

**2014 No. 2603 (W. 257)**  
**HOUSING, WALES**

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

*Made - - - - - 24 September 2014*  
*Laid before the National Assembly for Wales 1 October 2014*  
*Coming into force - - - - - 31 October 2014*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the Secretary of State by sections 160A(3) and (5), 172(4), 185(2) and (3) and 215(2) of the Housing Act 1996(1), and which are now vested in the Welsh Ministers:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 and they come into force on 31 October 2014.

(2) These Regulations apply to Wales.

**Interpretation**

2.—(1) In these Regulations—

“the 1996 Act” means the Housing Act 1996;

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

“the EEA Regulations” means the ►<sup>1</sup>Immigration (European Economic Area) Regulations 2016 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020◄;

►<sup>2</sup> “the Human Rights Convention” (“y Confensiwn Hawliau Dynol”) means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom; ◄

“the Immigration Rules” means the rules laid down as mentioned in section 3(2) of the Immigration Act 1971 (general provisions for regulation and control);

“the Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967; and

“sponsor” means a person who has given an undertaking in writing for the purposes of the Immigration Rules to be responsible for the maintenance and accommodation of another person.

(2) For the purposes of these Regulations—

(a) “jobseeker”, “self-employed person”, and “worker” have the same meaning as for the purposes of the definition of a ‘qualified person’ in regulation 6(1) of the EEA Regulations; and

►<sup>3</sup>(ab) frontier worker” means a person who is a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;◄

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<sup>1</sup> Definition substituted by S.I. 2020/1309 reg. 76(2)(a)(i) from 01/01/2021.

<sup>2</sup> Definition “the Human Rights Convention” inserted by S.I. 2017/698 reg. 2(2) from 22/06/2017.

<sup>3</sup> Sub-paragraph (ab) inserted by S.I. 2020/1309 reg. 76(2)(a)(ii) from 01/01/2021

- (b) subject to paragraph (3), references to the family member of a jobseeker, self-employed person ►<sup>4</sup>worker or frontier worker◄ shall be construed in accordance with regulation 7 of ►<sup>5</sup>the EEA Regulations◄.

(3) For the purposes of regulations 4(2)(d) and 6(2)(d) “family member” does not include a person who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations.

### **Persons subject to immigration control who are eligible for an allocation of housing accommodation**

**3.** The following classes of persons subject to immigration control are persons who are eligible for an allocation of housing accommodation under Part 6 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 dependent 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 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; ►<sup>6</sup>◄
- (e) Class E – 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 ►<sup>7</sup>;◄
- <sup>8</sup> (f) Class F – a person 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, such leave granted under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules, and who is not 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►<sup>9</sup>;◄◄
- <sup>10</sup> (g) Class G – 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 been relocated 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>11</sup>◄
- (h) Class H – 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 been granted Calais leave to remain in the United Kingdom under paragraph 352J of the immigration rules►<sup>12</sup>; ►<sup>13</sup>◄◄◄

<sup>4</sup> Words substituted by S.I. 2020/1309 reg. 76(2)(a)(iii)(aa) from 01/01/2021.

<sup>5</sup> Words substituted by S.I. 2020/1309 reg. 76(2)(a)(iii)(bb) from 01/01/2021.

<sup>6</sup> Word omitted by S.I. 2017/698 reg. 2(3)(a) from 22/06/2017.

<sup>7</sup> Word omitted by S.I. 2019/1041 reg. 2(2)(a) from 19/07/2019.

<sup>8</sup> Paragraph (f) inserted by S.I. 2017/698 reg. 2(3)(c) from 22/06/2017.

<sup>9</sup> Word omitted by S.I. 2021/353 reg. 3(a) from 19/03/2021.

<sup>10</sup> Paragraphs (g) and (h) inserted by S.I. 2019/1041 reg. 2(2)(c) from 19/07/2019.

<sup>11</sup> Word omitted by S.I. 2021/353 reg. 3(b) from 19/03/2021.

<sup>12</sup> Word substituted by S.I. 2021/353 reg. 3(c) from 19/03/2021.

<sup>13</sup> Word omitted by S.I. 2021/1147 reg. 3(a) as from 15/10/2021.

- <sup>14</sup> (i) Class I – 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>15</sup>;◄◄
- <sup>16</sup> (j) Class J – a person (P)—
- (i) who has limited leave to enter or remain in the United Kingdom by virtue of Appendix Hong Kong British National (Overseas) of the Immigration Rules; and
  - (ii) whose leave to enter or remain is not subject to a condition requiring P to maintain and accommodate P, and any person dependent upon P, without recourse to public funds; and
  - (iii) who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland; ►<sup>17</sup>◄
- (k) Class K – 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 sub-paragraph (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>18</sup>; and◄◄
- <sup>19</sup> (l) Class L – a person who has been granted leave to enter or remain in the United Kingdom by virtue of Appendix Ukraine Scheme of the Immigration Rules;►<sup>20</sup>◄◄
- <sup>21</sup>(m) Class M – 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;►<sup>22</sup>◄◄
- <sup>23</sup>(n) Class N — 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;

<sup>14</sup> Paragraph (i) inserted by S.I. 2021/353 reg. 3(d) as from 19/03/2021.

