
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 Employment and Support Allowance Regulations

7. In regulation 70 of the Employment and Support Allowance Regulations (Northern Ireland) 2008⁽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” substitute “Immigration (European Economic Area) Regulations 2016”;
 - (ii) for sub-paragraph (bb)⁽²⁾ 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;”;
- (c) after paragraph (3) insert—
 - “(3A) A right to reside falls within this paragraph if the right exists by virtue of a claimant having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
 - (a) Appendix EU to the immigration rules 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)⁽³⁾ for “Immigration (European Economic Area) Regulations 2006” substitute “Immigration (European Economic Area) Regulations 2016”.

⁽¹⁾ [S.R. 2008 No. 280](#); relevant amending Regulations are [S.R. 2012 No. 380](#) and [S.R. 2014 No. 133](#)

⁽²⁾ Sub-paragraph (bb) was inserted by regulation 7(a) of [S.R. 2012 No. 380](#)

⁽³⁾ Sub-paragraphs (za) to (zc) were substituted for sub-paragraphs (a) to (f) by regulation 7 of [S.R. 2014 No. 133](#)