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STATUTORY RULES OF NORTHERN IRELAND

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**2022 No. 149**

**The Social Security (Habitual Residence and Past Presence)  
(Amendment) Regulations (Northern Ireland) 2022**

**Amendment of income-related benefit legislation**

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

(2) In sub-paragraph (zzb)(1) for “(h)(iv)” substitute “(h)”.

(3) After sub-paragraph (zzb) insert—

“(zzc) a person in Northern Ireland who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971(2), or

(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act(3);”.

(4) In sub-paragraph (h)(4) omit the words from “where that leave is” to the end.

(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);

(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);

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(1) Sub-paragraphs (zza) and (zzb) were inserted by regulation 2(2) of [S.R. 2021 No. 269](#)

(2) [1971 c. 77](#)

(3) Section 2 was substituted by section 39(2) of the British Nationality Act [1981 \(c. 61\)](#)

(4) 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](#) and amended by regulation 2(3) and (4) of [S.R. 2021 No. 269](#)

(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](#), [S.R. 2014 No. 133](#) and [S.R. 2021 No. 269](#)

(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](#), [S.R. 2014 No. 133](#) and [S.R. 2021 No. 269](#)

(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](#), [S.R. 2014 No. 133](#) and [S.R. 2021 No. 269](#)

(8) [S.R. 2006 No. 405](#); relevant amending Regulations are [S.R. 2013 No. 246](#), [S.R. 2014 No. 133](#) and [S.R. 2021 No. 269](#)

(9) [S.R. 2006 No. 406](#); relevant amending Regulations are [S.R. 2013 No. 246](#), [S.R. 2014 No. 133](#) and [S.R. 2021 No. 269](#)

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (f) regulation 70(4) of the Employment and Support Allowance Regulations (Northern Ireland) 2008<sup>(10)</sup> (special cases: supplemental – persons from abroad).

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<sup>(10)</sup> S.R. 2008 No. 280; relevant amending Regulations are S.R. 2013 No. 246, S.R. 2014 No. 133 and S.R. 2021 No. 269