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WELSH STATUTORY  
INSTRUMENTS

**2021 Rhif 1147 (Cy. 282)**

**2021 No. 1147 (W. 282)**

## TAI, CYMRU

## HOUSING, WALES

Rheoliadau Dyrannu Tai a  
Digartrefedd (Cymhwysra)  
(Cymru) (Diwygio) (Rhif 2) 2021

The Allocation of Housing and  
Homelessness (Eligibility) (Wales)  
(Amendment) (No. 2) Regulations  
2021

### NODYN ESBONIADOL

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

O dan adran 160A(3) o Ddeddf Tai 1996 (p. 52) (“Deddf 1996”), mae person sy’n ddarostyngedig i reolaeth fewnfudo yn anghymwys i gael dyraniad o lety tai gan awdurdod lleol oni bai ei fod yn dod o fewn dosbarth o bersonau a ragnodir mewn rheoliadau a wneir gan Weinidogion Cymru. O dan adran 160A(5) caiff Gweinidogion Cymru ragnodi dosbarthau o bersonau sydd, er nad ydynt yn ddarostyngedig i reolaeth fewnfudo, yn anghymwys i gael dyraniad o lety tai.

O dan baragraff 1(2) o Atodlen 2 i Ddeddf Tai (Cymru) 2014 (dccc 7) (“Deddf 2014”), mae person sy’n ddarostyngedig i reolaeth fewnfudo yn anghymwys i gael cymorth tai o dan Bennod 2 o Ran 2 o'r Ddeddf honno oni bai ei fod yn dod o fewn dosbarth o bersonau a ragnodir mewn rheoliadau gan Weinidogion Cymru (neu'r Ysgrifennydd Gwladol). O dan baragraff 1(4) caiff Gweinidogion Cymru (neu'r Ysgrifennydd Gwladol) ragnodi dosbarthau o bersonau sydd, er nad ydynt yn ddarostyngedig i reolaeth fewnfudo, yn anghymwys i gael cymorth tai.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) 2014 (O.S. 2014/2603 (Cy. 257)) (“Rheoliadau 2014”) sy’n gwneud darpariaeth ar gyfer pa bersonau sy’n ddarostyngedig i reolaeth fewnfudo sy’n gymwys i gael dyraniad o lety tai ac i gael cymorth tai. Mae Rheoliadau 2014 hefyd yn gwneud darpariaeth o ran personau nad ydynt yn ddarostyngedig i reolaeth fewnfudo ond sy’n anghymwys i gael dyraniad o lety tai a chymorth digartrefedd.

### EXPLANATORY NOTE

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

Under section 160A(3) of the Housing Act 1996 (c. 52) (“the 1996 Act”), a person who is subject to immigration control is ineligible for an allocation of housing accommodation by a local authority unless they come within a class of persons prescribed in regulations made by the Welsh Ministers. Under section 160A(5) the Welsh Ministers can prescribe classes of persons who, whilst not subject to immigration control, are ineligible for an allocation of housing accommodation.

Under paragraph 1(2) of Schedule 2 to the Housing (Wales) Act 2014 (anaw 7) (“the 2014 Act”), a person who is subject to immigration control is ineligible for housing assistance under Chapter 2 of Part 2 of that Act unless they come within a class of persons prescribed in regulations by the Welsh Ministers (or the Secretary of State). Under paragraph 1(4) the Welsh Ministers (or the Secretary of State) can prescribe classes of persons who, whilst not subject to immigration control, are ineligible for housing assistance.

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (S.I. 2014/2603 (W. 257)) (“the 2014 Regulations”) which make provision for which persons, subject to immigration control are eligible for an allocation of housing accommodation and for housing assistance. The 2014 Regulations also make provision in regard to persons who are not subject to immigration control but are ineligible for an allocation of housing accommodation and homelessness assistance.

