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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the provisions of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (S.I. 2006/1294) (“the Eligibility Regulations”) which determine which persons from abroad, other than persons subject to immigration control, are ineligible for an allocation of housing accommodation under Part 6 of the Housing Act 1996 (c. 52) or for housing assistance under Part 7 of that Act. For these purposes, ‘person subject to immigration control’ has the meaning given in section 13(2) of the Asylum and Immigration Act 1996 (c. 49).

Under regulations 4 and 6 of the Eligibility Regulations, a person who is not subject to immigration control is ineligible for an allocation of social housing and for housing assistance respectively where they are not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland or their *only* right to reside in those places is—

- (a) as an EEA ‘jobseeker’ or as the ‘family member’ of an EEA jobseeker;
- (b) an initial right to reside for a period not exceeding three months under the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) (“the EEA Regulations”);
- (c) because they are a non-EEA national primary carer of an EEA dependant under the EEA Regulations.

Regulations 3(a) and 4(a) amend those provisions. The effect of the amendments is to maintain the status quo so that where a person with a right to reside of the type mentioned above is also granted limited leave to enter or remain in the United Kingdom pursuant to Appendix EU of the immigration rules, this does not affect their eligibility.

Regulations 3(b) and 4(b) amend an incorrect cross-reference to the Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003) (“the EEA Regulations 2006”). Whilst the EEA Regulations 2006 have been revoked by the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052) (“the EEA Regulations 2016”), the effect of paragraph 1 of Schedule 7 to the EEA Regulations 2016 is that references to the EEA Regulations 2006 in the Eligibility Regulations are to be read as references to the corresponding provisions of the EEA Regulations 2016.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.