



Department for Communities and Local Government

To: Chief Housing Officers of Local
Authorities in England

5 March 2014

Dear Chief Housing Officer

This letter notifies local housing authorities that The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2014 (SI 2014/435) will come into force on 31 March 2014.

These regulations (the Eligibility Amendment Regulations) are made by the Secretary of State under sections 160ZA (2) and (4), 172(4), 185 (2) and (3) and 215(2) of the Housing Act 1996 (the 1996 Act) and were laid before Parliament today.

They amend regulations 2, 3, 4, 5 and 6 of *The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006* (SI 2006 No. 1294) (the Eligibility Regulations).

Regulations 3 and 5 of the Eligibility Regulations prescribe the classes of persons subject to immigration control who are to be treated as persons from abroad who are eligible for an allocation of housing accommodation or for homelessness assistance respectively.

The Eligibility Amendment Regulations amend regulations 3 and 5 to provide that the following persons are eligible for an allocation of housing accommodation or homelessness assistance: namely, certain Afghan nationals granted leave to enter or remain in the United Kingdom under paragraph 276BA1 of the Immigration Rules, provided they are habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area).

The Government has decided to offer the opportunity to resettle in the United Kingdom to those locally engaged staff in Afghanistan who have worked in particularly dangerous and challenging roles in Helmand.

It is estimated that about 600 Afghan nationals will be eligible for resettlement under the scheme (together with their spouse or partner and dependent children, where relevant). Arrivals to the United Kingdom will be phased throughout 2014 and 2015. In order to assist those relocating to adjust to life in the United Kingdom, the Government is liaising

with local authorities to provide them with accommodation and support for the first three months, funded by central Government.

The Home Office has made changes to the Immigration Rules to provide for eligible applicants to be granted five years limited leave with recourse to public funds. The effect of the Eligibility Amendment Regulations is to ensure that those Afghan citizens who have the relevant form of leave are also eligible for social housing and homelessness assistance once they are considered to be habitually resident, which is generally after three months. This is in line with existing rules for Housing Benefit.

Regulations 4 and 6 of the Eligibility Regulations prescribe the classes of persons who are not subject to immigration control but who are to be treated as persons from abroad who are ineligible for an allocation of housing accommodation or for homelessness assistance under Parts 6 and 7 of the 1996 Act respectively.

They provide that such persons should only be eligible for an allocation of housing accommodation or homelessness assistance if they are habitually resident in the Common Travel Area. However, certain categories of person are exempted from this requirement set out at regulations 4(2) and 6(2).

The Eligibility Amendment Regulations make minor changes to regulations 4 and 6 in order to remove a number of redundant and outdated provisions which dis-apply the habitual residence test in certain specific cases.

The first change relates to nationals of Bulgaria and Romania required to be authorised to work by the Home Office under the Accession (Immigration and Worker Authorisation) Regulations 2006. The worker authorisation requirements ceased to apply from 1 January 2014 when the transitional controls regulating access to the UK labour market by nationals of Bulgaria and Romania came to an end.

The second relates to persons who left Montserrat after 1st November 1995 because of the volcanic eruption there. Given the length of time that has elapsed since the volcanic eruption, it is considered that this exemption from the habitual residence test is no longer necessary to deliver the Government's policy.

The third relates to people who left the Lebanon on or after 25 July 2006 to escape the armed conflict there. This exemption was time limited and came to an end in January 2007.

The last relates to people who left Zimbabwe and arrived in Great Britain between February 2009 and March 2011 under a Government scheme open to those over 70 years of age or with health or social care needs. This provision is now redundant.

The Eligibility Amendment Regulations are published by the Stationery Office and available on the OPSI website at: <http://www.legislation.gov.uk/2014/435>

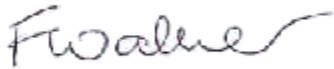
Enquiries about the Eligibility Amendment Regulations should be addressed to:

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 regulations is also being sent, by e-mail, to the homelessness strategy contact in each authority.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Frances Walker'.

Frances Walker

A handwritten signature in cursive script, appearing to read 'J. Bentham'.

John Bentham