

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.

Foreign nationals who don't meet certain immigration and residence conditions won't be eligible for any help from the council's housing department other than general advice. These rules are complicated, so if you're not sure whether you meet the conditions, get advice.

Who is *not* eligible for help?

You might not be eligible if you:

- are 'subject to immigration control' (non-EEA/EU nationals), or
- don't have a qualifying right to reside (EEA/EU nationals and their family members of any nationality).

Non-EEA/EU nationals

You are 'subject to immigration control' if you're a foreign national who needs permission (e.g. a visa) to enter or remain in the UK. Most people who are subject to immigration control aren't eligible for help from the council's housing department.

Who is eligible for help?

Even if you are subject to immigration control, you will be eligible if you have:

- leave to remain in the UK as a refugee
- indefinite leave to remain (ILR)
- exceptional leave to remain (ELR) or leave to remain on human rights grounds (unless it has a 'no recourse to public funds' condition)
- 'humanitarian protection'
- leave to remain as a 'relevant' Afghan national
- 'Calais leave' or leave to remain as an unaccompanied refugee child.

EEA/EU nationals and their family members

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

Who is eligible for help?

EU Settlement Scheme

In preparation for UK's departure from the EU, the Home Office has launched the **EU Settlement Scheme**, under which EEA nationals and their family members who wish to stay in the UK can obtain either settled or pre-settled status. Those with settled status are eligible for help but those with pre-settled status are not, unless they have a 'qualifying right to reside' (see below).

Right to reside

If you have not yet applied under the EU Settlement Scheme or you have pre settled status, the council will check if you have a 'qualifying right to reside'. You have a right to reside and are eligible for help if you are an EEA national or a family member of an EEA national who:

- is an EEA worker/self-employed person
- has a permanent right to reside
- has a certain derivative or retained right to reside.

Habitual residence

Sometimes the council has to look into whether your home is in the UK, Ireland, the Isle of Man or the Channel Islands, known as the Common Travel Area. This is called the habitual residence test. See the factsheet [Habitual residence test](#) for more on this.

What duty does the council have?

If the council decides you are not eligible, it should give you this decision in writing and it only has to provide you with general advice. If the council decides you are eligible and either homeless or likely to be homeless in 56 days, it must assess your housing and support needs and take reasonable steps to help you. For more information about how the council may help you, see [other factsheets in this series](#).

Challenging a decision

You have the right to ask for a review of a negative decision. You must request a review within 21 days of being notified of the council's decision. If your review doesn't succeed, get advice about whether you can appeal to court. If you are on a low income you may qualify for [legal aid](#) to help you.

Immigration advice

If you need help with your immigration status, seek help from a [certified adviser](#).

Further advice

You can get further advice from england.shelter.org.uk/housing_advice, 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.



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Note

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