
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit Regulations (Northern Ireland) 2016 ([S.R. 2016 No. 216](#)) (the “Universal Credit Regulations”).

For the purposes of determining whether a person meets the basic condition of entitlement that he or she is in Northern Ireland, the Universal Credit Regulations set out circumstances in which a person is to be treated as not being in Northern Ireland. A person is a person to be treated as not being in Northern Ireland if he or she is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland. No person shall be treated as habitually resident without a relevant right to reside in the place where he or she is habitually resident. However, certain categories of people are exempt from this habitual residence test.

These Regulations amend the Universal Credit Regulations to reflect that a new right to reside has been created for nationals of European Economic Area states (“EEA nationals”) in Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971 ([c. 77](#)), in the form of limited leave to enter, or remain in, the United Kingdom. The effect of these Regulations is that this new right to reside is not a relevant right to reside for the purposes of establishing habitual residence.

These Regulations also reflect the change to the immigration rules that enables a non-EEA national carer of a British Citizen in the situation described in regulation 16(5) of the Immigration (European Economic Area) Regulations 2016 to be granted limited leave to enter, or to remain in, the United Kingdom under Appendix EU. This continues to be a right to reside that is not relevant for the purposes of establishing habitual residence.

These Regulations also update provisions in the Universal Credit Regulations that refer to the Immigration (European Economic Area) Regulations 2006 ([S.I. 2006/1003](#)) so that instead they refer to the Immigration (European Economic Area) Regulations 2016 ([S.I. 2016/1052](#)), as the latter revoked the former.

An impact assessment has not been produced for this instrument as it has no impact on businesses or civil society organisations.