STATUTORY INSTRUMENTS

2022 No. 339

IMMIGRATION

HOUSING, ENGLAND

HOUSING, SCOTLAND

HOUSING, NORTHERN IRELAND

The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2022

Made - - - -	*18th March 2022*
Laid before Parliament	*21st March 2022*
Coming into force - -	*22nd March 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 160ZA(2) and (4), 172(4), 185(2) and (3) and 215(2) of the Housing Act 1996(**a**) and sections 118(1), 119(1) and 166(3) of the Immigration and Asylum Act 1999(**b**).

Citation, commencement, extent and application

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 2022 and come into force on 22nd March 2022.

(2) Regulation 2—

(a) extends to England and Wales;

(b) applies in relation to England.

(3) The amendments made by regulation 3 have the same extent and application as the provisions they amend.

(**a**) 1996 c. 52. Section 160ZA was inserted by section 146(1) of the Localism Act 2011 (c. 20) and amended by S.I. 2013/630. Section 185 was amended by paragraph 7(1) of Schedule 1 to the Homelessness Act 2002 (c. 7), paragraph 4 of Schedule 15 to the Housing and Regeneration Act 2008 (c. 17) and S.I. 2013/630, 2009/415 and 2020/1309. Section 215(1) gives the meaning of "prescribed".

(**b**) 1999 c. 33. Section 118(1)(b) was amended by section 43(3) of the Immigration, Asylum and Nationality Act 2006 (c. 13). Section 119 was amended by paragraph 22 of Schedule 15 to the Housing and Regeneration Act 2008 (c. 17) and S.I. 2020/1309.

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

"(m)Class M – a person in the United Kingdom who—

(i) was residing in Ukraine immediately before 1st January 2022;

(ii) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and

(iii) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971(**b**),

but excluding a person (P) 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;".

(3) In regulation 4(2) (other persons from abroad who are ineligible for an allocation of housing accommodation), after sub-paragraph (l) insert—

"(m)a person who was residing in Ukraine immediately before 1st January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24th February 2022.".

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

"(n) Class N – a person in the United Kingdom who—

(i) was residing in Ukraine immediately before 1st January 2022;

(ii) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and

(iii) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,

but excluding a person (P) 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;".

(5) In regulation 6(2) (other persons from abroad who are ineligible for housing assistance), after sub-paragraph (l) insert—

"(m)a person who was residing in Ukraine immediately before 1st January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24th February 2022.".

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(**c**) is amended as follows.

(2) In article 3 (housing authority accommodation—England, Scotland and Northern Ireland), after paragraph (g) insert—

"(ga) Class FAA — a person in the United Kingdom who—

(i) was residing in Ukraine immediately before 1st January 2022;

(**a**) S.I. 2006/1294. Relevant amending instruments are S.I. 2021/665 and 1045.
(**b**) 1971 c. 77.
(**c**) S.I. 2000/706. Relevant amending instruments are S.I. 2020/825 and 2021/1045.

(ii) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and

(iii) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,

but excluding a person (P) 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.".

(3) In article 7(1) (homelessness—Scotland and Northern Ireland), in sub-paragraph (a), after "Class FA," insert "Class FAA,".

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

Eddie Hughes
Minister for Housing and Rough Sleeping
Department for Levelling Up, Housing and Communities

18th March 2022

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). Those amendments ensure that certain persons in the United Kingdom who were residing in Ukraine immediately before 1st January 2022, who left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and who have been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971 (c. 77), are eligible for an allocation of housing accommodation and for housing assistance. The amendments also exempt persons leaving Ukraine in those circumstances who are not subject to immigration control, but are usually subject to a habitual residence test, from that test.

Regulation 3 of these Regulations amends the Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000 (S.I. 2000/706). Those amendments enable housing authorities in Scotland and Northern Ireland to provide housing accommodation and housing authorities in England, Scotland and Northern Ireland to provide homelessness assistance to those persons referred to above.

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

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