Department for Communities and Local Government

To: Chief Housing Officers of Local Authorities in England

14 June 2013

Dear Chief Housing Officer

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

NATIONALS OF CROATIA TREATED AS EU 'WORKERS'

***This letter notifies chief housing officers that the** Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2013 (SI 2013/1467) were laid before Parliament today and will come into force on 1 July 2013.*

Croatia accedes to the European Union ("EU") on 1 July 2013. From that date, nationals of Croatia will enjoy the same rights of residence as other nationals of countries in the European Economic Area under European Union law and the *Immigration (European Economic Area) Regulations 2006* ("the EEA Regulations"). However, the rights of residence of Croatian nationals as workers under the EEA Regulations will be modified by the *Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013*.

In order to take account of the amendments to the EEA Regulations, the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006*) ("the Eligibility Regulations") are amended by the *Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2013*, ("the Amendment Regulations"). Those Regulations were laid before Parliament today and will come into force on 1 July 2013.

The Amendment Regulations provide that nationals of Croatia who are treated as a 'worker' for the purposes of the EEA Regulations as modified will be exempted from the requirement to be habitually resident in the UK (or wider Common Travel Area) in order to be eligible for an allocation of accommodation under Part 6 of the Housing Act 1996 or for homelessness assistance under Part 7 of the 1996 Act.

As you will be aware, the Eligibility Regulations already make provision for Bulgarian and Romanian workers who are subject to a similar authorisation scheme (that scheme ends on 31 December this year).

A certified copy of the Amendment Regulations is attached. The regulations are and Explanatory Memorandum are published by the Stationery Office and will shortly be available on their website, www.opsi.gov.uk.

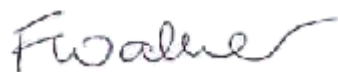A note about provision for nationals of Croatia is at the end of this letter.

Inquiries about the Amendment Regulations should be addressed to:

Frances Walker, in relation to allocations, by telephone on 0303 444 3655 or by e-mail to: frances.walker@communities.gsi.gov.uk

John Bentham, in relation to homelessness, by telephone on 0303 444 3752 or by email to: john.bentham@communities.gsi.go.uk

A copy of this letter and the draft regulations are also being sent, by e-mail, to the homelessness strategy contact in each authority.

Yours sincerely,

Frances Walker   **John Bentham**

Provision for nationals of Croatia

This note outlines the effect of the Amendment Regulations on eligibility for an allocation or for homelessness assistance. It is not a substitute for legislation, and local authorities will still need to keep up to date with developments in the law in this area.

"**The EEA Regulations**" means the *Immigration (European Economic Area) Regulations 2006*

"**The Accession Regulations**" means the *Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013*

"**The Eligibility Regulations**" means the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006*

"**The Amendment Regulations**" means the *Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2013*

Under the terms of the Accession Treaty for Croatia signed in Brussels on 9th December 2011, the UK (and all other Member States) are entitled to regulate access to their labour market by nationals of Croatia during a transitional period.

For a transitional period, the Government proposes to allow Croatian nationals access to the UK labour market only in limited circumstances. Broadly, access will be limited to those who are already working here lawfully, those who qualify to come here under the Highly Skilled Migrant Programme, and low skilled workers who obtain authorisation to work in the food processing or agriculture employment sectors (and are working in accordance with that authorisation).

The Government's policy is that European Economic Area ("EEA") nationals who are working lawfully in the UK should have access to an allocation of accommodation under Part 6 of the Housing Act 1996 and to homelessness assistance under Part 7 of the 1996 Act, in accordance with their rights under EU law.

Under **the EEA Regulations**, those Croatian nationals who have already worked lawfully in the UK for 12 months on 1 July 2013, or who enter the UK under the Highly Skilled Migrants programme, will have the same rights as other workers from the countries in the EEA. Such persons will be eligible for an allocation of accommodation or for homelessness assistance on 1 July by virtue of regulations 4(2)(a) and 6(2)(a) of **the Eligibility Regulations**.

However, **the Accession Regulations** modify worker status under the EEA Regulations for those nationals of Croatia requiring authorisation to undertake low skilled work. Consequently, **the Amendment Regulations** provide that those nationals of Croatia who are subject to worker authorisation and who are working lawfully in the UK in accordance with **the Accession Regulations** will also be exempted from the requirement to be habitually resident in the Common Travel Area in order to be eligible for an allocation or for homelessness assistance.

Since the number of Croatian nationals who will be allowed to work lawfully in the UK

during the transitional period will be limited, it is anticipated that the number of persons affected by **the Amendment Regulations** will be small.

From 1 July 2013, **the Eligibility Regulations** will apply to nationals of Croatia who come here in some other economic capacity (e.g. self employed or self-sufficient) in the same way as they apply to all other EEA nationals (subject to the modifications for workers outlined above).