
WELSH STATUTORY INSTRUMENTS

2021 No. 1147

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

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⁽¹⁾;
 - (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⁽²⁾, 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 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

(1) 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.

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

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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.”