

## STATUTORY INSTRUMENTS

# 2020 No. 1372

## The Immigration (Citizens' Rights etc.) (EU Exit) Regulations 2020

### PART 3

#### Access to benefits and services

#### Amendment of the Income Support (General) Regulations 1987

- 8.—(1) The Income Support (General) Regulations 1987 <sup>M1</sup> are amended as follows.
- (2) In regulation 21AA (special cases: supplemental – persons from abroad) <sup>M2</sup>, in paragraph (3A)
- 
- (a) at the end of sub-paragraph (a) omit “or”;
  - (b) at the end of sub-paragraph (b) insert—  
“; or
  - (c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) <sup>M3</sup> to the immigration rules made under section 3(2) of that Act.”.

#### Commencement Information

- I1** Reg. 8 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

#### Marginal Citations

- M1** [S.I. 1987/1967](#).
- M2** Regulation 21AA was inserted by [S.I. 2006/1026](#) and was amended by [S.I. 2019/872](#), prospective amendments are made by [S.I. 2020/1309](#). There are other amending instruments but none is relevant.
- M3** Appendix EU (Family Permit) was laid before Parliament on 7th March 2019 (HC 1919).

#### Amendment of the Income Support (General) Regulations (Northern Ireland) 1987

- 9.—(1) The Income Support (General) Regulations (Northern Ireland) 1987 <sup>M4</sup> are amended as follows.
- (2) In regulation 21AA (special cases: supplemental – persons from abroad) <sup>M5</sup>, in paragraph (3A)
- 
- (a) at the end of sub-paragraph (a) omit “or”;
  - (b) at the end of sub-paragraph (b) insert—  
“; or

- (c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

#### Commencement Information

**I2** Reg. 9 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

#### Marginal Citations

**M4** S.R. [1987 No. 459](#).

**M5** Regulation 21AA was inserted by S.R. [2006 No. 178](#) and was amended by S.R. [2019 No. 90](#), prospective amendments are made by [S.I. 2020/1309](#). There are other amending instruments but none is relevant.

### Amendment of the Jobseeker's Allowance Regulations 1996

**10.**—(1) The Jobseeker's Allowance Regulations 1996<sup>M6</sup> are amended as follows.

(2) In regulation 85A (special cases: supplemental – persons from abroad)<sup>M7</sup>, in paragraph (3A)

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert—

“; or

(c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

#### Commencement Information

**I3** Reg. 10 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

#### Marginal Citations

**M6** [S.I. 1996/207](#).

**M7** Regulation 85A was inserted by [S.I. 2006/1026](#) and was amended by [S.I. 2019/872](#), prospective amendments are made by [S.I. 2020/1309](#). There are other amending instruments but none is relevant.

### Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 1996

**11.**—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996<sup>M8</sup> are amended as follows.

(2) In regulation 85A (special cases: supplemental—persons from abroad)<sup>M9</sup>, in paragraph (3A)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert—

“; or

(c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

**Commencement Information**

**I4** Reg. 11 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

**Marginal Citations**

**M8** S.R. 1996 No. 198.

**M9** Regulation 85A was inserted by S.R. 2006 No. 178 and was amended by S.R. 2019 No. 90, prospective amendments are made by S.I. 2020/1309. There are other amending instruments but none is relevant.

**Amendment of the Asylum Support Regulations 2000**

**12.**—(1) The Asylum Support Regulations 2000 <sup>M10</sup> are amended as follows.

(2) In regulation 4(4) (persons excluded from support), after paragraph (c) insert—  
“; or

(d) he is a national of a member State who has made a claim for asylum, except where that claim for asylum is accepted as admissible under the immigration rules <sup>M11</sup>; or

(e) he is the dependant of a person to whom sub-paragraph (d) applies.”.

**Commencement Information**

**I5** Reg. 12 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

**Marginal Citations**

**M10** S.I. 2000/704

**M11** Provision is made for the admissibility of asylum claims made by EU nationals in exceptional circumstances under paragraph 236F of the immigration rules.

**Amendment of the State Pension Credit Regulations 2002**

**13.**—(1) The State Pension Credit Regulations 2002 <sup>M12</sup> are amended as follows.

(2) In regulation 2 (persons not in Great Britain) <sup>M13</sup>, in paragraph (3A)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert—

“; or

(c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

**Commencement Information**

**I6** Reg. 13 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

**Marginal Citations**

**M12** S.I. 2002/1792.

**M13** Regulation 2 was substituted by S.I. 2006/1026 and was amended by S.I. 2019/872, prospective amendments are made by S.I. 2020/1309. There are other amending instruments but none is relevant.

