
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 269

**The Social Security (Habitual Residence and Past Presence)
(Amendment) Regulations (Northern Ireland) 2021**

Amendment of income-related benefit legislation

2.—(1) The provisions specified in paragraph (5) are amended in accordance with paragraphs (2) to (4).

(2) Before sub-paragraph (za)(1) insert—

“(zza) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971(2), where such leave is granted by virtue of—

(i) the Afghan Relocations and Assistance Policy; or

(ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);

(zzb) a person in Northern Ireland not coming within sub-paragraph (zza) or (h)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;”.

(3) At the end of sub-paragraph (h)(ii)(3) omit “or”.

(4) After sub-paragraph (h)(iii) add—

“or

(iv) granted under the Afghan Citizens Resettlement Scheme(4);”.

(5) The provisions referred to in paragraph (1) are—

(a) regulation 21AA(4) of the Income Support (General) Regulations (Northern Ireland) 1987(5) (special cases: supplemental—persons from abroad);

(b) regulation 85A(4) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(6) (special cases: supplemental—persons from abroad);

(c) regulation 2(4) of the State Pension Credit Regulations (Northern Ireland) 2003(7) (persons not in Northern Ireland);

(d) regulation 10(5) of the Housing Benefit Regulations (Northern Ireland) 2006(8) (persons from abroad);

(1) Sub-paragraphs (za) to (zc) were substituted for sub-paragraphs (a) to (f) by regulations 2 to 7 respectively of [S.R. 2014 No. 133](#)

(2) [1971 c. 77](#); see Part 7 of the Immigration Rules; the scheme is contained in Rules 276BA1 to 276BS2

(3) Sub-paragraph (h) was substituted by regulations 3(4)(a), 5, 8(a), 9(2)(a), 10(2)(a) and 11(22)(a) respectively of [S.R. 2013 No. 246](#)

(4) <https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme>

(5) [S.R. 1987 No. 459](#); regulation 21AA was inserted by regulation 2(3) of [S.R. 2006 No. 178](#); relevant amending Regulations are [S.R. 2013 No. 246](#) and [S.R. 2014 No. 133](#)

(6) [S.R. 1996 No. 198](#); regulation 85A was inserted by regulation 4(3) of [S.R. 2006 No. 178](#); relevant amending Regulations are [S.R. 2013 No. 246](#) and [S.R. 2014 No. 133](#)

(7) [S.R. 2003 No. 28](#); regulation 2 was substituted by regulation 5 of [S.R. 2006 No. 178](#); relevant amending Regulations are [S.R. 2013 No. 246](#) and [S.R. 2014 No. 133](#)

(8) [S.R. 2006 No. 405](#); relevant amending Regulations are [S.R. 2013 No. 246](#) and [S.R. 2014 No. 133](#)

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- (e) regulation 10(5) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006⁽⁹⁾ (persons from abroad);
- (f) regulation 70(4) of the Employment and Support Allowance Regulations (Northern Ireland) 2008⁽¹⁰⁾ (special cases: supplemental – persons from abroad).

⁽⁹⁾ S.R. 2006 No. 406; relevant amending Regulations are S.R. 2013 No. 246 and S.R. 2014 No. 133
⁽¹⁰⁾ S.R. 2008 No. 280 relevant amending Regulations are S.R. 2013 No. 246 and S.R. 2014 No. 133