
STATUTORY INSTRUMENTS

2019 No. 872

**The Social Security (Income-related Benefits)
(Updating and Amendment) (EU Exit) Regulations 2019**

Income Support (General) Regulations 1987

- 2.—(1) The Income Support (General) Regulations 1987(1) are amended as follows.
- (2) In regulation 21AA (special cases: supplemental – persons from abroad)(2)—
- (a) at the end of paragraph (2) add “or (3A)”;
 - (b) in paragraph (3)(a) for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016”(3);
 - (c) for paragraph (3)(bb) 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;”(4);
 - (d) after paragraph (3) insert—
 - “(3A) A right to reside falls within this paragraph if it exists by virtue of a claimant having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971(5) by virtue of—
 - (a) Appendix EU to the immigration rules(6) 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.”;
 - (e) in paragraph (4)(za) for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016”.

(1) [S.I. 1987/1967](#).

(2) Regulation 21AA was added by [S.I. 2006/1026](#). Relevant amending instruments are [S.I. 2012/2587](#) and [S.I. 2014/902](#). There are other amending instruments but none is relevant.

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

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

(5) [1971 c. 77](#).

(6) 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).