

2020 No. 825

IMMIGRATION

HOUSING, ENGLAND

HOUSING, SCOTLAND

HOUSING, NORTHERN IRELAND

**The Persons Subject to Immigration Control (Housing Authority
Accommodation and Homelessness) (Amendment) Order 2020**

Made - - - - *at 1.42 p.m. on 3rd August 2020*

Laid before Parliament *at 3.00 p.m. on 3rd August 2020*

Coming into force - - *24th August 2020*

The Secretary of State makes this Order in exercise of the powers conferred by sections 118, 119 and 166(3) of the Immigration and Asylum Act 1999(a).

Citation and commencement

1. This Order may be cited as the Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Order 2020 and comes into force on 24th August 2020.

**Amendment of the Persons subject to Immigration Control (Housing Authority
Accommodation and Homelessness) Order 2000**

2.—(1) The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000(b) is amended as follows.

(2) In article 2 (interpretation), at the appropriate places, insert—

““the Accession Regulations” means the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013(c);”

(a) 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 section 314 of, and paragraph 22 of Schedule 15 to, the Housing and Regeneration Act 2008 (c. 17).

(b) S.I. 2000/706. Amended by S.I. 2006/2521, 2008/1768, 2018/729.

(c) S.I. 2013/1460. Amended by S.I. 2014/530, 2015/694.

““the EEA Regulations” means the Immigration (European Economic Area) Regulations 2016(a);”;

““relevant person of Northern Ireland” has the meaning given in Appendix EU to the immigration rules(b);”.

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

“(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(c).”.

(4) In article 7(1)(a) (homelessness—Scotland and Northern Ireland)—

(a) for “the class specified in article 3(g)”, substitute “the classes specified in article 3(g) to (i)”;

(b) for “and Class FA”, substitute “, Class FA, Class FB and Class FC”.

At 1.42 p.m. on 3rd August 2020

Kevin Foster
Parliamentary Under Secretary of State
Home Office

(a) S.I. 2016/1052. Amended by S.I. 2018/801, 2019/745.

(b) Appendix EU was amended by the Statement of Changes to the Immigration Rules, presented to Parliament on 14th May 2020 (CPC 232).

(c) The rules in relation to stateless persons were introduced in 2013 by the Statement of Changes to the Immigration Rules which was laid before Parliament on 14 May 2012 (HC 1039).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000 (“the 2000 Order”).

Under sections 118 and 119 of the Immigration and Asylum Act 1999, a person who is subject to immigration control is ineligible for an allocation of housing by a local authority (as defined in section 118(2)) or for homelessness assistance, unless they come within a class of persons specified in an Order made by the Secretary of State. The 2000 Order makes such provision.

Article 2(2) inserts the definition of “relevant person of Northern Ireland” and definitions of other terms used in this Order into article 2 of the 2000 Order.

Article 2(3) amends article 3 of the 2000 Order, which relates to the eligibility of persons subject to immigration control for an allocation of housing accommodation in England, Scotland and Northern Ireland. It specifies two additional classes of persons subject to immigration control who are eligible for an allocation of housing.

Class FB consists of persons who have been granted limited leave to enter or remain in the United Kingdom under Appendix EU of the immigration rules on the basis that they are the family members of relevant persons of Northern Ireland.

Class FC consists of those who are habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who have been given limited leave to remain in the United Kingdom under paragraph 405 of the immigration rules, on the basis that they are stateless.

Article 3(3) amends article 7(1) of the 2000 Order which relates to the eligibility of persons subject to immigration control for homelessness assistance in Scotland and Northern Ireland. It specifies two additional classes of person who are eligible for such assistance: Class FB – family members of a relevant person of Northern Ireland and Class FC – persons who are stateless, as inserted into article 3 of the 2000 Order.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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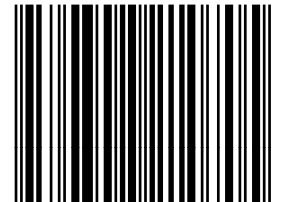
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