Mae rheoliad 3 yn diwygio rheoliad 3 o Reoliadau 2014 sy'n ymwneud â chymhwystra personau sy'n ddarostyngedig i reolaeth fewnfudo i gael dyraniad o lety tai o dan Ddeddf 1996. Mae'n rhagnodi dau ddsbarth ychwanegol o bersonau ("Dosbarth J" a "Dosbarth K") sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai o dan Ddeddf 1996.

Mae Dosbarth J yn gymwys i bersonau penodol sydd â chaniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi o dan Atodiad Gwladolyn Prydeinig (Tramor) Hong Kong o'r Rheolau Mewnfudo pan nad oes amod "heb ddibynnu ar gronfeydd cyhoeddus" yn gysylltiedig â'r math o ganiatâd sydd gan y person a phan fo'r person yn preswyllo fel arfer yn yr 'Ardal Deithio Gyffredin' (y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon). Mae Dosbarth K yn gymwys i bersonau y rhoddyd caniatâd iddynt o dan gynlluniau neu bolisiâu penodol sy'n ymwneud ag Affganistan. Mae hefyd yn gymwys i bersonau penodol yn y Deyrnas Unedig a adawodd Affganistan oherwydd cwmp Llywodraeth Affganistan.

Mae rheoliad 4 yn diwygio rheoliad 4(2) o Reoliadau 2014 i ddarparu bod personau penodol nad ydynt yn ddarostyngedig i reolaeth fewnfudo ond y byddent yn anghymwys i gael dyraniad o lety tai oherwydd nad ydynt yn preswyllo fel arfer yn yr Ardal Deithio Gyffredin yn gymwys i gael dyraniad o lety tai. Y personau y mae'r diwygiad hwn yn gymwys iddynt yw'r rheini a adawodd Affganistan oherwydd cwmp Llywodraeth Affganistan.

Mae rheoliad 5 yn diwygio rheoliad 5(1) o Reoliadau 2014 sy'n ymwneud â chymhwystra personau sy'n ddarostyngedig i reolaeth fewnfudo i gael cymorth tai o dan Ddeddf 2014. Mae'n rhagnodi dau ddsbarth ychwanegol o bersonau ("Dosbarth K" a "Dosbarth L") sy'n gymwys i gael cymorth o'r fath. Mae'r dosbarthau hyn yn cyfateb i Ddosbarth J a Dosbarth K a fewnosodir gan reoliad 3.

Mae rheoliad 6 yn diwygio rheoliad 6(2) o Reoliadau 2014 fel bod personau penodol nad ydynt yn ddarostyngedig i reolaeth fewnfudo, ond y byddent wedi eu heithrio rhag cael cymorth tai oherwydd nad ydynt yn preswyllo fel arfer yn yr Ardal Deithio Gyffredin, yn gymwys. Y personau y mae'r diwygiad hwn yn gymwys iddynt yw'r un personau â'r rheini a fewnosodir gan reoliad 4.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd aseidiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ ac ar wefan Llywodraeth Cymru ar [www.llyw.cymru](http://www.llyw.cymru).

Regulation 3 amends regulation 3 of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for an allocation of housing accommodation under the 1996 Act. It prescribes two additional classes of persons ("Class J" and "Class K") subject to immigration control who are eligible for an allocation of housing accommodation under the 1996 Act.

Class J applies to certain persons with limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British National (Overseas) of the Immigration Rules where the person does not have a "no recourse to public funds" condition attached to their form of leave and where the person is habitually resident in the 'Common Travel Area' (the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland). Class K applies to persons who have been granted leave under certain schemes or policies that relate to Afghanistan. It also applies to certain persons in the United Kingdom who left Afghanistan because of the collapse of the Afghan government.

Regulation 4 amends regulation 4(2) of the 2014 Regulations to provide that certain persons who are not subject to immigration control but would be ineligible for an allocation of housing accommodation due to not being habitually resident in the Common Travel Area are eligible for an allocation of housing accommodation. The persons to whom this amendment applies are those who left Afghanistan because of the collapse of the Afghan government.

