
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 149

**The Social Security (Income-related Benefits)
(Persons of Northern Ireland – Family Members)
(Amendment) Regulations (Northern Ireland) 2020**

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) insert—

(a) after paragraph (3A) add—

“(3B) Paragraph (3A)(a) does not apply to a person who —

- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- (b) would have a right to reside under the Immigration (European Economic Area) Regulations 2016 if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (3).”;

(b) in paragraph (4)(zb) omit the words “within the meaning of regulation 7(1)(a), (b) or (c) of those Regulations”;

(c) after paragraph (4)(zc) insert

“(zd) a family member of a relevant person of Northern Ireland with a right to reside which falls within paragraph (3A)(a), provided that the relevant person of Northern Ireland falls within sub-paragraph (za), or would do so but for the fact that they are not an EEA national.”.

(d) after paragraph (5) add—

“(6) In this regulation—

“EEA national” has the same meaning given in regulation 2(1) of the Immigration (European Economic Area) Regulations 2016;

“family member” has the same meaning given in regulation 7(1)(a), (b) or (c) of the Immigration (European Economic Area) Regulations 2016, except that regulation 7(4) of those Regulations does not apply for the purposes of paragraph (3B) and (4)(zd) of this regulation;

“relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971.”.