<sup>15</sup> Semi-colon by S.I. 2021/1147 reg. 3(b) as from 15/10/2021.

<sup>16</sup> Paragraphs (j) and (k) inserted by S.I. 2021/1147 reg. 3(c) as from 15/10/2021.

<sup>17</sup> Word omitted by S.I. 2022/485 reg. 3(a) as from 28/04/2022.

<sup>18</sup> Word omitted by S.I. 2023/76 reg. 3(a) as from 30/01/2023.

<sup>19</sup> Paragraph (l) inserted by S.I. 2022/485 reg. 3(c) as from 28/04/2022.

<sup>20</sup> Word omitted by S.I. 2023/611 reg. 3(a) as from 08/06/2023.

<sup>21</sup> Sub-paragraph (m) inserted by S.I. 2023/76 reg. 3(c) from 30/01/2023.

<sup>22</sup> Word omitted by S.I. 2023/1211 reg. 3(a) from 16/11/2023.

<sup>23</sup> Sub-paragraph (n) inserted by S.I. 2023/611 reg. 3(c) from 08/06/2023.

(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<sup>24</sup>; and ◀◀

▶<sup>25</sup>(o) Class O — 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 later; and
  - (cc) whose sponsor, or where there is more than one sponsor, at least one of whose sponsors, is still alive.◀

#### **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 the 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; or
  - (iii) is a derivative right to reside to which the person is entitled under ▶<sup>26</sup> regulation 16(1)◀ of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in ▶<sup>27</sup> regulation 16(5)◀ of those Regulations; or

▶<sup>28</sup>◀

▶<sup>29</sup> (c) his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)◀

▶<sup>30</sup> (1A) For the purposes of determining whether the only right to reside that a person has is of a kind mentioned in paragraph (1)(b) or (c), a right to reside by virtue of having been granted ▶<sup>31</sup>—

- (a) limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act; or

<sup>24</sup> Words substituted by S.I. 2023/1211 reg. 3(b) from 16/11/2023.

<sup>25</sup> Sub-paragraph (o) inserted by S.I. 2023/1211 reg. 3(c) from 16/11/2023.

<sup>26</sup> Words substituted by S.I. 2020/1309 reg. 76(3)(a)(i) from 01/01/2021.

<sup>27</sup> Words substituted by S.I. 2020/1309 reg. 76(3)(a)(ii) from 01/01/2021.

<sup>28</sup> Paragraph (1)(b)(iv) omitted by S.I. 2020/1309 reg. 76(3)(a)(iii) from 01/01/2021.

<sup>29</sup> Paragraph (1)(c) substituted by S.I. 2020/1309 reg. 76(3)(a)(iv) from 01/01/2021.

<sup>30</sup> Paragraph (1A) inserted by S.I. 2019/1041 reg. 2(3) from 19/07/2019.

<sup>31</sup> Words substituted by S.I. 2020/1372 reg. 26(2)(a) from 01/01/2021.

(b) leave to enter the United Kingdom by virtue of an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act is to be disregarded. ◀◀

(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;
  - (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.
- ▶<sup>32</sup>(g) a frontier worker; and
- (h) a person who—
    - (i) is a family member of a person specified in sub-paragraph (g); and
    - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act ▶<sup>33</sup>◀◀
- ▶<sup>34</sup>(i) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021; ▶<sup>35</sup>◀◀
- ▶<sup>36</sup>(j) a person who was residing in Ukraine immediately before 1 January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24 February 2022; ▶<sup>37</sup>◀◀
- ▶<sup>38</sup>(k) a person who was residing in Sudan before 15th April 2023 and left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan ▶<sup>39</sup>; and ◀◀
- ▶<sup>40</sup>(l) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023 and who 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. ◀

### **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 dependent on that person, without recourse to public funds;

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<sup>32</sup> Sub-paragraphs (2)(g),(h) inserted by S.I. 2020/1309 reg. 76(3)(a)(v) from 01/01/2021.

<sup>33</sup> Word omitted by S.I. 2022/485 reg. 4(a) as from 28/04/2022.

<sup>34</sup> Sub-paragraph (2)(i) inserted by S.I. 2021/1147 reg. 4(c) from 15/10/2021.

<sup>35</sup> Word omitted by S.I. 2023/611 reg. 4(a) as from 08/06/2023.

