

This factsheet explains who can apply for help from the council's housing department when homeless.

This is based on your immigration status.

This factsheet also sets out the rules for EEA nationals and their family members that apply from 1 January to 30 June 2021.



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

# Applying as homeless: people from abroad

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.

## People from abroad who need a visa

People with the following immigration status are eligible to apply as homeless:

- 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
- family members of Irish nationals who would be eligible under EU law as EEA nationals
- stateless persons

## EEA/EU nationals and their family members

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

After 31 December 2020 EU rules apply only to some EU nationals. From 1 January until 30 June 2021 you will be eligible to apply as homeless if you have:

- settled status under the EU Settlement Scheme
- pre-settled status and a right to reside under EU law that makes you eligible
- temporary protection until 30 June 2021

If you have pre-settled status, you are eligible only if you have a qualifying right to reside under EU law. You will be able to apply for settled status after you've lived in the UK for 5 years, even if that date is after 30 June 2021.

## Further advice

You can get further advice from [england.shelter.org.uk/housing\\_advice](https://www.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.

## Temporary protection

If you have not yet applied under the EU Settlement Scheme, you will have temporary protection and be eligible for housing and benefits until 30 June 2021 if:

- you had any right to reside in the UK under EU law on 31 December 2020
- when you apply for housing or benefits, you have a right to reside under EU law that makes you eligible, for example as a worker or a family member of an EEA worker

For more information about the rights of EEA nationals and who is eligible under EU law, see the factsheet 'Brexit: EEA nationals' in the NHAS [Homelessness section](#).

## Habitual residence

Sometimes the council has to look into whether you have made your home 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?

The council should give you a decision in writing. If the council decides you are not eligible, 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, you may be able to appeal to court. If you are on a low income you may qualify for [legal aid](#) to help you. Get advice quickly if the council refuses to help you.

## Immigration advice

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