Regulation 5 amends regulation 5(1) of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for housing assistance under the 2014 Act. It prescribes two additional classes of persons ("Class K" and "Class L") who are eligible for such assistance. These classes are equivalent to Class J and Class K inserted by regulation 3.

Regulation 6 amends regulation 6(2) of the 2014 Regulations so that certain persons who are not subject to immigration control, but would be excluded from housing assistance due to not being habitually resident in the Common Travel Area, are eligible. The persons to whom this amendment applies are the same as those inserted by regulation 4.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ and on the Welsh Government's website at [www.gov.wales](http://www.gov.wales).

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**TAI, CYMRU**

**HOUSING, WALES**

**Rheoliadau Dyrannu Tai a  
Digartrefedd (Cymhwysra)  
(Cymru) (Diwygio) (Rhif 2) 2021**

**The Allocation of Housing and  
Homelessness (Eligibility) (Wales)  
(Amendment) (No. 2) Regulations  
2021**

*Gwnaed* 13 Hydref 2021

*Made* 13 October 2021

*Yn dod i rym* 15 Hydref 2021

*Coming into force* 15 October 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 160A(3) a (5) a 172(4)(1) o Ddeddf Tai 1996(2) ac adran 142(2)(a) a (b) Ddeddf Tai (Cymru) 2014(3) a pharagraff 1(2) a (4) o Atodlen 2 iddi.

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 160A(3) and (5) and 172(4)(1) of the Housing Act 1996(2) and section 142(2)(a) and (b) of, and paragraph 1(2) and (4) of Schedule 2 to, the Housing (Wales) Act 2014(3).

Yn unol ag adran 142(3)(b)(ii) o Ddeddf Tai (Cymru) 2014, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(4).

In accordance with section 142(3)(b)(ii) of the Housing (Wales) Act 2014, a draft of these Regulations has been laid before and approved by a resolution of Senedd Cymru(4).

**Enwi a chychwyn**

**1.** Enw'r Rheoliadau hyn yw Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) (Diwygio) (Rhif 2) 2021 a deuant i rym ar 15 Hydref 2021.

**Title and commencement**

**1.** The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) (No. 2) Regulations 2021 and they come into force on 15 October 2021.

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- (1) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 160A(3) a (5) a 172(4) o Ddeddf Tai 1996 (p. 52), i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), a'r cofnod mewn perthynas â'r Ddeddf honno yn Atodlen 1, fel y'i darllenir yn unol ag adran 17(1) o Ddeddf Digartrefedd 2002 (p. 7). Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).
- (2) 1996 p. 52. Mewnosodwyd adran 160A gan adran 14(2) o Ddeddf Digartrefedd 2002; diwygiwyd is-adrannau (3) a (5) gan adran 146(2)(d) ac (e) yn y drefn honno o Ddeddf Lleoliaeth 2011 (p. 20).
- (3) 2014 decc 7.
- (4) Gweler hefyd adran 40 o Ddeddf Deddfwriaeth (Cymru) 2019 (decc 4) am ddarpariaeth ynghylch y weithdrefn sy'n gymwys i'r offeryn hwn.

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- (1) The functions of the Secretary of State under sections 160A(3) and (5) and 172(4) of the Housing Act 1996 (c. 52) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and the entry in relation to that Act in Schedule 1, as read in accordance with section 17(1) of the Homelessness Act 2002 (c. 7). Those functions were subsequently transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (2) 1996 c. 52. Section 160A inserted by the Homelessness Act 2002, section 14(2); subsections (3) and (5) amended by the Localism Act 2011 (c. 20), section 146(2)(d) and (e) respectively.
- (3) 2014 anaw 7.
- (4) See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

