



Ministry of Housing, Communities & Local Government

*Ministry of Housing, Communities
and Local Government*
Fry Building
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

11 October 2018

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

ELIGIBILITY FOR AN ALLOCATION OF SOCIAL HOUSING UNDER PART 6 AND HOMELESSNESS ASSISTANCE UNDER PART 7 OF THE HOUSING ACT 1996:

CALAIS LEAVE

This letter notifies local housing authorities that The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (No. 2) Regulations 2018 (SI 2018/1056) will come into force on 1 November 2018.

As part of the Calais migrant camp clearance in 2016, the Government transferred a number of unaccompanied asylum seeking children from France to the UK to reunite with family members. The Government is committed to ensuring that all of those transferred to reunite with their family should be able to remain in the UK and is introducing a new form of limited leave under paragraph 352J of the Immigration Rules – 'Calais leave' – for those children transferred to the UK who do not qualify for leave under the current Immigration Rules.

In order to take account of the changes to the Immigration Rules, the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006* (S.I. 2006 No. 1294) ('the Eligibility Regulations') are amended by the *Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (No. 2) Regulations 2018* ('the Amendment Regulations'). The Amendment Regulations were laid before Parliament on 11 October and will come into force on 1 November 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 Calais leave under paragraph 352J of the Immigration Rules and are habitually resident in the Common Travel Area.

The majority of the children who have been transferred from the Calais migrant camp to reunite with their family members have already been granted a form of protection leave. However, the Home Office estimate that approximately 115 children would fall to be refused under existing asylum and immigration rules.

Those transferred to the UK from the Calais camp to reunite with their families who qualify for refugee status or humanitarian protection will be eligible for social housing and homelessness assistance under regulations 3(a) and (d) and 5(1)(a) and (d) of the Eligibility Regulations. The new Calais leave will be granted to those transferred to reunite with their families who, following an assessment of their asylum claim, do not qualify for international protection.

Those with Calais leave will have the right to study, work, access public funds (including claiming welfare benefits) and healthcare. They will also have the right to apply for indefinite leave to remain after 10 years.

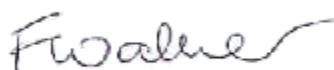
The Amendment Regulations are published by the Stationery Office and are available at: <http://www.legislation.gov.uk/id/uksi/2018/1056>

Enquiries about the Amendment Regulations should be addressed to:

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Laurence Wooldridge, in relation to homelessness, by telephone on 0303 444 4693 or by email to: laurence.wooldridge@communities.gov.uk

Yours sincerely,



Frances Walker



Laurence Wooldridge