

# Am I eligible for assistance?

The second in a series of five factsheets that considers the issues that a council will look at if you are homeless and apply to it for accommodation.

This factsheet explains who is eligible for assistance as a homeless person. This may affect you if you have lived abroad, or have come from there.



Specialist support on housing advice

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Shelter

Registered charity in England and Wales (263710) and in Scotland (SC002327).

Some people who have lived abroad may not be eligible for assistance from a local council if they make a homelessness application. This can affect British citizens as well as foreign nationals. The rules are complicated and this factsheet only provides a rough guide.

## Who is eligible?

You will be eligible for assistance if:

- you are a British citizen who has not lived abroad
- you are working in the UK and you are from a European Union (EU) or European Economic Area (EEA)\* country. If you are a worker from Croatia or an A2 country\*\*, you may also need to obtain worker authorisation to be eligible
- you are an asylum seeker who has been granted refugee status
- you have been granted discretionary or indefinite leave to remain in the UK, or 'humanitarian protection', without a 'no recourse to public funds' condition.

## Who is not eligible?

There are two main groups of people who may not be eligible for assistance: those 'subject to immigration control' and those who are not 'habitually resident' in the UK.

### *Subject to immigration control*

You are subject to immigration control if you are a foreign national who needs permission to enter or remain in the UK. If this applies to you, then you will probably not be eligible for assistance unless you are in one of the groups listed under 'Who is eligible?' above. If you are a homeless asylum seeker, you will not be eligible and you will normally need to seek help from the UK Border Agency instead.

You do not need permission to enter or remain in the UK if you are a:

- British citizen
- Commonwealth citizen with a right of abode (only some people born before 1983 have this)
- Irish national

- EU or EEA national with a right to reside (see next section).

### *Habitually resident*

If you have come to, or recently returned to the UK after living abroad, even if you are a British citizen, the council will check whether you are 'habitually resident'. If you are not, you will not be eligible for assistance.

The check looks into where you normally live. The length of time you have to have been living in the UK to be eligible depends on your individual circumstances. If you had been 'habitually resident' before, moved abroad and then returned to the UK, you should be habitually resident straight away.

You will automatically be habitually resident if you are an EU or EEA national with a right to reside in the UK (this usually means you are working here, but there are others with a right to reside). Your family members may have the same right.

### **Duty owed**

If the council decides that you are not eligible for assistance, it has no duty to house you, though it must still provide you with advice and information. If the council decides you are eligible, it will then consider whether you are in 'priority need' for housing. We will look at what this means in the third factsheet.

### **Negative decisions**

You have the right to request a review of any homelessness decision that goes against you. However, your request must be made within 21 days of being notified of the decision.

### **Further advice**

You can get further advice from Shelter's free\*\*\* housing advice helpline (0808 800 4444), a local Shelter advice service or Citizens Advice bureau, or by visiting [shelter.org.uk/advice](http://shelter.org.uk/advice)

\* The EU countries plus Iceland, Liechtenstein, Norway and Switzerland.

\*\* Bulgaria, Romania. The requirement for worker authorisation for them ends on 31 December 2013.

\*\*\* Calls are free from UK landlines and main mobile networks.