

2024 No. 647

HOUSING, ENGLAND

HOUSING, SCOTLAND

HOUSING, NORTHERN IRELAND

IMMIGRATION, ENGLAND

IMMIGRATION, SCOTLAND

IMMIGRATION, NORTHERN IRELAND

**The Allocation of Housing and Homelessness (Eligibility)
(England) and Persons Subject to Immigration Control (Housing
Authority Accommodation and Homelessness) (Amendment)
Regulations 2024**

Made - - - - *15th May 2024*

Laid before Parliament *17th May 2024*

Coming into force in accordance with regulation 1(1)

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

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) Regulations 2024 and come into force 21 days after the date on which they are laid.

(2) This regulation extends to England and Wales, Scotland and Northern Ireland.

(3) The amendments made by regulations 2 and 3 have the same extent as the provisions which they amend.

(a) 1996 c. 52; section 160ZA was inserted by section 146(1) of the Localism Act 2011 (c. 20). See section 215(1) for the meaning of “prescribed” in section 185(2) and (3).

(b) 1999 c. 33; section 119(1) was amended by paragraph 22 of Schedule 15 to the Housing and Regeneration Act 2008 (c. 17).

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

2.—(1) The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006(a) are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “the Accession Regulations 2013”.

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

“(r) Class R — a person (P) who has indefinite leave to enter the United Kingdom by virtue of Appendix Victim of Domestic Abuse of the Immigration Rules(b) in circumstances where P is a victim of transnational marriage abandonment(c);

(s) Class S— a person who has limited leave to enter or limited leave to remain in the United Kingdom and who, after making a change of conditions application, has had their no recourse to public funds condition lifted by the Home Office in accordance with section 3(1)(c)(ii) of the Immigration Act 1971(d), and is not a person within Class F or Class K in this regulation.”.

(4) In regulation 4 (other persons from abroad who are ineligible for an allocation of housing accommodation), omit paragraph (2)(c).

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

“(s) Class S— a person (P) who has indefinite leave to enter the United Kingdom by virtue of Appendix Victim of Domestic Abuse of the Immigration Rules in circumstances where P is a victim of transnational marriage abandonment;

(t) Class T— a person who has limited leave to enter or limited leave to remain in the United Kingdom and who, after making a change of conditions application, has had their no recourse to public funds condition lifted by the Home Office in accordance with section 3(1)(c)(ii) of the Immigration Act 1971, and who does not fall within Class G or Class L in this regulation.”.

(6) In regulation 6 (other persons from abroad who are ineligible for housing assistance), omit paragraph (2)(c).

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(e) is amended as follows.

(2) In article 2 (interpretation), omit the definition of “the Accession Regulations”.

(3) In article 3 (housing authority accommodation – England, Scotland and Northern Ireland)—

(a) in paragraph (a), after “Convention” insert “and who has leave to enter or remain in the United Kingdom”;

(b) in paragraph (h)(ii)—

(i) in paragraph (bb), omit “or”;

(a) S.I. 2006/1294; relevant amending instruments are S.I. 2006/2007, 2527, 2009/358, 2013/1467, 2014/435, 2016/965, 2018/730, 1056, 2019/861, 2020/667, 1309, 2021/665, 1045, 2022/339, 601, 1371, 2023/530, 1142.

(b) See regulation 2(1) of S.I. 2006/1294 for the meaning of “the Immigration Rules”.

(c) The features of transnational marriage abandonment are defined and set out in pages 23-25 of the following guidance: <https://assets.publishing.service.gov.uk/media/660eba8f63b7f8001fde18ba/Appendix+Victim+of+Domestic+Abuse.pdf>. A hard copy can be obtained from the Homelessness and Policy Team, Department for Levelling Up, Housing and Communities, 2 Marsham Street, London SW1P 3DF.

(d) 1971 c. 77; section 3(1)(c) was substituted by paragraph 1 of Schedule 2 to the Asylum and Immigration Act 1996 (c. 49).

(e) S.I. 2000/706; relevant amending instruments are S.I. 2006/2521, 2008/1768, 2018/729, 2020/825, 2021/1045, 2022/242, 339, 601, 1371, 2023/530, 1142.

- (ii) omit paragraph (cc);
- (c) after paragraph (o) insert—
 - “(p) Class FJ—a person (P) who has indefinite leave to enter the United Kingdom by virtue of Appendix Victim of Domestic Abuse of the immigration rules^(a) in circumstances where P is a victim of transnational marriage abandonment;
 - (q) Class FK—a person who has limited leave to enter or limited leave to remain in the United Kingdom and who, after making a change of conditions application, has had their no recourse to public funds condition lifted by the Home Office in accordance with section 3(1)(c)(ii) of the Immigration Act 1971, and who does not fall within Class FE or Class FG in this regulation.”.
- (4) In article 7(1) (homelessness – Scotland and Northern Ireland), in sub-paragraph (a)—
 - (a) for “3(g) to (o)” substitute “3(g) to (q)”;
 - (b) for “and Class FI” substitute “, Class FI, Class FJ and Class FK”.

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

15th May 2024

Felicity Buchan
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations makes a number of changes to the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (S.I. 2006/1294) (“the Eligibility Regulations”).

Regulation 2(3) and (5) adds two new classes of persons subject to immigration control who are eligible for an allocation of housing and homelessness assistance respectively. The first new class makes eligible a person who is a victim of transnational marriage abandonment. The second new class makes eligible a person whose leave would ordinarily have a no recourse to public funds condition applied, but that condition has been lifted by the Home Office. For each new class, such a person subject to immigration control will be eligible, whether or not they satisfy the habitual residence test.

Regulation 2(2), (4) and (6) omits references to the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460) which are redundant now that the accession period (the period beginning with 1st July 2013 and ending with 30th June 2018) has come to an end.

Regulation 3(3)(c) and (4) makes equivalent changes to those to regulations 2(3) and (5) in the relevant provisions in the Persons subject to Immigration Control (Housing Authority and Accommodation and Homelessness) Order 2000 (S.I. 2000/706) (“the PSIC Order”). These amendments enable housing authorities in England, Scotland and Northern Ireland to provide housing accommodation under the accommodation provisions in section 118 of the Immigration and Asylum Act 1999 (c. 33) to those classes of person from abroad who are subject to immigration control referred to above, whether or not they satisfy the habitual residence test. They also enable housing authorities in Scotland and Northern Ireland to provide homelessness assistance to such classes of persons, whether or not they satisfy the habitual residence test.

^(a) See article 2 of S.I. 2000/706 for the meaning of “the immigration rules”.

Regulation 3(3)(a) amends Class A in the PSIC Order to make it consistent with Class A in the Eligibility Regulations. The effect of the change is to prevent individuals who are subject to a deportation order but have not yet had their refugee status revoked from accessing housing or homelessness assistance.

In addition, regulation 3(2) and (3)(b) makes equivalent amendments to regulations 2(2), (4) and (6).

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

© Crown copyright 2024

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£5.78

<http://www.legislation.gov.uk/id/uksi/2024/647>

ISBN 978-0-34-826160-8



9 780348 261608