STATUTORY INSTRUMENTS

2025 No. 891

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 2025

Made - - - -	*at 1.48 p.m. on 17th July 2025*
Laid before Parliament	*at 3.30 p.m. on 17th July 2025*
Coming into force	*18th July 2025*

The Secretary of State makes these 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)(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 2025 and come into force on 18th July 2025.

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

"(t) Class T — a person who—

(i) was residing in a country or territory and left that country or territory when His Majesty's Government provided public information to advise British nationals to leave that country or territory or arranged an evacuation of British nationals from that country or territory,

(ii) has leave to enter or remain in the United Kingdom given in accordance with the Immigration Rules(**b**),

(iii) is not a person whose leave is subject to a condition requiring that person to maintain and accommodate themself, and any person who is dependent on that person, without recourse to public funds,

(iv) is not a person ("P")—

(aa) who has been given leave upon an undertaking given by P's sponsor,

(bb) who 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 later, and

(cc) whose sponsor, or where there is more than one sponsor, at least one of whose sponsors, is still alive, and

(v) made an application for housing accommodation under Part 6 of the 1996 Act(**c**) within the period of 6 months beginning with the date on which His Majesty's Government first provided public information to advise British nationals to leave that country or territory, or the first day of an evacuation operation by His Majesty's Government of British nationals from that country or territory, whichever is later.".

(3) In regulation 4(2) (persons not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation), after sub-paragraph (o) insert—

"(p) a person who—

(i) was residing in a country or territory and left that country or territory when His Majesty's Government provided public information to advise British nationals to leave that country or territory or arranged an evacuation of British nationals from that country or territory, and

(ii) made an application for housing accommodation under Part 6 of the 1996 Act within the period of 6 months beginning with the date on which His Majesty's Government first provided public information to advise British nationals to leave that country or territory, or the first day of an evacuation operation by His Majesty's Government of British nationals from that country or territory, whichever is later.".

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

(**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, 2024/647.
(**b**) See regulation 2(1) of S.I. 2006/1294 for the meaning of "the Immigration Rules".
(**c**) "The 1996 Act" is defined in regulation 2(1) of S.I. 2006/1294.

"(u) Class U — a person who—

(i) was residing in a country or territory and left that country or territory when His Majesty's Government provided public information to advise British nationals to leave that country or territory or arranged an evacuation of British nationals from that country or territory,

(ii) has leave to enter or remain in the United Kingdom given in accordance with the Immigration Rules,

(iii) is not a person whose leave is subject to a condition requiring that person to maintain and accommodate themself, and any person who is dependent on that person, without recourse to public funds,

(iv) is not a person ("P")—

(aa) who has been given leave upon an undertaking given by P's sponsor,

(bb) who 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 later, and

(cc) whose sponsor, or where there is more than one sponsor, at least one of whose sponsors, is still alive, and

(v) made an application for housing assistance under Part 7 of the 1996 Act within a period of 6 months beginning with the date on which His Majesty's Government first provided public information to advise British nationals to leave that country or territory, or the first day of an evacuation operation by His Majesty's Government of British nationals from that country or territory, whichever is later.".

(5) In regulation 6(2) (persons not to be treated as persons from abroad who are ineligible for housing assistance), after sub-paragraph (o) insert—

"(p) a person who—

(i) was residing in a country or territory and left that country or territory when His Majesty's Government first provided public information to advise British nationals to leave that country or territory or arranged an evacuation of British nationals from that country or territory, and

(ii) made an application for housing assistance under Part 7 of the 1996 Act within the period of 6 months beginning with the date on which His Majesty's Government first provided public information to advise British nationals to leave that country or territory, or the first day of an evacuation operation by His Majesty's Government of British nationals from that country or territory, whichever is later.".

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

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

"(r) Class FL—a person who—

(i) was residing in a country or territory and left that country or territory when His Majesty's Government provided public information to advise British

(**a**) 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, 2024/647.

nationals to leave that country or territory or arranged an evacuation of British nationals from that country or territory,

(ii) has leave to enter or remain in the United Kingdom given in accordance with the Immigration Rules,

(iii) is not a person whose leave is subject to a condition requiring that person to maintain and accommodate themself, and any person who is dependent on that person, without recourse to public funds,

(iv) is not a person ("P")—

(aa) who has been given leave upon an undertaking given by P's sponsor,

(bb) who 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 later, and

(cc) whose sponsor, or where there is more than one sponsor, at least one of whose sponsors, is still alive, and

(v) made an application for housing accommodation under the accommodation provisions(**a**) within the period of 6 months beginning with the date on which His Majesty's Government first provided public information to advise British nationals to leave that country or territory, or the first day of an evacuation operation by His Majesty's Government of British nationals from that country or territory, whichever is later.".

(3) In article 7(1) (homelessness – Scotland and Northern Ireland), after sub-paragraph (a) insert—

"(aa) the class specified in article 3(r) (Class FL) but as if, in sub-paragraph (v), for "housing accommodation under the accommodation provisions" there were substituted "homelessness assistance under the homelessness provisions(**b**)";".

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Rushanara Ali
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local Government

At 1.48 p.m. on 17th July 2025

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 Eligibility Regulations"). The amendments ensure that certain persons who leave a country when His Majesty's Government has published advice to British nationals to leave that country or territory, or has arranged the evacuation of British nationals from that country or territory, are eligible for an allocation of housing accommodation and for housing assistance in England whether or not they are habitually resident in the UK. Certain persons means persons subject to immigration control who 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 who are not subject to immigration control from needing to meet the habitual residence test in regulations 4 and 6 of the Eligibility Regulations.

(**a**) See section 118(3) of the Immigration and Asylum Act 1999 (c. 33) for the meaning of "accommodation provisions".
(**b**) See section 119(3) of that Act for the meaning of "homelessness provisions".

For all such persons, the waiver from the habitual residence test only applies where an application for housing accommodation or housing assistance is made within the period of 6 months from the date on which His Majesty's Government first published advice to British nationals to leave the country or territory concerned, or from the first day of an evacuation operation by His Majesty's Government of British nationals from that country or territory, whichever is later.

Regulation 3 amends the Persons subject to Immigration Control (Housing Authority and Accommodation and Homelessness) Order 2000 (S.I. 2000/706). 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 persons 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 those persons, whether or not they satisfy the habitual residence test.

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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