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STATUTORY INSTRUMENTS

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2000 No. 706

**IMMIGRATION  
HOUSING, ENGLAND  
HOUSING, SCOTLAND  
HOUSING, NORTHERN IRELAND**

**The Persons subject to Immigration Control (Housing  
Authority Accommodation and Homelessness) Order 2000**

<i>Made</i>	<i>7th March 2000</i>
<i>Laid before Parliament</i>	<i>13th March 2000</i>
<i>Coming into force</i>	<i>3rd April 2000</i>

[As amended by SI 2006/2521, SI 2008/1768, SI 2015/643, SI 2018/729, SI 2019/1027, SI 2020/825, SI 2021/1045, 2022/339, 2022/242, 2022/601, 2022/626, 2022/1371, 2023/530, 2023/1142 and 2024/647<sup>1</sup>]

In exercise of the powers conferred on him by sections 118, 119 and 166(3) of the Immigration and Asylum Act 1999, the Secretary of State hereby makes the following Order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000 and shall come into force on 3rd April 2000.

- (2) This Order does not extend to Wales.
- (3) Article 4 extends to England only.
- (4) Articles 5 and 8 extend to Northern Ireland only.
- (5) Articles 6 and 9 extend to Scotland only.
- (6) Article 7 extends to Scotland and Northern Ireland only.

**Interpretation**

2. In this Order—

“the 1971 Act” means the Immigration Act 1971;

“the 1985 Act” means the Housing Act 1985;

►<sup>2</sup> [...]◄

“the 1999 Act” means the Immigration and Asylum Act 1999;

►<sup>3</sup> [...]◄

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<sup>1</sup> Also amended SI 2005 No. 1379 but no amendments surviving subsequent changes.

<sup>2</sup> Words omitted by art 2(2)(a) SI 2008 No. 1768 from 07/08/2008

<sup>3</sup> Words omitted by art 3(2) of SI 2024 No. 647 from 07/06/2024

“asylum-seeker” means a person who is not under 18 and who made a claim for asylum which is recorded by the Secretary of State as having been made on or before 2nd April 2000 but which has not been determined;

“child in need” means a child—

- (a) who is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under Part III of the Children Act 1989 (local authority support for children and families);
- (b) whose health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- (c) who is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed by regulations made under section 17 of the Children Act 1989 (provision of services for children in need, their families and others);

“claim for asylum” 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;

“Common Travel Area” means the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively;

“designated course” means a course of any kind designated by regulations made by the Secretary of State for the purposes of paragraph 10 of Schedule 1 to the 1985 Act (student lettings which are not secure tenancies);

“development” means physical, intellectual, emotional, social or behavioural development;

“educational establishment” means a university or institution which provides further education or higher education (or both); and for the purposes of this definition “further education” has the same meaning as in section 2 of the Education Act 1996 (definition of further education) and “higher education” means education provided by means of a course of any description mentioned in Schedule 6 to the Education Reform Act 1988 (courses of higher education);

►<sup>4</sup> “the EEA Regulations” means the Immigration (European Economic Area) Regulations 2016; ◀

“family”, in relation to a child in need, includes any person who has parental responsibility for the child and any other person with whom he has been living;

“full-time course” means a course normally involving not less than 15 hours attendance a week in term time for the organised day-time study of a single subject or related subjects;

“health” means physical or mental health;

►<sup>5</sup> “the Human Rights Convention” 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 1971 Act (general provisions for regulation and control);

►<sup>6</sup> [...] ◀

“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;

►<sup>7</sup> “relevant person of Northern Ireland” has the meaning given in Appendix EU to the immigration rules; ◀

“specified education institution” means—

- (a) a university or other institution within the ►<sup>8</sup> wider ◀ higher education sector within the meaning of section ►<sup>9</sup> 4(4) of the Education Act 1996 (schools: general) ◀, in respect of a university or

