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STATUTORY INSTRUMENTS

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**2000 No. 706**

**The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000**

**Housing authority accommodation—England, Scotland and Northern Ireland**

**3.** The following are classes of persons specified for the purposes of section 118(1) of the 1999 Act (housing authority accommodation) in respect of England, Scotland and Northern Ireland—

- (a) Class A—a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention;
- (b) Class B—a person—
  - [<sup>F1</sup>(i) who has leave to enter or remain in the United Kingdom granted outside the provisions of the immigration rules; and]
  - (ii) whose leave is not subject to a condition requiring him to maintain and accommodate himself, and any person who is dependent on him, without recourse to public funds;
- [<sup>F2</sup>(bb) Class BA—a person who has humanitarian protection granted under the immigration rules;]
- [<sup>F3</sup>(bc) Class BB — a person who has limited leave to remain granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules;]
- (c) Class C—a person who has current leave to enter or remain in the United Kingdom which is not subject to any limitation or condition and who is habitually resident in the Common Travel Area other than a person—
  - (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by another person (his “sponsor”) in writing in pursuance of the immigration rules to be responsible for his maintenance and accommodation;
  - (ii) who has been resident in the United Kingdom for less than five years beginning on the date of entry or the date on which the undertaking was given in respect of him, whichever date is the later; and
  - (iii) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive;
- (d) Class D—a person who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption;
- <sup>F4</sup>(e) .....
- (f) Class F—a person who is attending a full-time course at a specified education institution in a case where the housing accommodation which is or may be provided to him—
  - (i) is let by a housing authority to that specified education institution for the purposes of enabling that institution to provide accommodation for students attending a full-time course at that institution; and
  - (ii) would otherwise be difficult for that housing authority to let on terms which, in the opinion of the housing authority, are satisfactory;

- [<sup>F5</sup>(g) Class FA – a person [<sup>F6</sup>who is habitually resident in the Common Travel Area] who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the immigration rules];
- [<sup>F7</sup>(ga) Class FAA — 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];
- [<sup>F8</sup>(gb) Class FAB — a person in the United Kingdom who has limited leave to remain granted in accordance with Appendix Ukraine Scheme of the Immigration Rules pursuant to an application made by that person from within the United Kingdom, 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];
- [<sup>F9</sup>(h) Class FB—a person who—
- (i) has limited leave to enter or remain in the United Kingdom by virtue of Appendix EU of the immigration rules granted on the basis of a relationship with a relevant person of Northern Ireland, and
  - (ii) would have been considered eligible as a family member, or a family member who has retained the right of residence by virtue of regulation 10 of the EEA Regulations (family member who has retained the right of residence), of a person who is—
    - (aa) a qualified person, within the meaning of regulation 6(1) of the EEA Regulations (“qualified person”), on the basis of being a worker;
    - (bb) a qualified person, within the meaning of regulation 6(1) of the EEA Regulations, on the basis of being a self-employed person, or
    - (cc) a person who is an accession state worker requiring registration who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations, pursuant to regulation 5 of the Accession Regulations (right of residence of an accession State national subject to worker authorisation),
disregarding that the relevant person of Northern Ireland does not satisfy the definition of “EEA national” in regulation 2 of the EEA Regulations (general interpretation);
- (i) Class FC—a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to remain in the United Kingdom as a stateless person under paragraph 405 of the immigration rules];
- [<sup>F10</sup>(j) Class FD – 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 subparagraph (i), who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th 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];
- [<sup>F11</sup>(k) Class FE—a person (P)—
  - (i) who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention that is granted under the immigration rules; and
  - (ii) whose leave is not subject to a condition requiring P to maintain and accommodate P, and any person who is dependent on P, without recourse to public funds;
- (l) Class FF—a person who is habitually resident in the Common Travel Area who has limited leave to remain in the United Kingdom under paragraphs 352J or 352K of the immigration rules;
- (m) Class FG—a person (P)—
  - (i) who is habitually resident in the Common Travel Area and has limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British National (Overseas) of the immigration rules; and
  - (ii) whose leave is not subject to a condition requiring P to maintain and accommodate P, and any person who is dependent on P, without recourse to public funds];
- [<sup>F12</sup>(n) Class FH — a person who—
  - (i) was residing in Sudan before 15th April 2023;
  - (ii) left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan;
  - (iii) has leave to enter or remain in the United Kingdom given in accordance with the immigration rules;
  - (iv) is not a person whose leave is 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
  - (v) 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 the later; and
    - (cc) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive.]
- [<sup>F13</sup>(o) Class FI—a person who—

- (i) was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023;
- (ii) left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack;
- (iii) has leave to enter or remain in the United Kingdom given in accordance with the immigration rules;
- (iv) is not a person whose leave is 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
- (v) 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 the later; and
  - (cc) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive.]

#### Textual Amendments

- F1** Art. 3(b)(i) substituted (9.10.2006) by The Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Order 2006 (S.I. 2006/2521), arts. 1, **2(2)(a)**
- F2** Art. 3(bb) inserted (9.10.2006) by The Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Order 2006 (S.I. 2006/2521), arts. 1, **2(2)(b)**
- F3** Art. 3(bc) inserted (30.1.2023) by The Allocation of Housing and Homelessness (Eligibility) (England) and Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) (No. 4) Regulations 2022 (S.I. 2022/1371), regs., **3(2)**
- F4** Art. 3(e) omitted (7.8.2008) by virtue of The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Order 2008 (S.I. 2008/1768), arts. 1, **2(3)** (with art. 3(1))
- F5** Art. 3(g) inserted (9.7.2018) by The Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Order 2018 (S.I. 2018/729), arts. 1, **2(2)(a)**
- F6** Words in art. 3(g) inserted (6.4.2022) by The Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licences) (Forms), etc., Regulations 2022 (S.I. 2022/242), regs. 1(1)(b), **2(3)(a)**
- F7** Art. 3(ga) inserted (22.3.2022) by The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2022 (S.I. 2022/339), regs. 1(1), **3(2)**
- F8** Art. 3(gb) inserted (10.6.2022) by The Allocation of Housing and Homelessness (Eligibility) (England) and Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/601), regs. 1(1), **3(2)** (as amended by S.I. 2022/626, regs. 1(1), 2)
- F9** Art. 3(h)(i) inserted (24.8.2020) by The Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Order 2020 (S.I. 2020/825), arts. 1, **2(3)**
- F10** Art. 3(j) inserted (16.9.2021) by The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2021 (S.I. 2021/1045), regs. 1(1), **3(2)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000, Section 3. (See end of Document for details)*

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- F11** Arts. 3(k)-(m) inserted (6.4.2022) by The Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licences) (Forms), etc., Regulations 2022 (S.I. 2022/242), regs. 1(1)(b), **2(3)(b)**
- F12** Art. 3(n) inserted (15.5.2023) by The Allocation of Housing and Homelessness (Eligibility) (England) and Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2023 (S.I. 2023/530), regs. 1(1), **3(2)**
- F13** Art. 3(o) inserted (27.10.2023) by The Allocation of Housing and Homelessness (Eligibility) (England) and Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) (No. 2) Regulations 2023 (S.I. 2023/1142), regs. 1(1), **3(2)**

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**Commencement Information**

- I1** Art. 3 in force at 3.4.2000, see **art. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000, Section 3.