

2013 No. 376
SOCIAL SECURITY

The Universal Credit Regulations 2013

Made - - - - 25th February 2013
Coming into force - - 29th April 2013

Interpretation

2. In these Regulations—

“the Act” means the Welfare Reform Act 2012;

[...]

“EEA Regulations” means the ►¹ Immigration (European Economic Area) Regulations 2016◄ ►² and references to the EEA Regulations 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. ◄

[...]

Persons treated as not being in Great Britain

9.—(1) For the purposes of determining whether a person meets the basic condition to be in Great Britain, except where that person falls within paragraph (4), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(2) A person must not be treated as being habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

(3) For the purposes of paragraph (2), a right to reside does not include a right which exists by virtue of, or in accordance with—

(a) regulation 13 of the EEA Regulations ►³◄; ►⁴◄

►⁵(aa) regulation 14 of those Regulations, but only in a case where the right exists under that regulation because the person is—

- (i) a qualified person for the purposes of regulation 6(1) of those Regulations as a jobseeker⁷, or
- (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker; or◄

¹ Words substituted by reg. 8(2) of S.I. 2019/872 as from 7.5.19
² Words inserted by reg. 75(2) of S.I. 2020/1309 as from 1.1.21
³ Words omitted by reg. 75(3)(a)(i) of S.I. 2020/1309 as from 1.1.21
⁴ Word omitted by reg. 2 of S.I. 2015/546 as from 10.6.15
⁵ Sub-paragraph (aa) inserted by reg. 2 of S.I. 2015/546 as from 10.6.15

- (b) ►⁶regulation 16◄ of the EEA Regulations, but only in a case where the right exists under that regulation because ►⁷the person◄ satisfies the criteria in ►⁸regulation 16(5)◄ of those Regulations ►⁹◄¹⁰; or◄
- ¹¹(c) a person having been granted 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 made under section 3(2) of that Act; ►¹²◄
 - (ii) 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 Act◄►¹³; 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. ◄
- ¹⁴ (3A) Paragraph (3)(c)(i) 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 EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (3)(a) or (b). ◄
- (4) A person falls within this paragraph if the person is—
- ¹⁵(za) 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);
- (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021; ◄
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a) ►¹⁶◄;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- ¹⁷ (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (3)(c)(i), provided that the relevant person of Northern Ireland falls within paragraph (4)(a), or would do so but for the fact that they are not an EEA national;◄

⁶ Words substituted by reg. 8(3)(b) of S.I. 2019/872 as from 7.5.19

⁷ Words substituted by reg. 8(3)(b) of S.I. 2019/872 as from 7.5.19

⁸ Words substituted by reg. 8(3)(b) of S.I. 2019/872 as from 7.5.19

⁹ Words omitted by reg. 75(3)(a)(ii) of S.I. 2020/1309 as from 1.1.21

¹⁰ Word inserted by reg. 8(3)(c) of S.I. 2019/872 as from 7.5.19

¹¹ Paragraph (3)(c) inserted by reg. 8(3)(d) of S.I. 2019/872 as from 7.5.19

¹² Word omitted by reg. 25(2)(a) of S.I. 2020/1372 as from 1.1.21

¹³ Sub-paragraph (iii) inserted by reg. 25(2)(b) of S.I. 2020/1372 as from 1.1.21

¹⁴ Paragraph (3A) inserted by reg. 8(2)(a) of S.I. 2020/683 as from 24.8.20

¹⁵ Sub-paragraphs (za)-(zb) inserted by reg. 3(2) of S.I. 2021/1034 as from 15.09.21.

¹⁶ Words omitted by reg. 8(2)(b) of S.I. 2020/683 as from 24.8.20

¹⁷ Sub-paragraph (ca) inserted by reg. 8(2)(a) of S.I. 2020/683 as from 24.8.20.

- ▶¹⁸ (cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
 - (cc) a family member, of a person referred to in sub-paragraph (cb), 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; ◀
 - (d) 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;
 - ▶¹⁹(e) 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 where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom;
 - (ii) leave to remain under the Destitution Domestic Violence concession; ▶²⁰◀
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005; ◀▶²¹ or
 - (iv) granted under the Afghan Citizens Resettlement Scheme; ◀
 - (f) a person who has humanitarian protection granted under those rules; or
 - (g) 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.
- ▶²² (5) In this regulation—
- “EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;
- “family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (3A) and (4)(ca);
- “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. ◀

¹⁸ Sub-paragraphs (cb)-(cc) inserted by reg. 75(3)(b) of S.I. 2020/1309 as from 1.1.21

¹⁹ Sub-paragraph (e) substituted by reg. 3(5) of S.I. 2013/1508 as from 29.10.13.

²⁰ Word omitted by reg. 3(3)(a) of S.I. 2021/1034 as from 15.09.21.

²¹ Words inserted by reg. 3(3)(b) of S.I. 2021/1034 as from 15.09.21.

²² Paragraph (5) inserted by reg. 8(2)(d) of S.I. 2020/683 as from 24.8.20