
EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes, in so far as they extend to England, Scotland or Northern Ireland, all extant Orders made under section 9 of the Asylum and Immigration Act 1996 (article 10). Sections 118 and 119 of the Immigration and Asylum Act 1999 replace section 9 of the 1996 Act. This Order specifies classes of persons subject to immigration control for the purposes of section 118 (articles 3 to 6) and section 119 (articles 7 to 9).

Section 118 of the Immigration and Asylum Act 1999 requires a housing authority, so far as practicable, to secure that a tenancy of, or licence to occupy, housing accommodation provided under the accommodation provisions is not granted to a person subject to immigration control unless he is of a class specified in an order made by the Secretary of State. The accommodation provisions are, in relation to England, Part II of the Housing Act 1985, in relation to Scotland, Part I of the Housing (Scotland) Act 1987 and, in relation to Northern Ireland, Part II of the Housing (Northern Ireland) Order 1981. There is an exception in the case of a tenancy of, or licence to occupy, such accommodation granted in accordance with arrangements made under section 95 of the 1999 Act (support for asylum-seekers: persons for whom support may be provided).

Section 119 of the 1999 Act provides that a person who is subject to immigration control is not eligible for accommodation or homelessness assistance, in Scotland or Northern Ireland, unless he is of a class specified in an order made by the Secretary of State.

The classes in this Order are similar to those in the Orders made under section 9 of the 1996 Act. The main changes are as follows:

- (a) The class of persons, who may be granted housing authority accommodation in England and Scotland and who are eligible for homelessness assistance in Scotland, concerning persons who have current unconditional leave to enter or remain in the United Kingdom, has been amended. Those persons must be habitually resident in the Common Travel Area and certain sponsored immigrants are excluded (articles 3(c) and 7(1)(a)). These qualifications continue to apply to Northern Ireland.
- (b) There is a new class of persons, who may be granted housing authority accommodation in England, Scotland and Northern Ireland and who are eligible for homelessness assistance in Scotland and Northern Ireland, comprising persons who left Montserrat because of the volcanic eruption (articles 3(d) and 7(1)(a)).
- (c) There are new classes of persons, who may be granted housing authority accommodation, concerning students in England (article 4(1)(e)), secure tenants in Scotland (article 6(a)) and persons owed certain duties under homelessness legislation in Scotland and Northern Ireland (articles 5(b) and 6(b)).
- (d) The class of persons, who may be granted housing authority accommodation in England, Scotland and Northern Ireland and who are eligible for homelessness assistance in Scotland and Northern Ireland, concerning nationals of states which are signatories to the European Convention on Social and Medical Assistance or the European Social Charter, has been amended. It is limited to only nationals of states which have ratified that Convention or that Charter (articles 3(e) and 7(1)(a)).
- (e) The class of persons, who are eligible for homelessness assistance in Scotland and Northern Ireland, concerning persons entitled to income-based jobseeker's allowance or income support, has been amended to exclude those who are so entitled by virtue of being

Changes to legislation: There are currently no known outstanding effects for the *The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000*. (See end of Document for details)

temporarily without funds during a period of limited leave to enter or remain in the United Kingdom (articles 8(1)(a) and 9(1)(a)).

- (f) The class of persons, who are eligible for homelessness assistance in Scotland, concerning persons who claimed asylum within three months of a declaration by the Secretary of State concerning their country of origin, has been amended so that it is limited to those who were in Great Britain at the time the declaration was made (article 9(1)(b)).
- (g) The class of persons, who are eligible for homelessness assistance in Scotland and Northern Ireland, concerning asylum-seekers, has been amended so that it applies only to those whose asylum claim was made, and recorded by the Secretary of State, on or before 2nd April 2000 (see the definition of “asylum-seeker” in article 2).

There are other minor and drafting changes.

This Order does not extend to Wales. Article 4 extends to England only. Articles 5 and 8 extend to Northern Ireland only. Articles 6 and 9 extend to Scotland only. Article 7 extends to Scotland and Northern Ireland only.

Command Papers 2643, 3906, 9171 and 9512, referred to in this Order, are out of print but photocopies of these documents can be obtained by The Stationery Office from the British Lending Library Division (BLLD). Customers, unless already registered with BLLD, should order photocopies from The Photocopying Unit, The Stationery Office, 9 Elms Lane, London SW8 5DR, enclosing the appropriate payment for the copies required. The current cost of each complete copy of Command Paper 2643, 3906 or 9512 is £6.00 and the current cost of each complete copy of Command Paper 9171 is £12.00. Cheques should be made payable to “The Stationery Office”.

Changes to legislation:

There are currently no known outstanding effects for the The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000.