<sup>36</sup> Paragraph (l) inserted by S.I. 2022/485 reg. 4(c) as from 28/04/2022.

<sup>37</sup> Word omitted by S.I. 2023/1211 reg. 4(a) from 16/11/2023.

<sup>38</sup> Sub-paragraph (2)(k) inserted by S.I. 2023/611 reg. 4(c) from 08/06/2023.

<sup>39</sup> Words substituted by S.I. 2023/1211 reg. 4(b) from 16/11/2023.

<sup>40</sup> Sub-paragraph (2)(l) inserted by S.I. 2023/1211 reg. 4(c) from 16/11/2023.



- (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 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;
  - <sup>41</sup>◄
- (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 ►<sup>42</sup>;◄
- <sup>43</sup> (g) Class G – a person 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, such leave granted under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules, and who is not 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 ►<sup>44</sup>;◄◄
- <sup>45</sup> (h) Class H – 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 been relocated 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>46</sup>◄
- (i) Class I – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais Leave to remain under paragraph 352J of the immigration rules ►<sup>47</sup>; ►<sup>48</sup>◄◄◄
- <sup>49</sup> (j) Class J – 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>50</sup>;◄◄
- <sup>51</sup> (k) Class K – a person (P)—
  - (i) who has limited leave to enter or remain in the United Kingdom by virtue of Appendix Hong Kong British National (Overseas) of the Immigration Rules; and
  - (ii) whose leave to enter or remain is not subject to a condition requiring P to maintain and accommodate P, and any person dependent upon P, without recourse to public funds; and
  - (iii) who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland; ►<sup>52</sup>◄
- (l) Class L – 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

<sup>41</sup> Paragraph (1)(e) omitted by S.I. 2017/698 reg. 2(4)(a) from 22/06/2017.

<sup>42</sup> Word omitted and semi colon substituted by S.I. 2019/1149 reg. 2(2)(a) from 19/07/2019.

<sup>43</sup> Paragraph (1)(g) inserted by S.I. 2017/698 reg. 2(4)(c) from 22/06/2017.

<sup>44</sup> Word omitted by S.I. 2021/353 reg. 4(a) from 19/03/2021.

<sup>45</sup> Paragraphs (1)(h) and (1)(i) inserted by S.I. 2019/1149 reg. 2(2)(c) from 19/07/2019.

<sup>46</sup> Word omitted by S.I. 2021/353 reg. 4(b) from 19/03/2021.

<sup>47</sup> Word substituted by S.I. 2021/353 reg. 4(c) from 19/03/2021.

<sup>48</sup> Word omitted by S.I. 2021/1147 reg. 5(a) from 15/10/2021.

<sup>49</sup> Paragraph (j) inserted by S.I. 2021/353 reg. 4(d) from 19/03/2021.

<sup>50</sup> Semi colon substituted by S.I. 2021/1147 reg. 5(b) from 15/10/2021.

<sup>51</sup> Sub-paragraphs (k) and (l) inserted by S.I. 2021/1147 reg. 5(c) from 15/10/2021.

<sup>52</sup> Word omitted by S.I. 2022/485 reg. 5(a) as from 28/04/2022.

- (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 sub-paragraph (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>53</sup>◀◀
- <sup>54</sup>(m) Class M – a person who has been granted leave to enter or remain in the United Kingdom by virtue of Appendix Ukraine Scheme of the Immigration Rules;►<sup>55</sup> ◀◀
- <sup>56</sup>(n) Class N – 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;►<sup>57</sup> ◀◀
- <sup>58</sup>(o) Class O — 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 later; and
    - (cc) whose sponsor, or where there is more than one sponsor, at least one of whose sponsors, is still alive►<sup>59</sup>; and ◀◀
- <sup>60</sup>(p) Class P — 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”)—

<sup>53</sup> Word omitted by S.I. 2023/7 reg. 4(a) as from 30/01/2023.

<sup>54</sup> Sub-paragraph (m) inserted by S.I. 2022/485 reg. 5(c) as from 28/04/2022.

<sup>55</sup> Word omitted by S.I. 2023/611 reg. 5(a) as from 08/06/2023.

<sup>56</sup> Sub-paragraph (n) inserted by S.I. 2023/76 reg. 4(c) from 30/01/2023.

<sup>57</sup> Word omitted by S.I. 2023/1211 reg. 5(a) from 16/11/2023.

<sup>58</sup> Sub-paragraph (o) inserted by S.I. 2023/611 reg. 5(c) from 08/06/2023.

<sup>59</sup> Words substituted by S.I. 2023/1211 reg. 5(b) from 16/11/2023.

<sup>60</sup> Sub-paragraph (p) inserted by S.I. 2023/1211 reg. 5(c) from 16/11/2023.