### Amendment of the Tax Credits (Residence) Regulations 2003

14.—(1) The Tax Credits (Residence) Regulations 2003<sup>M14</sup> are amended as follows.

(2) In regulation 3 (circumstances in which a person is treated as not being in the United Kingdom)<sup>M15</sup>

- (a) in paragraph (5)—
  - (i) after “person” insert “ (P) ”;
  - (ii) omit “he”;
- (b) in paragraph (5)(a)—
  - (i) at the beginning insert “ P ”;
  - (ii) for “; and” substitute “ and one of sub-paragraphs (b), (c) or (d) applies; ”;
- (c) for paragraph (5)(b) substitute—
  - “(b) P does not have a right to reside in the United Kingdom;
  - (c) P has a right to reside under paragraph (1) of regulation 16 of the Immigration (European Economic Area) Regulations 2016, but only in a case where the right exists under that regulation because P satisfies the criteria in paragraph (5) of that regulation; or
  - (d) P would fall within sub-paragraph (b) or (c) but for the fact that P has limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
    - (i) Appendix EU to the immigration rules; or
    - (ii) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”;
- (d) in paragraph (5A), for “(5)(b)(ii)” substitute “ (5)(c) ”;
- (e) in paragraph (5B), for “(5)(b)(iii)” substitute “ (5)(d)(i) ”.

#### Commencement Information

**I7** Reg. 14 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

#### Marginal Citations

**M14** [S.I. 2003/654](#). Relevant amendments are made by [S.I. 2004/1243](#), 2012/2612, 2014/1511, 2019/364, 2019/867, 2020/672 and prospectively by [S.I. 2020/1309](#).

**M15** Regulation is prospectively amended by [S.I. 2020/1309](#).

### Amendment of the State Pension Credit Regulations (Northern Ireland) 2003

15.—(1) The State Pension Credit Regulations (Northern Ireland) 2003<sup>M16</sup> are amended as follows.

- (2) In regulation 2 (persons not in Northern Ireland)<sup>M17</sup>, in paragraph (3A)—
  - (a) at the end of sub-paragraph (a) omit “or”;
  - (b) at the end of sub-paragraph (b) insert—
    - “; or

- (c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

**Commencement Information**

**I8** Reg. 15 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

**Marginal Citations**

**M16** S.R. 2003 No. 28.

**M17** Regulation 2 was substituted by S.R. 2006 No. 178 and amended by S.R. 2019 No. 90, it is prospectively amended by S.I. 2020/1309. There are other amending instruments but none is relevant.

**Amendment of the Housing Benefit Regulations 2006**

16.—(1) The Housing Benefit Regulations 2006 <sup>M18</sup> are amended as follows.

(2) In regulation 10 (persons from abroad) <sup>M19</sup>, in paragraph (3AA)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert—

“; or

(c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

**Commencement Information**

**I9** Reg. 16 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

**Marginal Citations**

**M18** S.I. 2006/213, prospective amendments are made by S.I. 2020/1309.

**M19** Regulation 10 was amended by S.I. 2019/872 and is prospectively amended by S.I. 2020/1309. There are other amending instruments but none is relevant.

**Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

17.—(1) The Housing Benefit Regulations (Northern Ireland) 2006 <sup>M20</sup> are amended as follows.

(2) In regulation 10 (persons from abroad) <sup>M21</sup>, in paragraph (4A)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert—

“; or

(c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

**Commencement Information**

**I10** Reg. 17 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

#### **Marginal Citations**

**M20** S.R. 2006 No. 405, prospective amendments are made by S.I. 2020/1309.

**M21** Regulation 10 was amended by S.R. 2019 No. 90 and is prospectively amended by S.I. 2020/1309. There are other amending instruments but none is relevant.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**18.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>M22</sup> are amended as follows.

