
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (S.I. 2006/1294). The amendments ensure that certain persons who were residing in Sudan before 15th April 2023 and left Sudan in connection with the violence which rapidly escalated in Khartoum and across Sudan on that date are eligible for an allocation of housing accommodation and for housing assistance in England. Such a person subject to immigration control will be eligible if they have been given leave to enter or remain in the United Kingdom in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971 (c. 77), provided that their leave is not subject to the condition that there must be ‘no recourse to public funds’ and that their leave was not granted because of a maintenance undertaking which is still applicable. The amendments also exempt persons leaving Sudan in those circumstances who are not subject to immigration control, but are usually subject to the habitual residence test, from that test.

Regulation 3 of these Regulations amends the Persons subject to Immigration Control (Housing Authority and Accommodation and Homelessness) Order 2000 (S.I. 2000/706). Those amendments enable housing authorities in England, Scotland and Northern Ireland to provide housing accommodation under the accommodation provisions in s. 118 of the Immigration and Asylum Act 1999 (c. 33) to those persons subject to immigration control referred to above. They also enable housing authorities in Scotland and Northern Ireland to provide homelessness assistance to those persons.

A full Regulatory Impact Assessment has not been prepared for this instrument because the impact on business is not likely to be significant.