

In his appeal Mr [REDACTED] stated originally he was awarded an indefinite award of Personal Independence Payment and he disagrees with the decision that it should now be limited

May the Tribunal note I will give a brief history of the claim, he submitted a claim on 28/4/2016 which was decided on 15/8/2016 to award him the standard rate of benefit from 28/4/2016 to 13/8/2018 (Documents 70-78)

A decision was issued on 26/10/2018 stating that Mr [REDACTED] had had his award extended indefinitely. (Docs 79-85)

Enquiries were then made into Mr [REDACTED] residence status and documentation indicated he had been granted leave to remain in the country until 16/7/2021. (Docs 92-95)

A letter was received from the claimant, stating his wife had received notification that her Carer's Allowance would stop. (Doc 96)

Documentation indicated that due to Covid 19 his award had been automatically extended to 8/7/2022. (Doc 112)

He was sent a reminder that his award would end and he would need to re apply. (Docs 113-115)

He completed a claim but also appealed against his indefinite award had been ended

Following investigations it was noted that Mr [REDACTED] that his leave to remain had been extended until ~~31/12/2021~~ and therefore he had been put back into payment and limited until his end date of his leave to remain in this country. (Doc 2270)

Having noted all evidence it is clear that the decision dated 26/10/2018 erred in regard to awarding an indefinite award given Mr [REDACTED] did not have leave to remain in the United Kingdom on a permanent basis

The decision notification issued 31/7/2019 was issued due to a change in the law in relation to Activity descriptors not length of award. (Docs 86-91)

Under the law relating to the benefit the claimant cannot be awarded an indefinite award if he has a limited a end date of his leave to remain in the country therefore the award is limited to that date which is ~~31/12/2021~~

DWP Supplementary Response

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Section 1: Personal details

Name: ~~Magalingam Magalingam~~

Address: ~~100 [redacted]
[redacted]
[redacted]~~

NI No: ~~9200000000~~

Tribunal Reference No: ~~0200000000000000~~

Benefit: Personal Independence Payment

Further evidence has been provided in respect of Mr Magalingam's appeal as detailed in the schedule below.

Schedule of events

Date of event	Event	Date of document
28/04/2019	Valid claim received by phone	N/A
02/05/2019	Further evidence received	Various

1	<p>Reasons for preferred evidence</p> <p>New evidence related to the Appellant's appeal was received by DWP on 02/05/2019. We have reviewed this, and all points raised were covered in the appeal response. Therefore, this evidence has no effect on the appeal submission.</p> <p>In accordance with Regulation 16 of The Social Security (Personal Independence Payment) Regulations 2013 and section 115(9) of the Immigration and Asylum Act 1999, PIP can only be considered for any period the claimant has leave to remain in the United Kingdom. As the Appellant's leave to remain is currently due to expire on 30/11/2021, PIP cannot be awarded beyond this date. The Appellant should ensure they apply for any extension to their leave to remain as appropriate before it expires and notify PIP once this has been done so that any extension to the award period can be considered.</p> <p>The Secretary of State's position remains unchanged. Secretary of State do not require a further copy of these papers.</p>
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