(2) In regulation 10 (persons from abroad)<sup>M23</sup>, in paragraph (4ZA)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert—

“; or

(c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

#### **Commencement Information**

**I11** Reg. 18 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

#### **Marginal Citations**

**M22** S.I. 2006/214, prospective amendments are made by S.I. 2020/1309.

**M23** Regulation 10 was amended by S.I. 2019/872 and is prospectively amended by S.I. 2020/1309. There are other amending instruments but none is relevant.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006**

**19.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006<sup>M24</sup> are amended as follows.

(2) In regulation 10 (persons from abroad)<sup>M25</sup>, in paragraph (4A)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert—

“; or

(c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

#### **Commencement Information**

**I12** Reg. 19 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

#### **Marginal Citations**

**M24** S.R. 2006 No. 406. Prospective amendments are made by S.I. 2020/1309.

**M25** Regulation 10 was amended by S.R. [2019 No. 90](#) and is prospectively amended by [S.I. 2020/1309](#). There are other amending instruments but none is relevant.

### **Amendment of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006**

**20.**—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006<sup>M26</sup> are amended as follows.

(2) In each of regulations 4(1A) (other persons from abroad who are ineligible for an allocation of housing accommodation)<sup>M27</sup> and 6(1A) (other persons from abroad who are ineligible for housing assistance)<sup>M28</sup>, for the words from “limited leave to enter” to the end substitute—

“(a) limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act; or

(b) leave to enter the United Kingdom by virtue of an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act is to be disregarded.”.

#### **Commencement Information**

**I13** Reg. 20 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

#### **Marginal Citations**

**M26** [S.I. 2006/1294](#); amended by [S.I. 2012/2588](#), 2019/861, and is prospectively amended by [S.I. 2020/1309](#). There are other amending instruments but none is relevant.

**M27** Regulation 4 is prospectively amended by [S.I. 2020/1309](#).

**M28** Regulation 6 is prospectively amended by [S.I. 2020/1309](#).

### **Amendment of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006**

**21.**—(1) The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006<sup>M29</sup> are amended as follows.

(2) In each of regulations 3(1A) (persons from abroad who are ineligible for an allocation of housing accommodation: determination of right to reside)<sup>M30</sup> and 4(1A) (persons from abroad who are ineligible for housing assistance: determination of right to reside)<sup>M31</sup>, for the words from “limited leave to enter” to the end substitute—

“(a) limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act; or

(b) leave to enter the United Kingdom by virtue of an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act is to be disregarded.”.

#### **Commencement Information**

**I14** Reg. 21 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

### Marginal Citations

- M29** S.R. 2006 No. 397; amended by S.R. 2012 No. 429, S.R. 2019 No. 86, and is prospectively amended by S.I. 2020/1309. There are other amending instruments but none is relevant.
- M30** Regulation 3 is prospectively amended by S.I. 2020/1309.
- M31** Regulation 4 is prospectively amended by S.I. 2020/1309.

## Amendment of the Child Benefit (General) Regulations 2006

- 22.**—(1) The Child Benefit (General) Regulations 2006<sup>M32</sup> are amended as follows.
- (2) In regulation 23 (circumstances in which person treated as not being in Great Britain)<sup>M33</sup>—
- (a) in paragraph (4), in sub-paragraph (c), for “Appendix EU to the immigration rules” substitute—
- “(i) Appendix EU to the immigration rules; or
- (ii) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules.”;
- (b) in paragraph (4B), after “Paragraph (4)(c)” insert “ (i) ”.
- (3) In regulation 27 (circumstances in which person treated as not being in Northern Ireland)<sup>M34</sup>—
- (a) in paragraph (3), in sub-paragraph (c), for “Appendix EU to the immigration rules” substitute—
- “(i) Appendix EU to the immigration rules; or
- (ii) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules.”;
- (b) in paragraph (3B), after “Paragraph (3)(c)” insert “ (i) ”.

### Commencement Information

- I15** Reg. 22 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

### Marginal Citations

- M32** S.I. 2006/223. Relevant amendments are made by S.I. 2007/2150, 2012/2612, 2014/1511, 2019/364, S.I. 2019/867 and 2020/672. It is prospectively amended by S.I. 2020/1309.
- M33** Regulation 23 is prospectively amended by S.I. 2020/1309.
- M34** Regulation 27 is prospectively amended by S.I. 2020/1309.

