

Habitual residence

If you are homeless or about to become homeless, you can apply to the council for help. You might need to be habitually resident in the Common Travel Area.

Habitual residence is about whether your settled home is in the Common Travel Area.

The Common Travel Area is the UK, the Republic of Ireland, the Channel Islands, and the Isle of Man.

Who must be habitually resident

You will need to be habitually resident if you are a British or Irish citizen, have indefinite leave to remain, or have settled status under the EU Settlement Scheme.

The council might ask about this if you've lived abroad in the last two years.

Who doesn't need to be habitually resident

Not everyone has to be habitually resident. This includes if you have refugee status, leave to remain on human rights grounds, or leave for other exceptional reasons. You also don't need to be habitually resident if you fled the war in Ukraine or Afghanistan.

What the council looks at

If you apply in England for homelessness assistance, the council will look at why you have moved to the Common Travel Area, what your plans are, your length of residence, and your family ties here.

You could show habitual residence if you are registered with a doctor or have enrolled your children in school. You could also show habitual residence if you are working, looking for work, have opened a bank account, or have brought your possessions here.

Period of habitual residence

You are habitually resident if you have taken up residence in the Common Travel Area and lived here for some time. A period of between one and three months is often enough to show you are habitually resident.

Factsheet

You are immediately habitually resident if you were previously habitually resident in the UK and have returned to settle here.

You usually stop being habitually resident if you leave the Common Travel Area intending to settle abroad.

Homeless help from the council

If the council decides that you are habitually resident and that you are homeless or likely to be homeless within 56 days, it must assess your housing and support needs and take reasonable steps to help you find somewhere else to live.

If the council say you're not habitually resident

If the council finds it doesn't have a duty to help, you can request a review of the decision within 21 days of being notified. If you're on a low income, you might qualify for legal aid to help you to do this.

You usually become habitually resident once you have lived here for a period of time.

If you have children or care needs, social services might be able to help with housing.

You can get further advice from england.shelter.org.uk/housing_advice, a local Shelter advice service or local Citizens Advice.

If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on 0808 800 4444 for advice and information on your options. Calls are free from UK landlines and main mobile networks.