4 Words inserted by art 2(2) of SI 2020 No. 825 from 24/08/2020

5 Words inserted by S.I. 2022/242 art. 2(2) from 06/04/2022.

6 Words omitted by art 2(2)(b) of SI 2008 No. 1768 from 07/08/2008

7 Words inserted by art 2(2) of SI 2020 No. 825 from 24/08/2020

8 Word inserted by art 21(a) of SI 2019 No. 1027 from 01/08/2019

9 Words inserted by art 21(b) of SI 2019 No. 1027 from 01/08/2019

other institution in England, or section 56(2) of the Further and Higher Education (Scotland) Act 1992 (interpretation of Part II), in respect of a university or other institution in Scotland;

- (b) an institution in England within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992;
- (c) a college of further education in Scotland which is under the management of an education authority or which is managed by a board of management in terms of Part I of the Further and Higher Education (Scotland) Act 1992 (further education in Scotland);
- (d) a central institution in Scotland within the meaning of section 135(1) of the Education (Scotland) Act 1980 (interpretation);
- (e) an institution in England which provides a course qualifying for funding under Part I of the Education Act 1994 (teaching training);
- (f) a higher education institution in Northern Ireland within the meaning of Article 30(3) of the Education and Libraries (Northern Ireland) Order 1993 (funding by Department of higher education); or
- (g) an institution of further education in Northern Ireland within the meaning of Article 3 of the Further Education (Northern Ireland) Order 1997 (definition of “further education”).

### **Housing authority accommodation—England, Scotland and Northern Ireland**

3. The following are classes of persons specified for the purposes of section 118(1) of the 1999 Act (housing authority accommodation) in respect of England, Scotland and Northern Ireland—

- (a) Class A—a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention ►<sup>10</sup> and who has leave to enter or remain in the United Kingdom◄;
- (b) Class B—a person—
  - <sup>11</sup>(i) who has leave to enter or remain in the United Kingdom granted outside the provisions of the immigration rules; and◄
  - (ii) whose leave is not subject to a condition requiring him to maintain and accommodate himself, and any person who is dependent on him, without recourse to public funds;
- <sup>12</sup>(bb) Class BA—a person who has humanitarian protection granted under the immigration rules;◄
- <sup>13</sup>(bc) Class BB — 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;◄
- (c) Class C—a person who has current leave to enter or remain in the United Kingdom which is not subject to any limitation or condition and who is habitually resident in the Common Travel Area other than a person—
  - (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by another person (his “sponsor”) in writing in pursuance of the immigration rules to be responsible for his maintenance and accommodation;
  - (ii) who has been resident in the United Kingdom for less than five years beginning on the date of entry or the date on which the undertaking was given in respect of him, 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 left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption;
- [...]◄<sup>14</sup>
- (f) Class F—a person who is attending a full-time course at a specified education institution in a case where the housing accommodation which is or may be provided to him—

<sup>10</sup> Words inserted by reg 3(3)(a) by SI 2024 No. 647 from 07/06/2024

<sup>11</sup> Article 3(b)(i) substituted by art 2(2)(a) of SI 2006 No. 2521 from 09/10/2006

<sup>12</sup> Article 3(bb) inserted by art 2(2)(b) SI 2006 No. 2521 from 09/10/2006

<sup>13</sup> Article 3(bc) inserted by reg 3(2) SI 2022 No. 1371 from 30/01/2023

<sup>14</sup> Article 3(e) omitted by art 2(3) of SI 2008 No. 1768 from 07/08/2008

- (i) is let by a housing authority to that specified education institution for the purposes of enabling that institution to provide accommodation for students attending a full-time course at that institution; and
  - (ii) would otherwise be difficult for that housing authority to let on terms which, in the opinion of the housing authority, are satisfactory.
- ▶<sup>15</sup>(g) Class FA—a person ▶<sup>16</sup> who is habitually resident in the Common Travel Area ◀ who has been transferred 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>17</sup>(ga) Class FAA — a person in the United Kingdom who—
  - (i) was residing in Ukraine immediately before 1st January 2022;
  - (ii) left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and
  - (iii) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
 but excluding a person (P) 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. ◀
- ▶<sup>18</sup>(gb) Class FAB – a person in the United Kingdom who has limited leave to remain granted in accordance with Appendix Ukraine Scheme of the Immigration Rules pursuant to an application made by that person from within the United Kingdom, but excluding a person (P) 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. ◀
- ▶<sup>19</sup>(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 ▶<sup>20</sup>
    - (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);
- (g) 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. ◀
- ▶<sup>21</sup>(j) Class FD – 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

<sup>15</sup> Article 3(g) inserted by article 2(2) of SI 2018 No. 729 from 09/07/2018

<sup>16</sup> Words inserted by S.I. 2022/242 art. 2(3)(a) from 06/04/2022.

