



# Ministry of Housing, Communities & Local Government

*Ministry of Housing, Communities  
and Local Government*  
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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

18 June 2018

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 :**

### **SECTION 67 OF THE IMMIGRATION ACT 2016**

***This letter notifies local housing authorities that The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018 (SI 2018/730) will come into force on 9 July 2018.***

Section 67 of the Immigration Act 2016 (the '2016 Act') requires the Government to relocate to the UK and support a specified number of unaccompanied children from Europe. The Government is committed to ensuring that all of those transferred under section 67 of the 2016 Act are able to access what they need to start a new life in the UK and is introducing a new form of leave under the Immigration Rules: 'Section 67 of the Immigration Act 2016 leave'.

In order to take account of the changes to the Immigration Rules, the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006* (SI 2006 No. 1294) ('the Eligibility Regulations') are amended by the *Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018* ('the Amendment Regulations'). The Amendment Regulations were laid before Parliament on 18 June and will come into force on 9 July 2018.

The Amendment Regulations are made by the Secretary of State under sections 160ZA(2) and 185(2) of the Housing Act 1996 ('the 1996 Act'). They amend regulations 3 and 5 of the Eligibility Regulations which prescribe the classes of persons subject to immigration control who are to be treated as eligible for an allocation of housing accommodation or for homelessness assistance respectively.

The 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, persons who qualify for section 67 of the Immigration Act 2016

leave and have limited leave to remain under paragraph 35ZH of the Immigration Rules and are habitually resident.

Following consultation with local authorities, the Government has set the total number of children to be transferred under section 67 of the 2016 Act at 480. Over 220 children are already here and transfers are ongoing.

Those transferred under section 67 who qualify for refugee status or humanitarian protection will be eligible for social housing and homelessness assistance under regulations 3 and 5 of the Eligibility Regulations. The new Section 67 of the Immigration Act 2016 leave will be granted to those transferred under section 67 who, following an assessment of their asylum claim, do not qualify for international protection.

In keeping with the Government's commitments in the legislation, and in line with those granted refugee or humanitarian protection leave, individuals who qualify for section 67 of the Immigration Act 2016 leave will have the right to study, work, access public funds (claim benefits and housing support) and healthcare, and apply for indefinite leave to remain without paying a fee after five years.

On arrival into the UK, children transferred under section 67 will be placed into the care of local authority children's service and will have the same rights and access to services as all looked after children. Before this cohort formally leave the care of local authorities aged 16, 17 or on becoming an adult on their 18<sup>th</sup> birthday, they are expected to receive effective preparation for independence, resulting in planned, sustainable moves into supported or independent accommodation. They are not expected to be routinely treated as homeless when their care placements end, so the impact of this amendment on homelessness services should not be significant. However, there may be cases where homelessness provisions are most appropriate for some of this group and they should still be able to access these services.

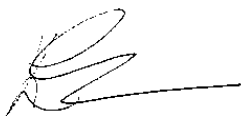
The Amendment Regulations are published by the Stationery Office and are available at: <http://www.legislation.gov.uk/uksi/2018/730/made>

Enquiries about the Amendment Regulations should be addressed to:

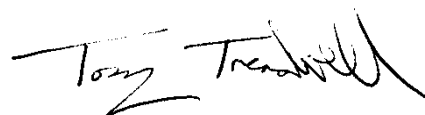
Liz Laurence, in relation to allocations, by telephone on 0303 444 4638 or by e-mail to: [liz.laurence@communities.gsi.gov.uk](mailto:liz.laurence@communities.gsi.gov.uk)

Tom Treadwell, in relation to homelessness, by telephone on 0303 444 1985 or by email to: [tom.treadwell@communities.gsi.gov.uk](mailto:tom.treadwell@communities.gsi.gov.uk)

Yours sincerely,



**Liz Laurence**



**Tom Treadwell**