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Dear Chief Housing Officer,

**BRITISH EVACUEES FROM THE LEBANON : HOUSING ASSISTANCE**

**THE ALLOCATION OF HOUSING AND HOMELESSNESS (ELIGIBILITY) (ENGLAND)  
(AMENDMENT) REGULATIONS 2006**

*This letter notifies local housing authorities in England that the Government has today laid emergency regulations before Parliament to ensure that all British evacuees from Lebanon will be eligible for housing assistance from local authorities.*

**Evacuees**

The Government has evacuated a number of British nationals and their families from the Lebanon because of the security situation there. Approximately 2,200 evacuees have been brought to the UK (through Gatwick, Stansted, East Midlands and Manchester airports).

Information available so far suggests that only a small number of evacuees require help with accommodation in the UK (other than overnight, following arrival).

Some evacuees are British citizens returning to the UK or coming to the UK for the first time (and therefore may not be habitually resident here). Others are British nationals who do not have a right of abode in the UK (and are therefore subject to immigration control). Some evacuees who are family members of British citizens or British nationals may also be persons subject to immigration control.

**Amendment regulations**

**The Government has today laid emergency regulations before Parliament to ensure that all British evacuees from Lebanon will be eligible for housing assistance from**

**local authorities.** A copy of the regulations - the *Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2006* ("the Amendment Regulations") - is attached. The Amendment Regulations exempt evacuees who are British citizens from the requirement to be habitually resident in the UK or wider Common Travel Area in order to be eligible for an allocation of housing or for homelessness assistance (under Part 6 and Part 7 of the Housing Act 1996, respectively).

**The Amendment Regulations come into force at 4.00pm today (Tuesday 25 July) and apply until 31<sup>st</sup> January 2007.**

The Amendment Regulations will also apply to other persons who have left Lebanon because of the armed conflict there and who are not subject to immigration control in the UK (for example, EEA nationals exercising an EC law right to reside in the UK and Commonwealth citizens with right of abode in the UK).

Authorities will also wish to note that the Government has laid emergency regulations to make a similar exemption in respect of eligibility for housing benefit - which came into force at 00.01 am. on Tuesday 25 July.

### **British nationals (and family members) who are subject to immigration control**

Evacuees who are subject to immigration control are being granted leave exceptionally outside the Immigration Rules to enter the UK and will be eligible for housing without being required to be habitually resident in the UK or wider Common Travel Area. This leave (referred to as Code 1a) permits recourse to public funds. It therefore falls within Class B of Regulation 3 and Class B of Regulation 5 of the *Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006* ("the Eligibility Regulations"). Consequently, such persons will be eligible for housing allocation and for homelessness assistance, for the period of leave granted (which is 6 months in the first instance). The leave can be identified by a stamp in the holder's passport and may also be supported by a letter issued to the holder by the Home Office.

### **Housing assistance**

Where evacuees apply for housing assistance, the provisions of part 7 of the Housing Act 1996 will apply. Authorities should consider whether they have reason to believe that the applicant is or may be homeless and, if so, will need to make inquiries to satisfy themselves whether any duty is owed under Part 7. Where there is, or may be, homelessness, authorities will also need to decide whether they have reason to believe that the applicant has a priority need for accommodation and is eligible for assistance. If so, an interim duty to secure accommodation (under section 188(1) of the 1996 Act) will apply until inquiries are completed. Authorities should refer to the *Homelessness Code of Guidance for Local Authorities* for further guidance on discharging their functions under Part 7 of the 1996 Act.

### *Eligibility for assistance*

This has been dealt with above; the aim is that, for the time being, all persons who have left Lebanon because of the armed conflict there will be eligible for assistance (assuming they have been given appropriate leave to enter the UK if they are a person subject to

immigration control).

### *Homelessness*

The Secretary of State considers that all persons whose only home is in Lebanon, who have left the Lebanon after 12 July because of the armed conflict there, and who do not have other accommodation available in the UK (or elsewhere) will be homeless while it remains unsafe for them to return to their home in Lebanon.

### *Intentionality and priority need*

The Secretary of State considers that all persons who are homeless as a result of leaving their home in Lebanon because of the armed conflict there will be unintentionally homeless and will have a priority need for accommodation (under section 189(1)(d) of the 1996 Act) because they will be homeless as a result of an emergency such as flood, fire or other disaster.

### **Allocation of Accommodation**

The expectation is that, for the time being, all persons who have left Lebanon because of the armed conflict there will be eligible for an allocation of accommodation under Part 6 of the 1996 Act (assuming they have been given appropriate leave to enter the UK if they are a person subject to immigration control).

### **Inquiries**

Inquiries about eligibility for homelessness assistance should be addressed to Alan Edwards; inquiries about eligibility for an allocation of accommodation should be addressed to Frances Walker (contact details are at the top of the letter).

A copy of this letter and the Amendment Regulations is also being sent today, by e-mail, to the Homelessness and Housing Support Directorate's homelessness strategy contact in each authority.

Yours faithfully

**ALAN EDWARDS**

**FRANCES WALKER**