
WELSH STATUTORY INSTRUMENTS

2014 No. 2603

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

Persons subject to immigration control who are eligible for housing assistance

5.—(1) The following classes of persons subject to immigration control are persons who are eligible for housing assistance under Part 7 of the 1996 Act—

- (a) Class A – a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom;
- (b) Class B – a person—
 - (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
 - (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 dependant on that person, without recourse to public funds;
- (c) Class C – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person—
 - (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by the person’s sponsor;
 - (ii) 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 on the date on which the undertaking was given in respect of the person, 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 has humanitarian protection granted under the Immigration Rules;
- (e) Class E – a person who is an asylum-seeker whose claim for asylum is recorded by the Secretary of State as having been made before 3 April 2000 and in the circumstances mentioned in one of the following paragraphs—
 - (i) on arrival (other than on the person’s re-entry) in the United Kingdom from a country outside the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland;
 - (ii) within three months from the day on which the Secretary of State made a relevant declaration, and the applicant was in Great Britain on the day on which the declaration was made; or

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (iii) on or before 4 February 1996 by an applicant who was on 4 February 1996 entitled to benefit under regulation 7A of the Housing Benefit (General) Regulations 1987(1) (persons from abroad); and
- (f) Class F – 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 enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules.
- (2) For the purpose of paragraph (1)(e)—
- (a) “asylum-seeker” (“*ceisiwr lloches*”) means a person who is at least 18 years old, who is in the United Kingdom and who has made a claim for asylum;
- (b) “claim for asylum” (“*hawliad lloches*”) means a claim that it would be contrary to the United Kingdom’s obligations under the Refugee Convention for the claimant to be removed from, or required to leave the United Kingdom;
- (c) “relevant declaration” (“*datganiad perthnasol*”) means a declaration to the effect that the country of which the applicant is a national is subject to such fundamental change of circumstances that the Secretary of State would not normally order the return of a person to that country; and
- (d) subject to paragraph (3), a person ceases to be an asylum-seeker when his claim for asylum is recorded by the Secretary of State as having been decided (other than on appeal) or abandoned.
- (3) For the purposes of paragraph (1)(e)(iii), a person does not cease to be an asylum-seeker as mentioned in paragraph (2)(d) while he is eligible for housing benefit by virtue of—
- (a) regulation 10(6) of the Housing Benefit Regulations 2006(2); or
- (b) regulation 10(6) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(3),
- as modified in both cases by paragraph 6 of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006(4).

Commencement Information

II [Reg. 5](#) in force at 31.10.2014, see [reg. 1\(1\)](#)

(1) [S.I. 1987/1971](#) These Regulations were revoked by [SI 2006/217](#), regulations 2, 3, and Schedule 1, as from 6 March 2006; for transitional and savings provisions see regulation 6 and Schedule 3.

(2) [S.I. 2006/213](#).

(3) [S.I. 2006/214](#).

