

# 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 or if you have come to the UK from abroad.**



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**Shelter**

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and in Scotland (SC002327).

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

Neither British nor foreign nationals will be eligible for any help from the council's housing department if they don't meet the immigration and residence conditions.

The rules are complicated. If you're not sure whether you meet the conditions, get advice.

## Who is **not** eligible for help?

You might not meet the immigration and residence conditions if you:

- are 'subject to immigration control', or
- have come to the UK from abroad.

## Subject to immigration control

You are subject to immigration control if you are a foreign national who needs permission (for example, a visa) to enter or remain in the UK.

Most people who are subject to immigration control are not eligible for help from the council's housing department. But you will meet the immigration and residence conditions if you are subject to immigration control **and** you have:

- leave to remain in the UK as a refugee
- indefinite leave to remain (and you are habitually resident – see below)
- discretionary leave to remain or leave to remain on human rights grounds (and you don't have a 'no recourse to public funds' condition)
- 'humanitarian protection', or
- leave to remain as a 'relevant' Afghan national.

## Coming to the UK from abroad

Even if you are not subject to immigration control, for example because you're British or an EEA national, the council will check if you meet the residence conditions if you have come (or recently returned) to the UK after living abroad.

Living in Ireland, the Isle of Man or the Channel Islands, does not count as 'living abroad'.

Sometimes the council has to look into where you normally live. This is called the habitual residence test. See the factsheet [Habitual residence test](#) for more on this.

## Who is eligible for help?

You will meet the immigration and residence conditions if you are:

- a habitually resident British or Irish citizen
- a Commonwealth citizen with a '[right of abode](#)', who is habitually resident in the UK (some people born before 1983 have a right of abode in the UK)
- from an EEA country and have a right to reside in the UK because, for example, you are a worker or self-employed. If you are eligible then your close family members will be eligible too, regardless of their nationality.

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

## What duty does the council have?

If the council decides you don't meet the immigration and residence conditions, it only has to provide you with general advice.

If it decides you do meet the conditions, and that you are homeless or likely to be homeless in 56 days, it must assess your housing and support needs. See [other factsheets in this series](#) for more information about how the council may help you.

## Challenging a decision

You have the right to ask for a review of a decision that you do not meet immigration and residence conditions. 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 do this.

## Further advice

You can get further advice from Shelter's free\* housing advice helpline (0808 800 4444), a local Shelter advice service or local Citizens Advice office, or by visiting [england.shelter.org.uk/housing\\_advice](http://england.shelter.org.uk/housing_advice)

\*Calls are free from UK landlines and main mobile networks.