Housing Rights

https://www.housingrights.org.uk/professionals/advice-and-information/homelessness-advice-professionals/eligibility-test

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Eligibility test

This information is for professionals working in housing and homelessness in Northern Ireland.

If you are a member of the public looking for help, please visit our housing advice pages.

Considering Eligibility

There are two different tests (sometimes called ‘assessments’) the Housing Executive uses to determine if an applicant is eligible for assistance.

Applicants may be ineligible:

- if they are guilty of unacceptable behaviour
- due to their nationality

When is eligibility considered

The Housing Executive must consider a person’s eligibility:

- when they apply for housing
- as part of the homelessness assessment
- before making an allocation of housing to the person, this includes offers of housing, FDA transfers, creation of a joint tenancy, policy succession and policy assignment. This does not include mutual exchanges, non-FDA transfers, legal succession or legal assignment

A person's eligibility can change after they get homelessness points or are placed on the waiting list. The Housing Executive can regularly review the eligibility of a person who has full duty applicant status.

Contact Housing Rights if a client has their eligibility revoked because of unacceptable behaviour which occurred after they were given full duty applicant status.

Eligibility based on nationality

You cannot provide advice on immigration without the correct qualifications. If your client cannot provide documentation to show their immigration status, they should contact an immigration adviser from organisations such as:

- Law Centre NI
- STEP NI
- Migrant Centre NI

A person is eligible to apply for housing or get help with homelessness if they:

- are habitually resident
- have a right to reside in Northern Ireland
- are not subject to immigration control and restricted from accessing public funds

Legislation on eligibility of persons from abroad for housing assistance

This is a complex area covered by lots of different pieces of legislation including. The following are available on legislation.gov.uk:

- 7A Housing Order (NI) 1998
- 22A Housing Order (NI) 1981
- Sections 118 and 119 of the Immigration and Asylum Act 1999
- Immigration (European Economic Area) Regulations 2016
- Immigration Rules

Housing Rights, Department for Communities or the Housing Executive may be able to provide the following:

- The Allocation of Housing and Homelessness (Eligibility) Regulations (NI) 2006
- The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000[1]

Information needed for assessing eligibility

The Housing Executive will need certain information to determine if a person is eligible. The person should provide as much of the following as they can including:

- passport or national identity card
- immigration status documents or cards
- residence permits or biometric residence card
- decisions from the Home Office
- certificate of application from EU Settlement Scheme if the person has applied but not received a decision

There is an online service for proving a person's status under the EU Settlement Scheme.

Footnotes

- [1]Classes of persons subject to immigration control who are eligible for homelessness and housing assistance are set out in this order.