(4) [S.I. 2006/217](#).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 5(1) word omitted by S.I. 2021/1147 reg. 5(a)
- reg. 5(1) word omitted by S.I. 2021/353 reg. 4(a)
- reg. 5(1) word omitted by S.I. 2021/353 reg. 4(b)
- reg. 5(1) word omitted by S.I. 2022/485 reg. 5(a)
- reg. 5(1) word omitted by S.I. 2023/1211 reg. 5(a)
- reg. 5(1) word omitted by S.I. 2023/611 reg. 5(a)
- reg. 5(1) word omitted by S.I. 2023/76 reg. 4(a)
- reg. 5(1)(e) omitted by S.I. 2017/698 reg. 2(4)(a)
- reg. 5(1)(f) word substituted by S.I. 2017/698 reg. 2(4)(b)
- reg. 5(2)(3) omitted by S.I. 2017/698 reg. 2(4)(d)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 2(2)(ab) inserted by S.I. 2020/1309 reg. 76(2)(a)(ii)
- reg. 2(2)(ab) inserted by S.I. 2020/1309 reg. 76(2)(b)(ii) (Amendment to Welsh text)
- reg. 3(f) inserted by S.I. 2017/698 reg. 2(3)(c)
- reg. 3(f) word substituted by S.I. 2019/1041 reg. 2(2)(b)
- reg. 3(g)(h) inserted by S.I. 2019/1041 reg. 2(2)(c)
- reg. 3(h) word substituted by S.I. 2021/353 reg. 3(c)
- reg. 3(i) inserted by S.I. 2021/353 reg. 3(d)
- reg. 3(i) word substituted by S.I. 2021/1147 reg. 3(b)
- reg. 3(j)(k) inserted by S.I. 2021/1147 reg. 3(c)
- reg. 3(k) word substituted by S.I. 2022/485 reg. 3(b)
- reg. 3(l) inserted by S.I. 2022/485 reg. 3(c)
- reg. 3(m) inserted by S.I. 2023/76 reg. 3(c)
- reg. 3(m) word substituted by S.I. 2023/611 reg. 3(b)
- reg. 3(n) inserted by S.I. 2023/611 reg. 3(c)
- reg. 3(n) word substituted for full stop by S.I. 2023/1211 reg. 3(b)
- reg. 3(o) inserted by S.I. 2023/1211 reg. 3(c)
- reg. 4(1A) inserted by S.I. 2019/1041 reg. 2(3)
- reg. 4(1A) words substituted by S.I. 2020/1372 reg. 26(2)(a)
- reg. 4(1A) words substituted by S.I. 2020/1372 reg. 26(2)(b) (This amendment not applied to legislation.gov.uk. It relates to the Welsh language version only)
- reg. 4(2)(g)(h) inserted by S.I. 2020/1309 reg. 76(3)(a)(v)
- reg. 4(2)(g)(h) inserted by S.I. 2020/1309 reg. 76(3)(b)(v) (Amendment to Welsh text)
- reg. 4(2)(h) word substituted by S.I. 2021/1147 reg. 4(b)
- reg. 4(2)(i) inserted by S.I. 2021/1147 reg. 4(c)
- reg. 4(2)(i) word substituted by S.I. 2022/485 reg. 4(b)
- reg. 4(2)(j) inserted by S.I. 2022/485 reg. 4(c)
- reg. 4(2)(j) word substituted by S.I. 2023/611 reg. 4(b)
- reg. 4(2)(k) inserted by S.I. 2023/611 reg. 4(c)
- reg. 4(2)(k) word substituted for full stop by S.I. 2023/1211 reg. 4(b)
- reg. 4(2)(l) inserted by S.I. 2023/1211 reg. 4(c)
- reg. 5(f) word omitted by S.I. 2019/1149 reg. 2(2)(a)

- reg. 5(g) full stop substituted for semicolon by S.I. 2019/1149 reg. 2(2)(b)
- reg. 5(h)(i) inserted by S.I. 2019/1149 reg. 2(2)(c)
- reg. 5(1)(g) inserted by S.I. 2017/698 reg. 2(4)(c)
- reg. 5(1)(i) word substituted by S.I. 2021/353 reg. 4(c)
- reg. 5(1)(j) inserted by S.I. 2021/353 reg. 4(d)
- reg. 5(1)(j) word substituted by S.I. 2021/1147 reg. 5(b)
- reg. 5(1)(k)(l) inserted by S.I. 2021/1147 reg. 5(c)
- reg. 5(1)(l) word substituted by S.I. 2022/485 reg. 5(b)
- reg. 5(1)(m) inserted by S.I. 2022/485 reg. 5(c)
- reg. 5(1)(m) word substituted by S.I. 2023/76 reg. 4(b)
- reg. 5(1)(n) inserted by S.I. 2023/76 reg. 4(c)
- reg. 5(1)(n) word substituted by S.I. 2023/611 reg. 5(b)
- reg. 5(1)(o) inserted by S.I. 2023/611 reg. 5(c)
- reg. 5(1)(o) word substituted for full stop by S.I. 2023/1211 reg. 5(b)
- reg. 5(1)(p) inserted by S.I. 2023/1211 reg. 5(c)
- reg. 6(1A) inserted by S.I. 2019/1149 reg. 2(3)
- reg. 6(1A) words substituted by S.I. 2020/1372 reg. 26(2)(a)
- reg. 6(1A) words substituted by S.I. 2020/1372 reg. 26(2)(b) (This amendment not applied to legislation.gov.uk. It relates to the Welsh language version only)
- reg. 6(2)(g)(h) inserted by S.I. 2020/1309 reg. 76(4)(a)(v)
- reg. 6(2)(g)(h) inserted by S.I. 2020/1309 reg. 76(4)(b)(v) (Amendment to Welsh text)
- reg. 6(2)(h) word substituted by S.I. 2021/1147 reg. 6(b)
- reg. 6(2)(i) inserted by S.I. 2021/1147 reg. 6(c)
- reg. 6(2)(i) word substituted by S.I. 2022/485 reg. 6(b)
- reg. 6(2)(j) inserted by S.I. 2022/485 reg. 6(c)
- reg. 6(2)(j) word substituted by S.I. 2023/611 reg. 6(b)
- reg. 6(2)(k) inserted by S.I. 2023/611 reg. 6(c)
- reg. 6(2)(k) word substituted for full stop by S.I. 2023/1211 reg. 6(b)
- reg. 6(2)(l) inserted by S.I. 2023/1211 reg. 6(c)