



Department for Levelling Up,
Housing & Communities

*Department for Levelling Up, Housing &
Communities*

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Local Authority Chief Executives

www.gov.uk/mhclg

Date: 21 March 2022

Dear Local Authority Chief Executives,

**The Allocation of Housing and Homelessness (Eligibility) (England)
Persons subject to Immigration Control (Housing Authority Accommodation
and Homelessness) (Amendment) Regulations 2022**

The UK government has announced the Ukraine Family Scheme on 4 March and Homes for Ukraine Scheme on 14 March for those fleeing Ukraine following the Russian invasion of Ukraine on 24 February 2022. Information about the schemes can be found here: <https://www.gov.uk/guidance/support-for-family-members-of-british-nationals-in-ukraine-and-ukrainian-nationals-in-ukraine-and-the-uk> and <https://homesforukraine.campaign.gov.uk/>

Immigration status and entitlements of people arriving under the Ukraine Family Scheme and Homes for Ukraine Scheme

Those who are currently arriving in the UK under the Ukraine Family Scheme or Homes for Ukraine Scheme are being granted leave outside the rules.

People with leave outside the rules have the right to work and have access to public funds without the requirement to satisfy the habitual residency test. They will therefore have access to benefits and will be eligible for homelessness assistance and social housing.

The Home Office plans to update the Immigration Rules by the end of March to give those under the schemes limited leave to remain for an initial period of three years. These schemes provide the right to work and recourse to public funds, and access to benefits and services. We have introduced emergency secondary legislation (**The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2022**) to make these groups eligible for homelessness assistance and social housing following commencement.

This Statutory Instrument also exempts those fleeing Ukraine who are British Nationals, other persons not subject to immigration control with a right of abode in

the UK from the requirement to meet the habitual residence test when applying for these services.

These legislative changes have been made in parallel with changes to legislation regarding access to benefits and services.

Impact on homelessness and social housing

Local authorities will need to continue checking eligibility of anyone who presents as homeless in the usual way. However, the changes we have made through these Regulations will mean that people arriving under the Ukraine Family Scheme and Homes for Ukraine are eligible for social housing and homelessness assistance, both now and after the Home Office update the Immigration Rules.

We have also waived the habitual residency test for British Nationals and those not subject to immigration control, so local authorities can immediately assess them as eligible for services.

The legislative changes will come into force on 22 March.

For further guidance to local authorities on the Homes for Ukraine Scheme please see here: <https://www.gov.uk/guidance/homes-for-ukraine-guidance-for-councils>

Guidance

We will make updates to the Homelessness Code of Guidance and Social Housing Allocations Guidance in due course.

This is part of our commitment to ensure those fleeing the war in Ukraine are given access to appropriate support when they reach the UK. I recognise that the situation in Ukraine raises significant pressures for local authorities across a range of areas. The government is providing funding at a rate of £10,500 per person to councils to enable them to provide support to families to rebuild their lives and fully integrate into communities. We will be monitoring the impact on local authorities and are considering how we can further support councils to ensure we are able to support those fleeing the war in Ukraine while managing pressures on local government.

Yours sincerely,



Penny Hobman

Director- Homelessness & Rough Sleeping