- (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. ◀

▶<sup>61</sup> ◀

### **Other persons from abroad who are ineligible for housing assistance**

**6.**—(1) A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for housing assistance under Part 7 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 the 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; or
  - (iii) is a derivative right to reside to which the person is entitled under ▶<sup>62</sup> regulation 16(1)◀ of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in ▶<sup>63</sup> regulation 16(5)◀ of those Regulations; or

▶<sup>64</sup> ◀

▶<sup>65</sup>(c) his only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii)◀

▶<sup>66</sup> (1A) For the purposes of determining whether the only right to reside that a person has is of a kind mentioned in paragraph (1)(b) or (c), a right to reside by virtue of having been granted ▶<sup>67</sup>—

- (a) limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act; or
- (b) leave to enter the United Kingdom by virtue of an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act

is to be disregarded. ◀◀

(2) The following are not to be treated as persons from abroad who are ineligible for ▶<sup>68</sup> housing assistance◀ pursuant to paragraph (1)(a)—

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

<sup>61</sup> Paragraphs (2) and (3) omitted by S.I. 2017/698 reg. 2(4)(d) from 22/06/2017.

<sup>62</sup> Words substituted by S.I. 2020/1309 reg. 76(4)(a)(i) from 01/01/2021.

<sup>63</sup> Words substituted by S.I. 2020/1309 reg. 76(4)(a)(ii) from 01/01/2021.

<sup>64</sup> Paragraph (1)(b)(iv) omitted by S.I. 2020/1309 reg. 76(4)(a)(iii) from 01/01/2021.

<sup>65</sup> Paragraph (1)(c) substituted by S.I. 2020/1309 reg. 76(4)(a)(iv) from 01/01/2021.

<sup>66</sup> Paragraph (1A) inserted by S.I. 2019/1149 reg. 2(3) from 19/07/2019.

<sup>67</sup> Words substituted by S.I. 2020/1372 reg. 26(2)(a) from 01/01/2021.

<sup>68</sup> Words substituted by S.I. 2017/698 reg. 2(5) from 22/06/2017 (and prior to that the words “housing assistance” were implied because the original words “an allocation of housing accommodation” did not make sense).



- <sup>69</sup>(g) a frontier worker; ►<sup>70</sup>◄
- (h) a person who—
- (i) is a family member of a person specified in sub-paragraph (g); and
  - (ii) has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act►;<sup>71</sup>◄◄
- <sup>72</sup>(i) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;►<sup>73</sup>◄◄
- <sup>74</sup>(j) a person who was residing in Ukraine immediately before 1 January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24 February 2022; ►<sup>75</sup>◄◄
- <sup>76</sup>(k) a person who was residing in Sudan before 15th April 2023 and left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan►<sup>77</sup>; and ◄◄
- <sup>78</sup>(l) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023 and who 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.◄

## Revocation

7. Subject to regulation 8, the following are revoked—

- (a) regulations 4 and 5 of the Allocation of Housing (Wales) Regulations 2003;
- (b) the Homelessness (Wales) Regulations 2006;
- (c) the Allocation of Housing (Wales) (Amendment) Regulations 2006; and
- (d) the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2009.

## Transitional provisions

8. The revocations made by these Regulations shall not have effect in relation to an applicant whose application for—

- (a) an allocation of housing accommodation under Part 6 of the 1996 Act; or
- (b) housing assistance under Part 7 of the 1996 Act,

was made before the coming into force of these Regulations.

*Lesley Griffiths*

24 September 2014

Minister for Communities and Tackling Poverty, one of the Welsh Ministers

<sup>69</sup> Sub-paragraphs (2)(g),(h) inserted by S.I. 2020/1309 reg. 76(4)(a)(v) from 01/01/2021.

<sup>70</sup> Word omitted by S.I. 2021/1147 reg. 6(a) as from 15/10/2021.

<sup>71</sup> Word omitted by S.I. 2022/485 reg. 6(a) as from 28/04/2022.

<sup>72</sup> Sub-paragraph (2)(i) inserted by S.I. 2021/1147 reg. 6(c) from 15/10/2021.

<sup>73</sup> Word omitted by S.I. 2023/611 reg. 6(a) as from 08/06/2023.

<sup>74</sup> Paragraph (j) inserted by S.I. 2022/485 reg. 6(c) as from 28/04/2022.

<sup>75</sup> Word omitted by S.I. 2023/1211 reg. 6(a) from 16/11/2023.

<sup>76</sup> Sub-paragraph (2)(k) inserted by S.I. 2023/611 reg. 6(c) from 08/06/2023.

<sup>77</sup> Words substituted by S.I. 2023/1211 reg. 6(b) from 16/11/2023.

<sup>78</sup> Sub-paragraph (2)(l) inserted by S.I. 2023/1211 reg. 6(c) from 16/11/2023.