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STATUTORY RULES OF NORTHERN IRELAND

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**2023 No. 80**

**The Social Security (Habitual Residence and Past Presence)  
(Amendment) Regulations (Northern Ireland) 2023**

**Amendment of income-related benefit legislation**

- 2.—(1) In the provisions specified in paragraph (2) after sub-paragraph (zzc)(1) insert—
- “(zzd) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—
- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971(2);
  - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act(3); or
  - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act(4);”.
- (2) Those provisions 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);
  - (f) regulation 70(4) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(10) (special cases: supplemental – persons from abroad).

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(1) Sub-paragraph (zzc) was inserted by regulation 2(3) of [S.R. 2022 No. 149](#) and amended by regulation 2(1) of [S.R. 2022 No. 230](#)

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

(3) Section 2 was substituted by section 39(2) of the British Nationality Act 1981 (c. 61) and amended by [S.I. 2019/745](#)

(4) Section 3ZA was inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20)

(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. 2021 No. 269](#) and [S.R. 2022 Nos. 149 and 230](#)

(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. 2021 No. 269](#) and [S.R. 2022 Nos. 149 and 230](#)

(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. 2021 No. 269](#) and [S.R. 2022 Nos. 149 and 230](#)

(8) [S.R. 2006 No. 405](#); relevant amending Regulations are [S.R. 2021 No. 269](#) and [S.R. 2022 Nos. 149 and 230](#)

(9) [S.R. 2006 No. 406](#); relevant amending Regulations are [S.R. 2021 No. 269](#) and [S.R. 2022 Nos. 149 and 230](#)

(10) [S.R. 2008 No. 280](#); relevant amending Regulations are [S.R. 2021 No. 269](#) and [S.R. 2022 Nos. 149 and 230](#)

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**Changes to legislation:** There are currently no known outstanding effects for the The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations (Northern Ireland) 2023, Section 2. (See end of Document for details)

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**Commencement Information**

**II** Reg. 2 in operation at 18.5.2023, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Habitual Residence and Past Presence) (Amendment) Regulations (Northern Ireland) 2023, Section 2.