<sup>17</sup> Article 3(ga) inserted by article 3(2) of SI 2022 No. 339 from 22/03/2022

<sup>18</sup> Article 3(gb) inserted by S.I. 2022/601 reg. 3(2) and S.I. 2022 No. 626 reg. 2 from 10/06/2022.

<sup>19</sup> Article 3(h),(i) inserted by art 2(3) of SI 2020 No. 825 from 24/08/2020

<sup>20</sup> Words omitted by S.I. 2024/647 reg. 3(3)(b) from 07/06/2024.

<sup>21</sup> Article (j) inserted by S.I. 2021/1045 reg. 3(2) from 16/09/2021.

- (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>22</sup> (k) Class FE—a person (P)—

- (i) 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 that is granted under the immigration rules; and
  - (ii) whose leave is not subject to a condition requiring P to maintain and accommodate P, and any person who is dependent on P, without recourse to public funds;
- (l) Class FF—a person who is habitually resident in the Common Travel Area who has limited leave to remain in the United Kingdom under paragraphs 352J or 352K of the immigration rules;
- (m) Class FG—a person (P)—
- (i) who is habitually resident in the Common Travel Area and has limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British National (Overseas) of the immigration rules; and
  - (ii) whose leave is not subject to a condition requiring P to maintain and accommodate P, and any person who is dependent on P, without recourse to public funds. ◀

►<sup>23</sup>(n) Class FH — 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(2);
- (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>24</sup>(o) Class FI — 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;

<sup>22</sup> Article 3(k), (l), (m) inserted by S.I. 2022/242 art. 2(3)(b) from 06/04/2022.

<sup>23</sup> Article 3(n) inserted by S.I. 2023/530 reg. 3(2) from 15/05/2023.

<sup>24</sup> Article 3(o) inserted by S.I. 2023/1142 reg. 3(2) from 27/10/2023.

- (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>25</sup>(p) Class FJ—a person (P) who has indefinite leave to enter the United Kingdom by virtue of Appendix Victim of Domestic Abuse of the immigration rules in circumstances where P is a victim of transnational marriage abandonment;
- (q) Class FK—a person who has limited leave to enter or limited leave to remain in the United Kingdom and who, after making a change of conditions application, has had their no recourse to public funds condition lifted by the Home Office in accordance with section 3(1)(c)(ii) of the Immigration Act 1971, and who does not fall within Class FE or Class FG in this regulation. ◀

### **Housing authority accommodation—England**

**4.—(1)** The following are classes of persons specified for the purposes of section 118(1) of the 1999 Act in respect of England—

- (a) Class G—a person ▶<sup>26</sup> whose needs for care and support a local authority considers should be met under Part 1 of the Care Act 2014 by the provision of accommodation; ◀
- (b) Class H—a person who is either a child in need or a member of the family of a child in need;
- (c) Class I—a person—
  - (i) who is owed a duty under section 63(1) (interim duty to accommodate in case of apparent priority need), 65(2) or (3) (duties to persons found to be homeless) or 68(1) or (2) (duties to persons whose applications are referred) of the 1985 Act;
  - (ii) who is owed a duty under section 188(1) (interim duty to accommodate in case of apparent priority need), 190(2) (duties to persons becoming homeless intentionally), 193(2) (duty to persons with priority need who are not homeless intentionally), 195(2) (duties in case of threatened homelessness) or 200(1), (3) or (4) (duties to applicant whose case is considered for referral or referred) of the Housing Act 1996; or
  - (iii) in respect of whom a local housing authority are exercising their power under section 194(1) (power exercisable after minimum period of duty under section 193) of the Housing Act 1996;
- (d) Class J—an asylum-seeker to whom, or a dependant of an asylum-seeker to whom, a local authority is required to provide support in accordance with regulations made under Schedule 9 to the 1999 Act (asylum support: interim provisions);
- (e) Class K—a person who is attending a designated course, which is a full-time course, at an educational establishment in a case where the housing accommodation which is or may be provided to him by a local housing authority—
  - (i) is not and will not be let to him as a secure tenancy by virtue of paragraph 10 of Schedule 1 to the 1985 Act(4) (student lettings which are not secure tenancies); and
  - (ii) would otherwise be difficult for that local housing authority to let on terms which, in the opinion of the local housing authority, are satisfactory;
- (f) Class L—a person who has a secure tenancy within the meaning of section 79 of the 1985 Act (secure tenancies).

