



Ministry of Housing,  
Communities &  
Local Government

**Ministry of Housing, Communities and  
Local Government**  
2 Marsham Street  
London  
SW1P 4DF

To:

All Chief Executives, Chief Housing Officers  
and Chief Officers for Children's Services of  
Local Authorities in England

Date: 8 June 2021

Dear Chief Executive, Chief Housing Officer and Chief Officer for Children's  
Services,

**ACCESS TO HOUSING UNDER PART 6 OF THE HOUSING ACT 1996 AND  
HOMELESSNESS ASSISTANCE UNDER PART 7 OF THE 1996 ACT**

**HONG KONG BRITISH NATIONAL (OVERSEAS)**

***This letter notifies local housing authorities that The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2021 (SI 2021/665) will come into force on 29 June 2021. These Regulations amend The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006/1294) in order to make a new category of persons subject to immigration control eligible for an allocation of social housing under Part 6 of the Housing Act 1996 or homelessness assistance under Part 7 of that Act.***

***Hong Kong British National (Overseas) status holders***

The Government has introduced a new immigration route for people from Hong Kong with British National (Overseas) status. This follows the imposition by the Chinese Government of a national security law on Hong Kong that restricts the rights and freedoms of the people of Hong Kong, in breach of the Sino-British Joint Declaration. The new immigration route applies to Hong Kong British National (Overseas) status holders, together with certain family members who remain part of the same household.

To give effect to the new immigration route, a new form of leave within the Immigration Rules has been created, Appendix Hong Kong British National (Overseas), which came into force on 31 January 2021: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-hong-kong-british-national-overseas>. People who qualify for the new form of

leave are able to work and study in the UK and may apply for indefinite leave to remain after 5 years.

Appendix Hong Kong British National (Overseas) leave is normally subject to a 'no recourse to public funds' ('NRPF') condition. However, changes have been made to the Immigration Rules which came into force on 6 April 2021 that allow people with such leave, who become destitute or are threatened with destitution, to apply to the Home Office to have the NRPF condition lifted, on a case-by-case basis. We estimate that the number of people who may be able to take advantage of the change in relation to destitution would number between 2,400 and 15,000 in the first five years.

*The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2021*

The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2021 (SI 2021/665) ('the Amendment Regulations') amend the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 ('the Eligibility Regulations') to take account of the April changes to the Immigration Rules.

The Amendment Regulations amend regulations 3 and 5 of the Eligibility Regulations to provide that the following persons are eligible for an allocation of social housing or homelessness assistance, namely persons:

- who have leave to enter or remain in the UK under Appendix Hong Kong British National (Overseas) of the Immigration Rules,
- whose leave is not subject to a condition requiring them to maintain and accommodate themselves, or any person dependent upon them, without recourse to public funds, and
- who are habitually resident in the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland.

**The Amendment Regulations were laid before Parliament on 8 June and will come into force on 29 June 2021.** Local housing authorities will need to ensure they take account of these Regulations when considering applications for social housing and homelessness assistance made on or after 29 June.

People with Appendix Hong Kong British National (Overseas) leave who do not have a NRPF condition attached to their leave are already eligible for Housing Benefit and Universal Credit, subject to passing the habitual residence test.

The statutory guidance on social housing allocations and homelessness assistance will be updated to reflect the provisions in the Amendment Regulations when the regulations come into force.

The Amendment Regulations are published by the Stationery Office and are available at: <http://www.legislation.gov.uk/id/uksi/2021/665>

The changes to the Immigration Rules and the Hong Kong British National (Overseas) UK National Welcome Programme have been communicated separately to local authorities and you can find further information here:

[www.gov.uk/guidance/hong-kong-uk-welcome-programme-guidance-for-local-authorities](http://www.gov.uk/guidance/hong-kong-uk-welcome-programme-guidance-for-local-authorities). The Government is also making over £30 million available to local authorities in England to provide targeted support to Hong Kong British National (Overseas) status holders who need additional English for Speakers of Other Languages and/or destitution support including support with housing costs.

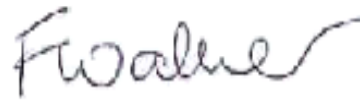
Enquiries about the Amendment Regulations should be addressed to:

- Lucy Rodger, in relation to homelessness, by email to [lucy.rodger@communities.gov.uk](mailto:lucy.rodger@communities.gov.uk)
- Frances Walker, in relation to social housing allocations, by email to [frances.walker@communities.gov.uk](mailto:frances.walker@communities.gov.uk)

Yours sincerely



**Lucy Rodger**



**Frances Walker**