Housing Rights

https://www.housingrights.org.uk/professionals/advice-and-information/homelessness-advice-professionals/eligibility-british-and-irish-citizens

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Eligibility of British and Irish citizens

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.

Eligibility of British citizens

The UK has six types of British nationality. It is important to know which type a person holds and whether they are a British citizen.

British citizens are not subject to immigration control and have a right to reside. They are eligible for help if they are homeless.

Family members of British citizens

British citizens are not eligible for the European Union Settlement Scheme (EUSS). Their family members can only get status under this scheme if they are an EEA national or the family member of an EEA national who is not a British citizen.

The family member of a British citizen may be eligible for help if all the following apply:1

- They are returning from living with the British citizen in an EEA state
- The British citizen had a right to reside in that EEA state under EU law

- Their residence in the EEA state was genuine
- They returned to the UK by 29 March 2022
- They applied to the EUSS by 29 March 2022

These are known as Surinder Singh cases.

Eligibility of Irish citizens

Irish citizens are eligible for homelessness assistance if they are habitually resident in the Common Travel Area (CTA). The CTA is the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.2

Irish citizens are not subject to immigration control and do not require leave to enter or remain in the UK.3 They do not need to be registered under the EUSS.

Family members of Irish citizens

A person may be eligible for homelessness assistance if they are not an Irish citizen but:

- They are the family member of an Irish citizen
- They have status under the EUSS
- Their family member has applied for or been granted status under the EUSS

A person's family members includes a:4

- Spouse or civil partner
- Child, grandchild or great-grandchild under the age of 21
- Child, grandchild or great-grandchild over the age of 21 and is dependent on the person
- Parent, grandparent or great-grandparent who is dependent on the person

Family members of people from Northern Ireland

A person may have limited leave to remain as the family member of a 'relevant person' from Northern Ireland who:

- Is a British, Irish or dual British and Irish citizen
- Was born in Northern Ireland
- Had at least one parent who held British, Irish or dual British and Irish citizenship at the time of their birth (without any restrictions on the period of

residency)
- Was living in the UK by 31 December 2020

A person with this form of leave is eligible for homelessness assistance.

Footnotes

- [1]Immigration Rules Appendix EU
- [2] Immigration Act 1971, Section 1(3).
- [3]Immigration Act 1971, as inserted by s.2 Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, Section 3ZA.
- [4]Immigration (EEA) Regulations 2016, Regulation 7.