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STATUTORY INSTRUMENTS

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**2022 No. 1371**

**IMMIGRATION  
HOUSING, ENGLAND  
HOUSING, SCOTLAND  
HOUSING, NORTHERN IRELAND**

The Allocation of Housing and Homelessness (Eligibility)  
(England) and Persons Subject to Immigration  
Control (Housing Authority Accommodation and  
Homelessness) (Amendment) (No. 4) Regulations 2022

*Made* - - - - *19th December 2022*  
*Laid before Parliament* *20th December 2022*  
*Coming into force* - - *30th January 2023*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 160ZA(2), 172(4), 185(2) and 215(2) of the Housing Act 1996(1) and sections 118(1), 119(1) and 166(3) of the Immigration and Asylum Act 1999(2).

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Allocation of Housing and Homelessness (Eligibility) (England) and Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) (No. 4) Regulations 2022 and come into force on 30th January 2023.

(2) Any amendment made by these Regulations has the same extent as the provision amended.

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- (1) [1996 c. 52](#). Section 160ZA was inserted by section 146(1) of the Localism Act 2011 ([c. 20](#)) and amended by [S.I. 2013/630](#). Section 185 was amended by paragraph 7(1) of Schedule 1 to the Homelessness Act 2002 ([c. 7](#)), paragraph 4 of Schedule 15 to the Housing and Regeneration Act 2008 ([c. 17](#)) and [S.I. 2013/630](#) and [2020/1309](#). See section 215(1) for the meaning of “prescribed”.
- (2) [1999 c. 33](#). Section 118(1)(b) was amended by section 43(3) of the Immigration, Asylum and Nationality Act 2006 ([c. 13](#)). Section 119 was amended by paragraph 22 of Schedule 15 to the Housing and Regeneration Act 2008 and [S.I. 2020/1309](#).

## **Amendment of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006**

2.—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006<sup>(3)</sup> are amended as follows.

(2) In regulation 3 (persons subject to immigration control who are eligible for an allocation of housing accommodation), after paragraph (n) insert—

“(o) Class O – a person who has limited leave to remain granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules<sup>(4)</sup>.”.

(3) In regulation 5(1) (persons subject to immigration control who are eligible for housing assistance), after sub-paragraph (o) insert—

“(p) Class P – a person who has limited leave to remain granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules.”.

## **Amendment of the Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000**

3.—(1) The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000<sup>(5)</sup> is amended as follows.

(2) In article 3 (housing authority accommodation—England, Scotland and Northern Ireland), after paragraph (bb) insert—

“(bc) Class BB — a person who has limited leave to remain granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules;”.

(3) In article 7(1) (homelessness—Scotland and Northern Ireland), in sub-paragraph (a), after “Class BA,” insert “Class BB,”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

*Felicity Buchan*  
Minister of State  
Department for Levelling Up, Housing and  
Communities

19th December 2022

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(3) [S.I. 2006/1294](#), amended by [S.I. 2022/601](#); there are other amending instruments but none is relevant.

(4) Laid before Parliament on 23rd May 1994 (HC395), as amended. Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery was laid before Parliament on 18th October 2022 (HC 719).

(5) [S.I. 2000/706](#), amended by [S.I. 2022/601](#); there are other amending instruments but none is relevant.

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## EXPLANATORY NOTE

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

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (S.I. 2006/1294) (“the 2006 Regulations”) and the Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000 (S.I. 2000/706) (“the 2000 Order”).

Confirmed victims of Human Trafficking or Slavery (“CVHTS”) who meet the criteria are currently granted discretionary leave outside of the Immigration Rules making them eligible for an allocation of housing and homelessness assistance in England under regulations 3(b) and 5(1)(b) of the 2006 Regulations. Article 3 of the 2000 Order grants eligibility for housing authority accommodation for CVHTS in England, Scotland and Northern Ireland, whilst article 7 provides eligibility to this cohort for homelessness accommodation and assistance in Scotland and Northern Ireland.

From 30 January 2023, CVHTS will be granted limited leave to remain where they meet the criteria set out under Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules (“the Appendix”). These Regulations are made to ensure the continued eligibility of CVHTS for an allocation of housing and homelessness assistance and housing authority accommodation.

Regulation 2 of these Regulations amends the 2006 Regulations by adding persons in receipt of limited leave to remain granted under the Appendix as an eligible class for an allocation of housing and homelessness assistance in England.

Regulation 3 of these Regulations amends Articles 3 and 7 of the 2000 order, by adding persons in receipt of limited leave to remain granted under the Appendix as an eligible class for housing authority accommodation in England, Scotland and Northern Ireland and homelessness accommodation and assistance in Scotland and Northern Ireland.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen.