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## EXPLANATORY NOTE

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

These Regulations (“the Eligibility Amendment Regulations”) provide that certain persons from abroad are ineligible for an allocation of housing accommodation under the Housing (Northern Ireland) Order 1981 (“the 1981 Order”) or for housing assistance under Part II of the Housing (Northern Ireland) Order 1988 (“the 1988 Order”). These Regulations apply to Northern Ireland only. By virtue of Article 22A(1) and (4) of the 1981 Order, the Northern Ireland Housing Executive must not allocate housing accommodation to persons who, although they are not subject to immigration control, are of a class prescribed by the Secretary of State as persons from abroad who are ineligible. Similarly, Article 7A(1) of the 1988 Order provides that a person is not eligible for housing assistance under Part II of the Order if he is a person from abroad who is ineligible for housing assistance and Article 7A(2) provides that the Secretary of State may make provision by regulations as to the descriptions of persons who, although not subject to immigration control, are to be treated as persons from abroad who are ineligible for housing assistance.

These Regulations take account of persons who have a right of residence in the United Kingdom by virtue of the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2012 (“the EEA Amendment Regulations”). Those Regulations were made by the Secretary of State for the Home Office to give effect to the judgement of the Court of Justice of the European Union in the case of C-34/09 *Gerardo Ruiz Zambrano v Office national de l’emploi (ONEm)*. The EEA Amendment Regulations confer rights of residence and entry on the primary carer of a British citizen who is residing in the United Kingdom where the denial of such a right would prevent the British citizen from being able to reside in the United Kingdom or in an EEA State. The Eligibility Amendment Regulations add persons with this right of residence to the categories of persons who are ineligible for an allocation of housing accommodation or housing assistance under regulations 3 and 4 of the Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006.

A full impact assessment has not been produced for this rule as no impact on the private or voluntary sector is foreseen