



# Housing Act 1996

## 1996 CHAPTER 52

### PART VII

#### HOMELESSNESS<sup>[F1]</sup>: ENGLAND]

##### *Eligibility for assistance*

#### **185 Persons from abroad not eligible for housing assistance.**

- (1) A person is not eligible for assistance under this Part if he is a person from abroad who is ineligible for housing assistance.
- (2) A person who is subject to immigration control within the meaning of the <sup>M1</sup>Asylum and Immigration Act 1996 is not eligible for housing assistance unless he is of a class prescribed by regulations made by the Secretary of State.
- <sup>[F1]</sup>(2A) No person who is excluded from entitlement to <sup>[F2]</sup>universal credit or] housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) shall be included in any class prescribed under subsection (2).]
- (3) The Secretary of State may make provision by regulations as to other descriptions of persons who are to be treated for the purposes of this Part as persons from abroad who are ineligible for housing assistance.
- (4) A person from abroad who is not eligible for housing assistance shall be disregarded in determining for the purposes of this Part whether <sup>[F3]</sup>a person falling within subsection (5)] —
  - (a) is homeless or threatened with homelessness, or
  - (b) has a priority need for accommodation.
- <sup>[F4]</sup>(5) A person falls within this subsection if the person—
  - (a) falls within a class prescribed by regulations made under subsection (2); but
  - (b) is not a national of an EEA State or Switzerland.]

*Status: Point in time view as at 26/01/2019.*

*Changes to legislation: Housing Act 1996, Cross Heading: Eligibility for assistance is up to date with all changes known to be in force on or before 14 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F1** S. 185(2A) substituted (26.2.2002) by 2002 c. 7, s. 18(2), **Sch. 1 para. 7(1)** (with s. 20(4))
- F2** Words in s. 185(2A) inserted (29.4.2013) by **The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013** (S.I. 2013/630), regs. 1(2), **12(5)**
- F3** Words in s. 185(4) substituted (2.3.2009 for specified purposes) by **Housing and Regeneration Act 2008** (c. 17), s. 325(1), **Sch. 15 para. 4(2)**; S.I. 2009/415, art. 2
- F4** S. 185(5) inserted (2.3.2009 for specified purposes) by **Housing and Regeneration Act 2008** (c. 17), s. 325(1), **Sch. 15 para. 4(3)**; S.I. 2009/415, art. 2

### Modifications etc. (not altering text)

- C1** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**
- C2** S. 185 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by **Wales Act 2017** (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

### Commencement Information

- I1** S. 185 wholly in force at 20.1.1997: s. 185 not in force at Royal Assent, see s. 232(1)-(3); s. 185(2)(3) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**; s. 185 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

### Marginal Citations

- M1** 1996 c. 49.

## 186 Asylum-seekers and their dependants.

- (1) An asylum-seeker, or a dependant of an asylum-seeker who is not by virtue of section 185 a person from abroad who is ineligible for housing assistance, is not eligible for assistance under this Part if he has any accommodation in the United Kingdom, however temporary, available for his occupation.
- (2) For the purposes of this section a person who makes a claim for asylum—
  - (a) becomes an asylum-seeker at the time when his claim is recorded by the Secretary of State as having been made, and
  - (b) ceases to be an asylum-seeker at the time when his claim is recorded by the Secretary of State as having been finally determined or abandoned.
- (3) For the purposes of this section a person—
  - (a) becomes a dependant of an asylum-seeker at the time when he is recorded by the Secretary of State as being a dependant of the asylum-seeker, and
  - (b) ceases to be a dependant of an asylum-seeker at the time when the person whose dependant he is ceases to be an asylum-seeker or, if it is earlier, at the time when he is recorded by the Secretary of State as ceasing to be a dependant of the asylum-seeker.
- (4) In relation to an asylum-seeker, “dependant” means a person—
  - (a) who is his spouse or a child of his under the age of eighteen, and
  - (b) who has neither a right of abode in the United Kingdom nor indefinite leave under the <sup>M2</sup>Immigration Act 1971 to enter or remain in the United Kingdom.
- (5) In this section a “claim for asylum” means a claim made by a person that it would be contrary to the United Kingdom’s obligations under the Convention relating to

*Status: Point in time view as at 26/01/2019.*

*Changes to legislation: Housing Act 1996, Cross Heading: Eligibility for assistance is up to date with all changes known to be in force on or before 14 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention for him to be removed from, or required to leave, the United Kingdom.

**Modifications etc. (not altering text)**

- C3** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art. 2\(1\)](#)  
**C4** Savings for effects of [1999 c. 33](#), [ss. 117\(5\)](#), [169\(3\)](#), [170\(4\)](#), Sch. 16 (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), Sch. 2 para. 2; [S.I. 2015/1272](#) (with art. 5)

**Marginal Citations**

- M2** [1971 c. 77](#).

**187 Provision of information by Secretary of State.**

- (1) The Secretary of State shall, at the request of a local housing authority [<sup>F5</sup>in England], provide the authority with such information as they may require—
- (a) as to whether a person is [<sup>F6</sup>a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies], or a dependant of an asylum-seeker, and
  - (b) to enable them to determine whether such a person is eligible for assistance under this Part under section 185 (persons from abroad not eligible for housing assistance).
- (2) Where that information is given otherwise than in writing, the Secretary of State shall confirm it in writing if a written request is made to him by the authority.
- (3) If it appears to the Secretary of State that any application, decision or other change of circumstances has affected the status of a person about whom information was previously provided by him to a local housing authority under this section, he shall inform the authority in writing of that fact, the reason for it and the date on which the previous information became inaccurate.

**Textual Amendments**

- F5** Words in s. 187(1) inserted (27.4.2015) by [Housing \(Wales\) Act 2014](#) (anaw 7), s. 145(3), [Sch. 3 para. 9](#); [S.I. 2015/1272](#), [art. 2](#), [Sch. para. 53](#) (with art. 7)  
**F6** Words in s. 187(1)(a) substituted (3.4.2000) by [1999 c. 33](#), [s. 117\(6\)](#); [S.I. 2000/464](#), [art. 2](#), [Sch.](#)

**Modifications etc. (not altering text)**

- C5** Ss. 183-218 modified (3.4.1997) by [S.I. 1997/797](#), [art. 2\(1\)](#)

**Status:**

Point in time view as at 26/01/2019.

**Changes to legislation:**

Housing Act 1996, Cross Heading: Eligibility for assistance is up to date with all changes known to be in force on or before 14 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.