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WELSH STATUTORY INSTRUMENTS

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**2014 No. 2603**

**The Allocation of Housing and Homelessness  
(Eligibility) (Wales) Regulations 2014**

**Other persons from abroad who are ineligible for an allocation of housing accommodation**

**4.—**(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing accommodation under Part 6 of the 1996 Act if—

- (a) subject to paragraph (2), the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;
- (b) the person's only right to reside in the United Kingdom—
  - (i) is derived from the person's status as a jobseeker or a family member of a jobseeker; or
  - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations<sup>(1)</sup>; or
  - (iii) is a derivative right to reside to which the person is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 15A(4A) of those Regulations<sup>(2)</sup>; or
  - (iv) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen; or
- (c) the person's only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland—
  - (i) is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or
  - (ii) is derived from Article 20 of the Treaty of the Functioning of the European Union in a case where the right to reside—
    - (aa) in the Republic of Ireland arises because an Irish citizen; or
    - (bb) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there,would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.

(2) The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph (1)(a)—

- (a) a worker;
- (b) a self-employed person;

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(1) Regulation 13 was amended by [S.I. 2012/1547](#).

(2) Regulation 15A was added by [S.I. 2012/1547](#) and has been amended by regulation 2 of, and the Schedule to [S.I. 2012/2560](#).

- (c) a person 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 2013 (right of residence of an accession State national subject to worker authorisation);
- (d) a person who is the family member of a person specified in sub-paragraphs (a)-(c);
- (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations; and
- (f) a person who is in the United Kingdom as a result of the person’s deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.