
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 90

**The Social Security (Income-related Benefits)
(Updating and Amendment No. 2) (EU
Exit) Regulations (Northern Ireland) 2019**

Amendment of the Income Support (General) Regulations

2. In regulation 21AA of the Income Support (General) Regulations (Northern Ireland) 1987⁽¹⁾ (special cases: supplemental—persons from abroad)—

- (a) in paragraph (2) after “paragraph (3)” insert “or (3A)”;
- (b) in paragraph (3)—
 - (i) in sub-paragraph (a) for “Immigration (European Economic Area) Regulations 2006”⁽²⁾ substitute “Immigration (European Economic Area) Regulations 2016”⁽³⁾;
 - (ii) for sub-paragraph (bb)⁽⁴⁾ substitute—
 - “(bb) regulation 16 of those Regulations, but only in a case where the right exists under that regulation because the claimant satisfies the criteria in paragraph (5) of that regulation;”⁽⁵⁾;
- (c) after paragraph (3) insert—
 - “(3A) A right to reside falls within this paragraph if it is one which exists by virtue of a claimant having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971⁽⁶⁾ by virtue of—
 - (a) Appendix EU to the immigration rules⁽⁷⁾ made under section 3(2) of that Act; or
 - (b) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act.”;
- (d) in paragraph (4)(za)⁽⁸⁾ for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016”.

(1) [S.R. 1987 No. 459](#); regulation 21AA was inserted by regulation 2(3) of [S.R. 2006 No. 178](#) and amended by [S.R. 2012 No. 380](#) and [S.R. 2014 No. 133](#)

(2) [S.I. 2006/1003](#)

(3) [S.I. 2016/1052](#)

(4) Paragraph (3)(bb) was inserted by regulation 2(a) of [S.R. 2012 No. 380](#)

(5) The definition of “primary carer” in regulation 16 was amended by [S.I. 2018/801](#); there are other amendments but none is relevant

(6) [1971 c. 77](#)

(7) The immigration rules were laid before Parliament on 23rd May 1994 (HC 395); Appendix EU was laid before Parliament on 20th July 2018 as part of a command paper that amended the immigration rules entitled “Statement of Changes in Immigration Rules” (CM 9675); Appendix EU was amended in respect of the Zambrano right to reside by a further command paper entitled “Statement of Changes in Immigration Rules” laid before Parliament on 7th March 2019 (HC 1919)

(8) Sub-paragraphs (za) to (zc) were substituted for sub-paragraphs (a) to (f) by regulation 2 of [S.R. 2014 No. 133](#)