

**2006 No. 214**  
**SOCIAL SECURITY**

**The Housing Benefit (Persons who have attained the  
qualifying age for state pension credit) Regulations 2006**

*Made - - - 2nd February 2006*  
*Laid before Parliament 10th February 2006*  
*Coming into force - - 6th March 2006*

[...]

**Persons from abroad**

**10.—(1)** A person from abroad who is liable to make payments in respect of a dwelling shall be treated as if he were not so liable ►<sup>1</sup>◄.

►<sup>2</sup>(2) In paragraph (1), “person from abroad” means, subject to the following provisions of this regulation, a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(3) No person shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless he has a right to reside in (as the case may be) the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland other than a right to reside which falls within paragraph (4) ►<sup>3</sup>or (4ZA)◄.

(4) A right to reside falls within this paragraph if it is one which exists by virtue of, or in accordance with, one or more of the following—

(a) regulation 13 of the ►<sup>4</sup>Immigration (European Economic Area) Regulations 2016◄;

(b) regulation 14 of those Regulations, but only in a case where the right exists under that regulation because the person is—

(i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or

(ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker; ►<sup>5</sup> or◄

►<sup>6</sup>(bb) regulation 16 of those Regulations, but only in a case where the right exists under that regulation because the person satisfies the criteria in paragraph (5) of that regulation; ◄

►<sup>7</sup> ◄

►<sup>8</sup>(4ZA) A right to reside falls within this paragraph if it exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

<sup>1</sup> Words omitted due to implied repeal by Asylum and Immigration (Treatment of Claimants etc.) Act 2004 s12(2)(e) and, art., 2(1) of S.I. 2007/1602 as from 14.06.07; see also S.I. 2006/217 reg. 7 and schedule 4.

<sup>2</sup> Regs. 10(2), (3), (4)(a)-(d) & (4A)(a)-(k) substituted for regs 10(2) & (3) by reg. 5(2)(a) of S.I. 2006/1026 as from 30.4.06.

<sup>3</sup> Words inserted by reg. 6(2)(a) of S.I. 2019/872 as from 7.5.19.

<sup>4</sup> Words substituted by reg. 6(2)(b) of S.I. 2019/872 as from 7.5.19.

<sup>5</sup> Word inserted by reg. 65(2)(a)(i) of S.I. 2020/1309 as from 1.1.21

<sup>6</sup> Sub-paragraph (bb) substituted by reg. 6(2)(c) of S.I. 2019/872 as from 7.5.19.

<sup>7</sup> Sub-paragraphs (c) to (e) omitted by reg. 65(2)(a)(ii) of S.I. 2020/1309 as from 1.1.21

<sup>8</sup> Paragraph (4ZA) inserted by reg. 6(2)(d) of S.I. 2019/872 as from 7.5.19.

- (a) Appendix EU to the immigration rules made under section 3(2) of that Act;▶<sup>9</sup>◀
  - (b) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act◀▶<sup>10</sup>; or
  - (c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.◀
- ▶<sup>11</sup> (4ZB) Paragraph (4ZA)(a) does not apply to a person who—
- (d) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
  - (e) would have a right to reside under the Immigration (European Economic Area) Regulations 2016 if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4). ◀
- (4A) A person is not a person from abroad if he is—
- ▶<sup>12</sup>(zza) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971(1), where such leave is granted by virtue of—
- (i) the Afghan Relocations and Assistance Policy; or
  - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
- (zzb) a person in Great Britain not coming within sub-paragraph (zza) or (h)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;◀
- ▶<sup>13</sup>(za) a qualified person for the purposes of regulation 6 of the ▶<sup>14</sup>Immigration (European Economic Area) Regulations 2016◀ as a worker or self-employed person;
- (zb) a family member of a person referred to in sub-paragraph (za) ▶<sup>15</sup>◀;
- (zc) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of those Regulations;◀
- ▶<sup>16</sup>(zd) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (3AA)(a), provided that the relevant person of Northern Ireland falls within sub-paragraph (za), or would do so but for the fact that they are not an EEA national; ◀
- ▶<sup>17</sup>(ze) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (zf) a family member, of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;◀
- (g) a refugee;
- ▶<sup>18</sup>(h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is—
- (i) discretionary leave to enter or remain in the United Kingdom;

<sup>9</sup> Word omitted by reg. 18(2)(a) of S.I. 2020/1372 as from 1.1.21

<sup>10</sup> Sub-paragraph (c) inserted by reg. 18(2)(b) of S.I. 2020/1372 as from 1.1.21

<sup>11</sup> Paragraph (4ZB), inserted by reg. 6(2)(a) of S.I. 2020/683 as from 24.8.20.

