

2003 No. 28
SOCIAL SECURITY

The State Pension Credit Regulations (Northern Ireland) 2003

Made
Coming into operation

21st January 2003
6th October 2003

[...]

►¹ **Persons not in Northern Ireland**

2.—(1) A person is to be treated as not in Northern Ireland if, subject to the following provisions of this regulation, he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(2) No person shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless he has a right to reside in (as the case may be) the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland other than a right to reside which falls within paragraph (3) ►² or (3A). ◀

(3) A right to reside falls within this paragraph if it is one which exists by virtue of, or in accordance with, one or more of the following—

(a) regulation 13 of the ►³ Immigration (European Economic Area) Regulations 2016 ◀;

(b) regulation 14 of those Regulations, but only in a case where the right exists under that regulation because the person is—

(i) a jobseeker for the purpose of the definition “qualified person” in regulation 6(1) of those Regulations, or

(ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker; ►⁴ or ◀

(bb) ►⁵ regulation 16 of those Regulations, but only in a case where the right exists under that regulation because the person satisfies the criteria in paragraph (5) ◀ of that Regulation; ◀

►⁶ (c).....

(d).....

(e)..... ◀

►⁷ (3A) A right to reside falls within this paragraph if it exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

(a) Appendix EU to the immigration rules made under section 3(2) of that Act; ►⁸ ◀

¹ Reg. 2 substituted by reg. 5 of S.R. 2006/178 from 30.04.06

² Words inserted by reg. 4(a) of S.R. 2019/90 from 07.05.19

³ Words substituted by reg. 4(b)(i) of S.R. 2019/90 from 07.05.19

⁴ Word inserted by reg. 60(2)(a)(i) of S.I. 2020/1309 from 31.12.20

⁵ Reg. 2(3)(bb) substituted by reg. 4(b)(i) of S.R. 2019/90 from 07.05.19

⁶ Reg 2(3)(c)-(e) omitted by reg. 60(2)(a)(ii) of S.I. 2020/1309 from 31.12.20

⁷ Reg. 2(3A) inserted by reg. 4(c) of S.R. 2019/90 from 07.05.19

⁸ Word omitted by reg. 15(2)(a) of S.I. 2020/1372 from 31.12.20

- (b) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act⁹; 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.◀
- ¹⁰ (3B) Paragraph (3A)(a) does not apply to a person who—
- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
 - (b) would have a right to reside under the Immigration (European Economic Area) Regulations 2016 if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (3).◀
- (4) A person is not to be treated as not in Northern Ireland if he is –
- ¹¹(zza) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971(1), 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 Great Britain not coming within sub-paragraph (zza) or ►¹²(h)◀ who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;◀
- ¹³(zxc) a person in Great Britain 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; ►¹⁴◀
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; ►¹⁵ or◀◀
- ¹⁶(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;◀
- ¹⁷ (zxd) 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;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- ¹⁸ (zze) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023, who left Israel, the

⁹ Reg. 2(3A)(c) inserted by reg. 15(2)(b) of S.I. 2020/1372 from 31.12.20

¹⁰ Reg. 2(3B) inserted by reg. 4(a) of S.R. 2020/149 from 24.08.20

¹¹ Reg. 2(4)(zza)-(zzb) inserted by reg. 2(2) of S.R. 2021/269 from 25.09.21.

¹² Word substituted by reg. 2(2) of S.R. 2022/149 from 24.03.22.

¹³ Reg. 2(4)(zxc) inserted by reg. 2(3) of S.R. 2022/149 from 24.03.22.

¹⁴ Word omitted by reg. 2(1)(a) of S.R. 2022/230 from 18.10.22.

¹⁵ Word inserted by reg. 2(1)(b) of S.R. 2022/230 from 18.10.22.

¹⁶ Reg. 2(4)(zxc)(iii) inserted by reg. 2(1)(c) of S.R. 2022/230 from 18.10.22.

¹⁷ Reg. 2(4)(zxd) inserted by reg. 2(1) of S.R. 2023/80 from 18.05.23.

¹⁸ Reg. 2(4)(zze) inserted by reg. 2(1) of S.R. 2023/184 from 28.10.23.