(2) “Dependant”, in relation to an asylum-seeker within paragraph (1)(d) (Class J), means a person in the United Kingdom who—

<sup>25</sup> Article 3(p) and (q) inserted by S.I. 2024/647 reg. 3(3)(c) from 07/06/2024.

<sup>26</sup> Article 4(1)(a) words substituted by art 15 of SI 2015 No. 643 from 01/04/2015



- (a) is his spouse;
- (b) is a child of his, or of his spouse, who is under 18 and dependent on him; or
- (c) falls within such additional category as may be prescribed under section 94(1) of the 1999 Act (interpretation of Part VI—support for asylum-seekers), for the purposes of regulations made under Schedule 9 to the 1999 Act (asylum support: interim provisions), in relation to an asylum-seeker.

### **Housing authority accommodation—Northern Ireland**

**5.** The following are classes of persons specified for the purposes of section 118(1) of the 1999 Act in respect of Northern Ireland—

- (a) Class M—a person who is a secure tenant of the Northern Ireland Housing Executive or a registered housing association within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983 (secure tenancies);
- (b) Class N—a person who is owed a duty under Article 8 (interim duty to accommodate in case of apparent priority need), 10(2) or (3) (duties to persons found to be homeless) or 11(2) (duties to persons found to be threatened with homelessness) of the Housing (Northern Ireland) Order 1988.

### **Housing authority accommodation—Scotland**

**6.** The following are classes of persons specified for the purposes of section 118(1) of the 1999 Act in respect of Scotland—

- (a) Class O—a person who is a secure tenant within the meaning of Part III of the Housing (Scotland) Act 1987 (rights of public sector tenants);
- (b) Class P—a person who is owed a duty under section 29 (interim duty to accommodate in case of apparent priority need), 31 (duties to persons found to be homeless), 32 (duties to persons found to be threatened with homelessness) or 34 (duties to persons whose applications are referred to another local authority) of the Housing (Scotland) Act 1987.

### **Homelessness—Scotland and Northern Ireland**

**7.—(1)** The following are classes of persons specified for the purposes of section 119(1) of the 1999 Act (homelessness: Scotland and Northern Ireland) in respect of Scotland and Northern Ireland—

- ▶<sup>27</sup>(a) the classes specified in article 3(a) to (d) and ▶<sup>28</sup> the classes specified in article ▶<sup>29</sup> 3(g) to (q)◀◀ (Class A, Class B, Class BA, ▶<sup>30</sup> Class BB, ◀ Class C, Class D ▶<sup>31</sup>, Class FA, ▶<sup>32</sup>Class FAA,◀▶<sup>33</sup>Class FAB,◀ Class FB, ◀▶<sup>34</sup> Class FC, Class FD, Class FE, Class FF ▶<sup>35</sup> Class FG◀ ▶<sup>36</sup> Class FH, ◀▶<sup>37</sup>Class FI, Class FJ and Class FK◀);◀
- (b) Class Q—a person who is an asylum-seeker and who made a claim for asylum—
  - (i) which is recorded by the Secretary of State as having been made on his arrival (other than on re-entry) in the United Kingdom from a country outside the Common Travel Area; and
  - (ii) which has not been recorded by the Secretary of State as having been either decided (other than on appeal) or abandoned;
- (c) Class R—a person who is an asylum-seeker and—
  - (i) who made a relevant claim for asylum on or before 4th February 1996; and

<sup>27</sup> Article 7(1)(a) substituted by art 2(3) of SI 2018 No. 729 from 09/07/2018

