p>We do not envisage any adverse impact on these grounds.</p>	None
Men and women generally	<p>The proposed legislation inserts a category into the list of persons who are exempted from having to satisfy the HRT and the PPT irrespective of gender.</p> <p>We do not envisage any adverse impact on these grounds.</p>	None
Disability	<p>The proposed legislation inserts a category into the list of persons who are exempted from having to satisfy the HRT and the PPT irrespective of whether or not they have a disability.</p> <p>We do not envisage any adverse impact on these grounds.</p>	None

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Dependants	<p>The proposed legislation inserts a category into the list of persons who are exempted from having to satisfy the HRT and the PPT and will benefit persons who have been granted discretionary leave outside the immigration rules as a dependant of a person covered by one of the HO schemes.</p> <p>We do not envisage any adverse impact on these grounds.</p>	None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		<p>No. The proposed amendments will ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated.</p> <p>Therefore this policy does not present any opportunities to better promote equality of opportunity for this Section 75 category.</p>
Political opinion		<p>No. The proposed amendments will ensure day-one access to income-related and disability and carer</p>

Section 75 category	If Yes , provide details	If No , provide reasons
		<p>benefits for those arriving from Afghanistan as indicated.</p> <p>Therefore this policy does not present any opportunities to better promote equality of opportunity for this Section 75 category.</p>
Racial group		<p>No. The proposed amendments will ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated. This will benefit both Afghan and non-Afghan nationals.</p> <p>Therefore this policy does not present any opportunities to better promote equality of opportunity for this Section 75 category.</p>
Age		<p>No. The proposed amendments will ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated</p> <p>Therefore this policy does not present any opportunities to better promote equality of opportunity for this Section 75 category.</p>
Marital status		<p>No. The proposed amendments will ensure day-one access to income-related and disability and carer</p>

Section 75 category	If Yes , provide details	If No , provide reasons
		<p>benefits for those arriving from Afghanistan as indicated</p> <p>Therefore this policy does not present any opportunities to better promote equality of opportunity for this Section 75 category.</p>
Sexual orientation		<p>No. The proposed amendments will ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated</p> <p>Therefore this policy does not present any opportunities to better promote equality of opportunity for this Section 75 category.</p>
Men and women generally		<p>No. The proposed amendments will ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated</p> <p>Therefore this policy does not present any opportunities to better promote equality of opportunity for this Section 75 category.</p>
Disability		<p>No. The proposed amendments will ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated</p>

Section 75 category	If Yes , provide details	If No , provide reasons
		Therefore this policy does not present any opportunities to better promote equality of opportunity for this Section 75 category.
Dependants		<p>No. The proposed amendments will ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated, including dependants in certain circumstances.</p> <p>Therefore this policy does not present any opportunities to better promote equality of opportunity for this Section 75 category.</p>

**3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?
minor/major/none**

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	No impact.	None
Political opinion	No impact.	None

Good relations category	Details of policy impact	Level of impact minor/major/none
Racial group	No impact.	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes , provide details	If No , provide reasons
Religious belief		No. The proposed amendments are necessary to ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated.
Political opinion		No. The proposed amendments are necessary to ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated.
Racial group		No. The proposed amendments are necessary to ensure day-one access to income-related and disability and carer benefits for those arriving from Afghanistan as indicated.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

Not applicable.

Part 3. Screening decision

In light of your answers to the previous questions, do you feel that the policy should: (please underline one)

1. **Not be subject to an EQIA**
2. **Not be subject to an EQIA (with mitigating measures /alternative policies)**
3. **Be subject to an EQIA**

If 1 or 2 (i.e. not be subject to an EQIA), please provide details of the reasons why:

The amendments are necessary as a result of the situation in Afghanistan, and are necessary to ensure day-one access to income-related and disability carer benefits for those arriving from Afghanistan either under the HO resettlement schemes or as a consequence of the fall of the Afghan government.

If 3. (i.e. to conduct an EQIA), please provide details of the reasons:

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

As previously stated the amendments will ensure day one access to income-related and disability and carer benefits for those affected, provided they satisfy the other conditions of entitlement. As such, no mitigation or amendments are necessary.

Part 4. Monitoring

Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development.

You should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, then you should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

As no potential/actual adverse impacts have been identified no monitoring will be carried out.

Please detail proposed monitoring arrangements below:

Part 5 - Approval and authorisation

Screened by:	Position/Job Title	Date
An official of the Department for Communities	Staff Officer	15/09/2021
Approved by:		
An official of the Department for Communities	Deputy Principal	15/09/2021

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.