## Diwygio Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) 2014

2. Mae Rheoliadau Dyrannu Tai a Digartrefedd (Cymhwysra) (Cymru) 2014(1) wedi eu diwygio fel a ganlyn.

### Diwygiadau i reoliad 3

3. Yn rheoliad 3 (personau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael dyraniad o lety tai)—

- (a) hepgorer yr “ac” ar ôl paragraff (h);
- (b) ar ddiwedd paragraff (i), yn lle “.” rhodder “;”;
- (c) ar ôl paragraff (i) mewnosoder—
  - “(j) Dosbarth J – person—
    - (i) sydd â chaniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn rhinwedd Atodiad Gwladolyn Prydeinig (Tramor) Hong Kong o'r Rheolau Mewnfudo(2);
    - (ii) nad yw ei ganiatâd i ddod i mewn neu i aros yn ddarostyngedig i amod sy'n ei gwneud yn ofynnol i'r person hwnnw ei gynnal a'i letya ei hun, ac unrhyw berson sy'n ddibynnol arno, heb ddibynnu ar gronfeydd cyhoeddus; a
    - (iii) sy'n preswyllo fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon; a
  - (k) Dosbarth K – person—
    - (i) y rhoddir caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn unol â'r Rheolau Mewnfudo(3), pan roddir caniatâd o'r fath yn rhinwedd—
      - (aa) Polisi Adleoli a Chymorth Affganistan; neu

## Amendment of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

2. The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014(1) are amended as follows.

### Amendments to regulation 3

3. In regulation 3 (persons subject to immigration control who are eligible for an allocation of housing accommodation)—

- (a) omit the “and” after paragraph (h);
- (b) at the end of paragraph (i), for “.” substitute “;”;
- (c) after paragraph (i) insert—
  - “(j) Class J – a person—
    - (i) who has limited leave to enter or remain in the United Kingdom by virtue of Appendix Hong Kong British National (Overseas) of the Immigration Rules(2);
    - (ii) whose leave to enter or remain is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds; and
    - (iii) who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland; and
  - (k) Class K – a person—
    - (i) who is granted leave to enter or remain in the United Kingdom in accordance with the Immigration Rules(3), where such leave is granted by virtue of—
      - (aa) the Afghan Relocations and Assistance Policy; or

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(1) O.S. 2014/2603 (Cy. 257), (fel y'i harbedwyd ac y'i haddaswyd gan erthygl 5 o O.S. 2015/1272 (Cy. 88) (C. 73)), a ddiwygiwyd gan O.S. 2017/698 (Cy. 164), 2019/1041 (Cy. 183), 2019/1149 (Cy. 199), rheoliad 76 o 2020/1309, a ddiwygiwyd gan reoliad 26 o 2020/1372 ac a ddiwygiwyd gan 2021/353 (Cy. 105).

(2) Gosodwyd gerbron Senedd y DU ar 23 Mai 1994 (HC 395), fel y'u diwygiwyd. Gosodwyd Atodiad Gwladolyn Prydeinig (Tramor) Hong Kong gerbron Senedd y DU ar 22 Hydref 2020 (HC 813) ac fe'i diwygiwyd wedi hynny gan y datganiad o newidiadau i'r Rheolau Mewnfudo: HC 1248 a osodwyd gerbron Senedd y DU ar 4 Mawrth 2021.

(3) Gweler Rhan 7 o'r Rheolau Mewnfudo. Mae'r cynllun wedi ei gynnwys yn Rheolau 276BA1- 276BS2.

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(1) S.I. 2014/2603 (W. 257) (as saved and modified by S.I. 2015/1272 (W. 88) (C. 73), article 5), amended by S.I. 2017/698 (W. 164), 2019/1041 (W. 183), 2019/1149 (W. 199), 2020/1309 regulation 76, amended by 2020/1372 regulation 26 and amended by 2021/353 (W. 105).

(2) Laid before Parliament on 23 May 1994 (HC 395), as amended. Appendix Hong Kong British National (Overseas) was laid before Parliament on 22 October 2020 (HC 813) and was subsequently amended by the statement of changes to the Immigration Rules: HC 1248 which was laid before Parliament on 4 March 2021.