West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack and—

- (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
- (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
- (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act; ◀

►¹⁹ (zzf) a person who—

- (i) was residing in a country or territory outside Northern Ireland immediately before His Majesty's Government—
 - (aa) provided public information to advise British nationals to leave that country or territory, or
 - (bb) arranged the evacuation of British nationals from that country or territory;
 - (ii) has left that country or territory and is present in Northern Ireland; and
 - (iii) has—
 - (aa) a right of abode in the United Kingdom within the meaning given in section 2 of the Immigration Act 1971,
 - (bb) no requirement of leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,
 - (cc) leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of that Act, or
 - (dd) leave on a discretionary basis outside of rules made under section 3(2) of that Act; or
- (zzg) a person who, as part of a safe and legal humanitarian immigration route, has leave to enter or remain in the United Kingdom in accordance with immigration rules made under section 3(2) of the Immigration Act 1971 or leave on a discretionary basis outside of rules; ◀

►²⁰ (za) a qualified person for the purposes of regulation 6 of the ►²¹ Immigration (European Economic Area) Regulations 2016 ◀ as a worker or self-employed person;

(zb) a family member of a person referred to in sub-paragraph (za) ►²² ◀;

(zc) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of those Regulations; ◀

►²³ (zd) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (3A)(a), provided that the relevant person of Northern Ireland falls within sub-paragraph (za), or would do so but for the fact that they are not an EEA national; ◀

►²⁴ (ze) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;

¹⁹ Reg. 2(4)(zzf)-(zzg) inserted by reg. 2(1) of S.R. 2025/136 from 19.07.25.

²⁰ Reg 2(4)(za)-(zc) substituted for Reg. 2(4)(a)-(f) by reg. 4 of S.R. 2014/133 from 31.05.14.

²¹ Words substituted by reg. 4(d) of S.R. 2019/90 as from 07.05.19

²² Words omitted by reg. 4(b) of S.R. 2020/149 as from 24.08.20

²³ Reg. 2(4)(zd) inserted by reg. 4(c) of S.R. 2020/149 from 24.08.20.

²⁴ Reg. 2(4)(ze)-(zf) inserted by reg. 60(2)(b) of S.I. 2020/1309 from 31.12.20

(zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;◀

▶²⁵ (a).....

(b).....

(c).....

(d).....

(e).....

(f).....◀

(g) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on the 31st January 1967;

▶²⁶(h) a person who has been granted leave or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971▶²⁷◀;

(hh) a person who has humanitarian protection granted under those rules; ◀▶²⁸ or◀

(i) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of their deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom; ▶²⁹◀◀

▶³⁰ (j).....

(k)..... ◀

▶³¹ (4A) Paragraph (4)(zzf) does not apply after the expiry of 6 months beginning on the day on which the public information is issued, or the evacuation is started.◀

▶³² (5) In this regulation—

“*EEA national*” has the meaning given in regulation 2(1) of the Immigration (European Economic Area) Regulations 2016;

“*family member*” has the meaning given in regulation 7(1)(a), (b) or (c) of the Immigration (European Economic Area) Regulations 2016 except that regulation 7(4) of those Regulations does not apply for the purposes of paragraphs (3B) and (4)(zd);

“*relevant person of Northern Ireland*” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971. ◀

▶³³ (6) In this regulation references to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.◀◀

²⁵ Reg 2(4)(a)-(f) omitted by reg. 4 of S.R. 2014/133 from 31.05.14.

²⁶ Reg. 2(4)(h),(hh) substituted by reg. 8(a) of S.R. 2013/246 from 29.10.13.

²⁷ Words omitted by reg. 2(4) of S.R. 2022/149 from 24.03.22.

²⁸ Word added by reg. 8(b) of S.R. 2013/246 from 29.10.13.

²⁹ Word omitted by reg. 4(a) of S.R. 2009/68 from 18.03.09.

³⁰ Reg 2(4)(j)-(k) omitted by reg. 8(c) of S.R. 2013/246 from 29.10.13.

³¹ Reg. 2(4A) inserted by reg. 2(3) of S.R. 2025/136 from 19.07.25

³² Reg. 2(5) inserted by reg. 4(d) of S.R. 2020/149 from 24.08.20

³³ Reg. 2(6) inserted by reg. 60(2)(c) of S.I. 2020/1309 from 31.12.20