<sup>28</sup> Words inserted by art 2(4) of SI 2020 No. 825 from 24/08/2020

<sup>29</sup> Words substituted by S.I. 2024/647 reg. 3(4)(a) from 07/06/2024

<sup>30</sup> Word inserted by reg 3(3) of SI 2022 No. 1371 from 30/01/2022

<sup>31</sup> Words inserted by art 2(4) of SI 2020 No. 825 from 24/08/2020

<sup>32</sup> Words inserted by reg 3(3) of SI 2022 No. 339 from 22/03/2022

<sup>33</sup> Words inserted by reg 3(3) of SI 2022 No. 601 and S.I. 2022 No. 626 reg. 2 from 10/06/2022

<sup>34</sup> Words inserted by S.I. 2022/242 art. 2(4)(b) from 06/04/2022

<sup>35</sup> Words substituted by S.I. 2023/530 art. 3(3)(b) from 15/05/2023

<sup>36</sup> Words substituted by S.I. 2023/1142 art. 3(3)(b) from 27/10/2023

<sup>37</sup> Words substituted by S.I. 2024/647 reg. 3(4)(b) from 07/06/2024

- (ii) who was, on 4th February 1996, entitled to benefit under regulation 7A of the Housing Benefit (General) Regulations 1987(1) (persons from abroad) or regulation 7A of the Housing Benefit (General) Regulations (Northern Ireland) 1987 (persons from abroad).
- (2) In paragraph (1)(c)(i), a relevant claim for asylum is a claim for asylum which—
  - (a) has not been recorded by the Secretary of State as having been either decided (other than on appeal) or abandoned; or
  - (b) has been recorded as having been decided (other than on appeal) on or before 4th February 1996 and in respect of which an appeal is pending which—
    - (i) was pending on 5th February 1996; or
    - (ii) was made within the time limits specified in the rules of procedure made under section 22 of the 1971 Act (procedure).

### **Homelessness—Northern Ireland**

►8. The following is a class of person specified for the purposes of section 119(1) of the 1999 Act in respect of Northern Ireland—

Class T—a person who is an asylum-seeker and—

- (a) who was in Northern Ireland when the Secretary of State made a declaration to the effect that the country of which that person is a national is subject to such a fundamental change in circumstances that he would not normally order the return of a person to that country;
- (b) who made a claim for asylum which is recorded by the Secretary of State as having been made within a period of three months from the day on which that declaration was made; and
- (c) whose claim for asylum has not been recorded by the Secretary of State as having been either decided (other than on appeal)<sup>38</sup> or abandoned.◀

### **Homelessness—Scotland**

►9. The following is a class of person specified for the purposes of section 119(1) of the 1999 Act in respect of Scotland—

Class V—a person who is an asylum-seeker and—

- (a) who was in Great Britain when the Secretary of State made a declaration to the effect that the country of which that person is a national is subject to such a fundamental change in circumstances that he would not normally order the return of a person to that country;
- (b) who made a claim for asylum which is recorded by the Secretary of State as having been made within a period of three months from the day on which that declaration was made; and
- (c) whose claim for asylum has not been recorded by the Secretary of State as having been either decided (other than on appeal)<sup>39</sup> or abandoned.◀

10. The following Orders are revoked—

- (a) the Housing Accommodation and Homelessness (Persons subject to Immigration Control) Order 1996, in so far as it extends to England and Scotland;
- (b) the Homelessness (Persons subject to Immigration Control) (Amendment) Order 1997, in so far as it extends to England and Scotland;
- (c) the Housing Accommodation and Homelessness (Persons subject to Immigration Control) (Amendment) Order 1998, in so far as it extends to England;
- (d) the Housing Accommodation and Homelessness (Persons subject to Immigration Control) (Northern Ireland) Order 1998;
- (e) the Housing Accommodation and Homelessness (Persons subject to Immigration Control) (Amendment) (Scotland) Order 1999; and
- (f) the Housing Accommodation (Persons subject to Immigration Control) (Amendment) (England) Order 1999.

<sup>38</sup> Article 8 substituted by art 2(5) of SI 2008 No. 1768 from 07/08/2008

<sup>39</sup> Article 9 substituted by art 2(6) of SI 2008 No. 1768 from 07/08/2008



*Barbara Roche*  
Minister of State

Home Office  
7th March 2000