(3) See Part 7 of the Immigration Rules. The scheme is contained in Rules 276BA1- 276BS2.

- (bb) y cynllun blaenorol ar gyfer staff a gyflogir neu a gyflogwyd yn lleol yn Affganistan (y cyfeirir ato weithiau fel y cynllun ex-gratia); neu
- (ii) y rhoddwyd caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi nad yw'n dod o fewn is-baragraff (i), a adawodd Affganistan mewn cysylltiad â chwymp Llywodraeth Affganistan a ddigwyddodd ar 15 Awst 2021, ond gan eithrio person (P)—
- (aa) sy'n ddarostyngedig i amod sy'n ei gwneud yn ofynnol i P ei gynnal a'i letya ei hun, ac unrhyw berson sy'n ddibynnol ar P, heb ddibynnu ar gronfeydd cyhoeddus; neu
- (bb) y rhoddwyd caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn dilyn ymgymeriad a roddwyd gan noddwr P ac a fu'n preswyllo yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon am lai na phum mlynedd gan ddechrau ar y dyddiad y daeth i mewn neu ar y dyddiad y rhoddodd noddwr P yr ymgymeriad mewn cysylltiad â P, pa bynnag ddyddiad yw'r diweddaraf, ac y mae ei noddwr neu, pan fo mwy nag un noddwr, o leiaf un o'i noddwyr, yn dal yn fyw.”
- (bb) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme); or
- (ii) with leave to enter or remain in the United Kingdom not coming within sub-paragraph (i), who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021, but excluding a person (P)—
- (aa) who is subject to a condition requiring P to maintain and accommodate themselves, and any person who is dependent on P, without recourse to public funds; or
- (bb) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by P's sponsor and has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which P's sponsor gave the undertaking in respect of P, whichever date is the later, and whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive.”

#### Diwygiadau i reoliad 4

4. Yn rheoliad 4(2) (personau eraill o dramor sy'n anghymwys i gael dyraniad o lety tai)—

- (a) hepgorer yr “ac” ar ôl is-baragraff (g);
- (b) ar ddiwedd is-baragraff (h), yn lle “.” rhodder “; ac”;
- (c) ar ôl is-baragraff (h) mewnosoder—
- “(i) person a adawodd Affganistan mewn cysylltiad â chwymp Llywodraeth Affganistan a ddigwyddodd ar 15 Awst 2021.”

#### Amendments to regulation 4

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

- (a) omit the “and” after sub-paragraph (g);
- (b) at the end of sub-paragraph (h), for “.” substitute “; and”;
- (c) after sub-paragraph (h) insert—
- “(i) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021.”

## Diwygiadau i reoliad 5

5. Yn rheoliad 5(1) (personau sy'n ddarostyngedig i reolaeth fewnfudo sy'n gymwys i gael cymorth tai)—

- (a) hepgorer yr “ac” ar ôl is-baragraff (i);
- (b) ar ddiwedd is-baragraff (j), yn lle “.” rhodder “;”;
- (c) ar ôl is-baragraff (j) mewnosoder—

“(k) Dosbarth K – person—

- (i) sydd â chaniatâd cyfyngedig i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn rhinwedd Atodiad Gwladolyn Prydeinig (Tramor) Hong Kong o'r Rheolau Mewnfudo;
- (ii) nad yw ei ganiatâd i ddod i mewn neu i aros yn ddarostyngedig i amod sy'n ei gwneud yn ofynnol i'r person hwnnw ei gynnal a'i letya ei hun, ac unrhyw berson sy'n ddibynnol arno, heb ddibynnu ar gronfeydd cyhoeddus; a
- (iii) sy'n preswyl fel arfer yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon; ac

