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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 11**

**The Social Security (Persons from Abroad) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996**

**Amendment of the Social Security (Disability Living Allowance) Regulations**

9. In regulation 2 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992<sup>(1)</sup> (conditions as to residence and presence in Northern Ireland)—

(a) in paragraph (1)(a) after head (i) there shall be inserted the following head—

“(ia) subject to paragraph (1A), his right to reside or remain in Northern Ireland is not subject to any limitation or condition.”;

(b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) For the purposes of paragraph (1)(a)(ia), a person’s right to reside or remain in Northern Ireland is not to be treated as if it were subject to a limitation or condition if—

- (a) he is a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article I(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (b) he is a person who has been granted exceptional leave outside the provisions of the immigration rules within the meaning of the Immigration Act 1971 to remain in the United Kingdom by the Secretary of State;
- (c) he is a national, or a member of the family of a national, of a State contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;
- (d) he is a person who is—
  - (i) lawfully working in Northern Ireland and is a national of a State with which the European Community has concluded an Agreement under Article 238 of the Treaty establishing the European Community providing, in the field of social security, for the equal treatment of workers who are nationals of the signatory State and their families, or
  - (ii) a member of the family of, and living with, such a person; or
- (e) he is a person in respect of whom there is an order under section 155 of the Administration Act giving effect to a reciprocal agreement which, for the purposes of disability living allowance, has the effect that periods of residence or presence in another country are to be treated as periods of residence or presence in Northern Ireland.”.

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<sup>(1)</sup> S.R. 1992 No. 32; relevant amending regulations are S.R. 1993 No. 340