## Amendment of the Employment and Support Allowance Regulations 2008

- 23.**—(1) The Employment and Support Allowance Regulations 2008<sup>M35</sup> are amended as follows.
- (2) In regulation 70 (special cases: supplemental – persons from abroad)<sup>M36</sup>, in paragraph (3A)—
- (a) at the end of sub-paragraph (a) omit “or”;
- (b) at the end of sub-paragraph (b) insert—
- “; or
- (c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.



**Commencement Information**

**I16** Reg. 23 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

**Marginal Citations**

**M35** [S.I. 2008/794](#).

**M36** Regulation 70 was amended by [S.I. 2019/872](#) and is prospectively amended by [S.I. 2020/1309](#). There are other amending instruments but none is relevant.

**Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008**

**24.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008 <sup>M37</sup> are amended as follows.

(2) In regulation 70 (special cases: supplemental – persons from abroad) <sup>M38</sup>, in paragraph (3A)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert—

“; or

(c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

**Commencement Information**

**I17** Reg. 24 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

**Marginal Citations**

**M37** [S.R. 2008 No. 280](#).

**M38** Regulation 70 was amended by [S.R. 2019 No. 90](#) and is prospectively amended by [S.I. 2020/1309](#). There are other amending instruments but none is relevant.

**Amendment of the Universal Credit Regulations 2013**

**25.**—(1) The Universal Credit Regulations 2013 <sup>M39</sup> are amended as follows.

(2) In regulation 9 (persons treated as not being in Great Britain) <sup>M40</sup>, in paragraph (3)(c)—

(a) at the end of paragraph (i) omit “or”;

(b) at the end of paragraph (ii) insert—

“; or

(iii) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

**Commencement Information**

**I18** Reg. 25 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

### Marginal Citations

**M39** S.I. 2013/376.

**M40** Regulation 9 was amended by S.I. 2019/872 and is prospectively amended by S.I. 2020/1309. There are other amending instruments but none is relevant.

## Amendment of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

**26.**—(1) The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014<sup>M41</sup> are amended as follows.

(2) In each of regulations 4(1A) (other persons from abroad who are ineligible for an allocation of housing accommodation)<sup>M42</sup> and 6(1A)(other persons from abroad who are ineligible for housing assistance)<sup>M43</sup>—

(a) in the English language text, for the words from “limited leave to enter” to the end substitute—

“(a) limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules; or

(b) leave to enter the United Kingdom by virtue of an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules,

is to be disregarded.”;

(b) in the Welsh language text, for the words from “caniatâd cyfyngedig” to the end substitute—

“(a) caniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig neu i aros ynnddi o dan Ddeddf Mewnfudo 1971 yn rhinwedd Atodiad EU i'r rheolau mewnfudo; neu

(b) caniatâd i ddod i mewn i'r Deyrnas Unedig yn rhinwedd cliriad i ddod i mewn a roddwyd o dan Atodiad EU (Hawlen Deuluol) i'r rheolau mewnfudo,

i'w ddiystyru.”.

### Commencement Information

**I19** Reg. 26 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

### Marginal Citations

**M41** S.I. 2014/2603 (W. 57), amended by S.I. 2017/698 (W. 164), 2019/1041 (W. 183), 2019/1149 (W. 199), 2020/1209 and prospectively amended by S.I. 2020/1309.

**M42** Regulation 4 is prospectively amended by S.I. 2020/1309.

**M43** Regulation 6 is prospectively amended by S.I. 2020/1309.

## Amendment of the Universal Credit Regulations (Northern Ireland) 2016

**27.**—(1) The Universal Credit Regulations (Northern Ireland) 2016<sup>M44</sup> are amended as follows.

(2) In regulation 9 (persons treated as not being in Northern Ireland)<sup>M45</sup>, in paragraph (3)(d)—

(a) at the end of paragraph (i) omit “or”;

(b) at the end of paragraph (ii) insert—

“, or

- (iii) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.”.

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**Commencement Information**

**I20** Reg. 27 in force at 31.12.2020 immediately after IP completion day, see reg. 1(2)(a)(3)(d)

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**Marginal Citations**

**M44** S.R. [2016 No. 216](#).

**M45** Regulation 9 was amended by S.R. [2019 No. 89](#) and is prospectively amended by [S.I. 2020/1309](#).

There are other amending instruments but none is relevant.

**Changes to legislation:**

There are currently no known outstanding effects for the The Immigration (Citizens' Rights etc.) (EU Exit) Regulations 2020, PART 3.