(l) Dosbarth L – person—

- (i) y rhoddir caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn unol â'r Rheolau Mewnfudo, pan roddir caniatâd o'r fath yn rhinwedd—
  - (aa) Polisi Adleoli a Chymorth Affganistan; neu
  - (bb) y cynllun blaenorol ar gyfer staff a gyflogir neu a gyflogwyd yn lleol yn Affganistan (y cyfeirir ato weithiau fel y cynllun ex-gratia); neu
- (ii) y rhoddwyd caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi nad yw'n dod o fewn paragraff (i), a adawodd Affganistan mewn cysylltiad â chwymp Llywodraeth Affganistan a ddigwyddodd ar 15 Awst 2021, ond gan eithrio person (P)—
  - (aa) sy'n ddarostyngedig i amod sy'n ei gwneud yn ofynnol i P ei gynnal a'i letya ei hun, ac unrhyw berson sy'n ddibynnol ar P, heb ddibynnu ar gronfeydd cyhoeddus; neu

## Amendments to regulation 5

5. In regulation 5(1) (persons subject to immigration control who are eligible for housing assistance)—

- (a) omit the “and” after sub-paragraph (i);
- (b) at the end of sub-paragraph (j), for “.” substitute “;”;
- (c) after sub-paragraph (j) insert—

“(k) Class K – a person—

- (i) who has limited leave to enter or remain in the United Kingdom by virtue of Appendix Hong Kong British National (Overseas) of the Immigration Rules;
- (ii) whose leave to enter or remain is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds; and
- (iii) who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland; and

(l) Class L – a person—

- (i) who is granted leave to enter or remain in the United Kingdom in accordance with the Immigration Rules, where such leave is granted by virtue of—
  - (aa) the Afghan Relocations and Assistance Policy; or
  - (bb) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme); or
- (ii) with leave to enter or remain in the United Kingdom not coming within paragraph (i), who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021, but excluding a person (P)—
  - (aa) who is subject to a condition requiring P to maintain and accommodate themselves, and any person who is dependent on P, without recourse to public funds; or

(bb) y rhoddwyd caniatâd iddo i ddod i mewn i'r Deyrnas Unedig neu i aros ynddi yn dilyn ymgymeriad a roddwyd gan noddwr P ac a fu'n preswyllo yn y Deyrnas Unedig, Ynysoedd y Sianel, Ynys Manaw neu Weriniaeth Iwerddon am lai na phum mlynedd gan ddechrau ar y dyddiad y daeth i mewn neu ar y dyddiad y rhoddodd noddwr P yr ymgymeriad mewn cysylltiad â P, pa bynnag ddyddiad yw'r diweddaraf, ac y mae ei noddwr neu, pan fo mwy nag un noddwr, o leiaf un o'i noddwyr, yn dal yn fyw."

(bb) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by P's sponsor and has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which P's sponsor gave the undertaking in respect of P, whichever date is the later, and whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive."

### Diwygiadau i reoliad 6

6. Yn rheoliad 6(2) (personau eraill o dramor sy'n anghymwys i gael cymorth tai) —

- (a) hepgorer yr "ac" ar ôl is-baragraff (g);
- (b) ar ddiwedd is-baragraff (h), yn lle ":", rhodder ";; ac";
- (c) ar ôl is-baragraff (h) mewnosoder—
  - “(i) person a adawodd Affganistan mewn cysylltiad â chwymp Llywodraeth Affganistan a ddigwyddodd ar 15 Awst 2021.”

### Amendments to regulation 6

6. In regulation 6(2) (other persons from abroad who are ineligible for housing assistance)—

- (a) omit the “and” after sub-paragraph (g);
- (b) at the end of sub-paragraph (h), for “:” substitute “; and”;
- (c) after sub-paragraph (h) insert—
  - “(i) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021.”

*Julie James*

Y Gweinidog Newid Hinsawdd, un o Weinidogion  
Cymru  
13 Hydref 2021

Minister for Climate Change, one of the Welsh  
Ministers  
13 October 2021

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