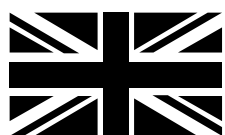


Applying as homeless: people from abroad

This factsheet explains who is eligible for assistance as a homeless person. This is based on your immigration status or if you have come to the UK from abroad.



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Note
Information contained in this factsheet is correct at the time of publication. Please check details before use.

You might not be eligible for any help from the council's housing department if you have lived abroad. This can affect British as well as foreign nationals.

The rules are complicated. This is only a basic guide - get advice if you are not sure whether you are eligible.

Who is not eligible?

There are two main groups of people who may not be eligible for assistance, those:

- 'subject to immigration control' who are not in a special category
- 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 (eg a visa) to enter or remain in the UK. If this applies to you, then you will not be eligible unless you are in one of the groups listed under 'Who is eligible?' below.

Not 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 habitually resident, you are not eligible for homelessness assistance.

If you are a British or Irish citizen who has been living in Ireland, the Isle of Man, or the Channel Islands this does not count as 'living abroad'.

The council will look into where you normally live. If you had been 'habitually resident' in the UK before, moved abroad and then returned here, you could be habitually resident immediately. See the factsheet '*Habitual residence test*' for more on this.

If you are a European Union (EU) or European Economic Area (EEA) national, you and your close family members are automatically habitually resident if you have a right to reside in the UK because you are working or self-employed here.

The EEA includes all the countries that are in the EU plus Iceland, Liechtenstein, Norway and Switzerland.

Who is eligible?

You are eligible for homelessness assistance if you are:

- a habitually resident British or Irish citizen
- a Commonwealth citizen with a right of abode, who is habitually resident in the UK (only some people born before 1983 have a right of abode in the UK)
- someone who has been granted refugee status, indefinite or discretionary leave to remain in the UK; 'humanitarian protection' without a 'no recourse to public funds' condition; or the 'destitution domestic violence concession'
- from a EU or EEA country and have a right to reside in the UK because, for example, you are a worker or self-employed. If you are from Croatia you may need to obtain worker authorisation to be eligible. If you are eligible then your close family members will be eligible too, regardless of their nationality.

What duty does the council have?

If you make a homeless application (see the second factsheet) and 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 homeless and in 'priority need'. See other factsheets in this series for details of these tests.

Reviewing the decision

You have the right to request a review of any homelessness decision that goes against you, including that you are not eligible. Your request must be made within 21 days of being notified of the council's decision. If your review does not succeed, get advice about whether you can appeal to the court.

Further advice

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

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