<sup>12</sup> Sub-paragraphs (zza)-(zzb) inserted by reg. 2(2) of S.I. 2021/1034 as from 15.09.21.

<sup>13</sup> Regulation 10(4A)(a)-(f) substituted for sub-paragraphs (za)-(zc) by reg. 6 of S.I. 2014/902 as from 31.5.14.

<sup>14</sup> Words substituted by reg. 6(2)(e) of S.I. 2019/872 as from 7.5.19.

<sup>15</sup> Words omitted by reg. 6(2)(b) of S.I. 2020/683 as from 24.8.20

<sup>16</sup> Sub-paragraph (zd) inserted by reg. 6(2)(c) of S.I. 2020/683 as from 24.8.20.

<sup>17</sup> Sub-paragraphs (ze) to (zf) inserted by reg. 65(2)(b) of S.I. 2020/1309 as from 1.1.21

<sup>18</sup> Sub-paragraph (h) substituted by reg. 12(3)(a) of S.I. 2013/2536 as from 29.10.13.

- (ii) leave to remain under the Destitution Domestic Violence concession; ►<sup>19</sup> ◀
- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005; ◀►<sup>20</sup> or
- (iv) granted under the Afghan Citizens Resettlement Scheme; ◀
- <sup>21</sup> (hh) a person who has humanitarian protection granted under those rules; ◀
  - (i) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom; ►<sup>22</sup> or ◀
  - (j)-(jj) ►<sup>23</sup> ◀
  - (k) on state pension credit. ◀<sup>24</sup>
- (5) ►<sup>25</sup> ◀
- (6) In this regulation—
  - <sup>26</sup> ◀
- <sup>27</sup> “EEA national” has the meaning given in regulation 2(1) of the Immigration (European Economic Area) Regulations 2016;
 

“family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the Immigration (European Economic Area) Regulations 2016 except that regulation 7(4) of those Regulations does not apply for the purposes of paragraphs (4ZB) and (4A)(zd); ◀

“refugee” means a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees.
- <sup>28</sup> “relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971. ◀
- <sup>29</sup> (7) References in this regulation to the Immigration (European Economic Area) Regulations 2016 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>19</sup> Word omitted by reg. 2(3)(a) of S.I. 2021/1034 as from 15.09.21.

<sup>20</sup> Words inserted by reg. 2(3)(b) of S.I. 2021/1034 as from 15.09.21.

<sup>21</sup> Sub-paragraph (hh) inserted by reg. 6(2) of S.I. 2006/2528 as from 9.10.06.

<sup>22</sup> Word inserted by reg. 12(3)(b) of S.I. 2013/2536 as from 29.10.13.

<sup>23</sup> Sub-paragraphs (j) and (jj) omitted by reg. 12(3)(c) of S.I. 2013/2536 as from 29.10.13.

<sup>24</sup> See footnote 2 above.

<sup>25</sup> Paragraph (5) omitted by reg. 12(3)(c) of S.I. 2013/2536 as from 29.10.13.

<sup>26</sup> Definition of “a European Economic Area State” omitted by reg. 5(2)(b) of S.I. 2006/1026 as from 30.4.06.

<sup>27</sup> Definitions of “EEA national” and “family member” inserted by reg. 6(2)(d)(i) of S.I. 2020/683 as from 24.8.20.

<sup>28</sup> Definition of “relevant person of Northern Ireland” inserted by reg. 6(2)(d)(ii) of S.I. 2020/683 as from 24.8.20.

<sup>29</sup> Paragraph (7) inserted by reg. 65(2)(c) of S.I. 2020/1309 as from 1.1.21