

People from Abroad



This list gives information about Housing Associations (Registered Social Landlords or Registered Providers) who have accommodation in the Aylesbury Vale and surrounding areas.

Under the Housing Act 1996 (as amended by Homelessness Act 2002), some people are not "eligible for assistance" if they apply as homeless (Part VII) or for rehousing through the Housing Register (Part VI). Some people from abroad are subject to immigration control and are not eligible for assistance as a result. This leaflet details who is and who isn't eligible for assistance from Aylesbury Vale District Council, and also gives some general definitions of what is immigration control, who is a refugee etc.

If you need more information on the Housing Register or on homelessness procedures, please contact the Housing Needs and Advice Team on (01296) 585168 or 585197. Alternatively go to the Bucks Home Choice website www.buckshomechoice.gov.uk.

What is immigration status?

Everyone in the United Kingdom (UK) has an immigration status. You are either subject to, or not subject to immigration control.

a) Not subject to immigration control

This means you are free to live in the UK and can come and go as you please because you are a British Citizen although this does not automatically mean you are entitled to social housing or benefits. If you live in the European Economic Area (EEA) countries, you are also generally able to live in the UK without restrictions on your stay. Again, this does not automatically mean you are entitled to social housing or benefits.

These countries are: United Kingdom, Austria, Belgium, Cyprus, Denmark,

Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Spain, Sweden.

In addition, residents of: Iceland, Liechtenstein and Norway are also covered by these conditions.

Special conditions apply to applicants from the following countries who joined the European Economic Area on 1 May 2004.

b) Subject to immigration control

If you are a national of another country you may lawfully live/work/settle in the UK **only** if you have been given written permission to do so, by the Immigration & Nationality Directorate (IND).

The type of permission you have been given affects whether you are eligible to join the Council's Housing Register or receive help as a homeless person.

In addition, most applicants need to pass a "habitual residence test".

What is the "habitual residence test"?

The test of habitual residence is a condition of entitlement to income support, job seekers allowance, housing benefit etc. The test of habitual residence applies to all applicants regardless of nationality. The test includes applicants from any country within the enlarged EEA, applicants who are UK nationals returning from abroad, and those who are UK nationals coming to the UK for the first time. The test is whether a person is NOT habitually resident in the Common Travel Area i.e. the United Kingdom, the Republic of Ireland, the Isle of Man, and the Channel Islands

Factors to consider when determining "Habitual Residence"

- Why someone has come to the UK
- What work arrangements someone has
- What their work pattern is
- Whether they are joining family/friends
- What their plans are
- Length of residence in another country
- Where their "centre of interest" is.

Who is an "asylum seeker"?

An asylum seeker is a person who is subject to immigration control and has applied to the IND at the Home Office for recognition as a refugee; see 'Who is a "refugee"?' below for more information. As an asylum seeker you are allowed to remain in the UK lawfully

until your application and any right of appeal have been heard.

Asylum seekers after the 3rd April 2000.

From 3 April 2000, there were new arrangements to provide support for asylum seekers awaiting decisions. Instead of being able to claim benefits, asylum seekers are supported by the Home Office's New Asylum Model (NAM).

If you have nowhere else to stay, accommodation is provided on a "no choice" basis in cluster areas around the country.

Successful asylum seekers (those granted refugee status or exceptional leave to remain) will receive support provided by the UK Border Agency subject to conditions which will be set out in writing. See the following link for more information:

<http://www.ukba.homeoffice.gov.uk/asylum/>

Who is a "refugee"?

A refugee is a person who has been granted political asylum in the United Kingdom by the UK Border Agency because of a well-founded fear of persecution because of race, religion, nationality etc.

Who is an "illegal entrant"?

An illegal entrant is a person who entered the UK by evading immigration controls or has unlawfully entered the United Kingdom in breach of a deportation order (see below).

What is "deportation?"

This means removing a person from the United Kingdom and barring them from returning whilst a deportation order exists. Deportation action is taken against those who have entered the United Kingdom lawfully, but fail to stick to the conditions upon which they were admitted to the United Kingdom.

Who is an "overstayer"?

An overstayer is someone who has overstayed their leave to remain and is no longer lawfully allowed to remain in the United Kingdom.

What is "humanitarian protection"?

This is granted after 1st April 2003 to anyone who faces a serious risk to life or person if they returned to their home country. It is usually granted for an initial five year period after which it is reviewed to see whether the need for protection still exists. There is also an English language and 'life in the UK' test.

What is "discretionary leave"?

This can be granted after 1st April 2003. A period of discretionary leave to remain in the UK is given if a person has not been given asylum or humanitarian protection, but still has compelling reasons to remain here. The period of

leave granted varies, but will be no longer than three years.

What about "indefinite leave to remain?"

Indefinite leave to remain (ILR), or settled status, is permission to stay in the UK without any limitation or condition. A person granted ILR has no restriction on their period of stay.

Who is a "Sponsored Person"?

This is a person who has been given indefinite leave to enter or remain in the UK on the undertaking given by another person that they will be responsible for the costs of the sponsored person's maintenance and accommodation. This could occur, for example where an elderly relative joins a family member who is already living in the UK.

Do I qualify for the Housing Register or am I eligible for help as a homeless person ?

For people from abroad the rules relating to eligibility for help with housing are complex. Confirmation of your eligibility can be given on production of certain documentation including your passport. Please contact the Housing Needs and Advice Team on (01296) 585168 or 585197, or at the address below for more advice and information.



AYLESBURY VALE DISTRICT COUNCIL

The Gateway, Gatehouse Road, Aylesbury, HP19 8FF

Tel: 01296 585197/585168 E-mail: housingneeds@aylesburyvaledc.gov.uk

www.aylesburyvaledc.gov.uk