

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

CHAPTER 10 ADMINISTRATION

10.0	<u>INTRODUCTION</u>
10.1	<u>ADMINISTRATION PROCEDURES</u>
10.1.1	<u>COMPUTERISED WAITING LIST (PRAWL SYSTEM)</u>
10.1.2	<u>GENERAL HOUSING APPLICATION FORM</u>
10.1.3	<u>TRANSFER OR EXCHANGE APPLICATION FORM</u>
10.1.4	<u>OFFICE RESPONSIBLE FOR ASSESSMENT</u>
10.1.5	<u>GENERAL</u>
10.1.5.1	<u>CODE OF CONDUCT (COC) FOR STAFF IN THE ADMINISTRATION OF THE COMMON SELECTION SCHEME.</u>
10.1.5.2	<u>ASSESSMENT OF HOUSING/TRANSFER APPLICATIONS</u>
10.1.5.3	<u>ALLOCATIONS</u>
10.1.6	<u>REGISTRATION PROCEDURE</u>
10.1.7	<u>APPLICANT/TRANSFER FILES</u>
10.1.8	<u>VISIT REPORT (HOUSING/HOMELESSNESS ASSESSMENT AND INPUT FORM)</u>
10.1.9	<u>'NO ACCESS' CARD (APPENDIX 10.1.1)</u>
10.1.10	<u>APPOINTMENT/CANCELLATION LETTER (APPENDIX 10.1.2)</u>
10.1.11	<u>THE VISIT</u>
10.1.12	<u>DUPLICATE APPLICATIONS</u>
10.1.13	<u>INPUT OF INFORMATION</u>
10.1.14	<u>ACCURACY OF INFORMATION</u>
10.1.15	<u>MAINTENANCE OF THE COMPUTERISED WAITING LIST</u>
10.1.16	<u>CHANGE OF CIRCUMSTANCES</u>
10.1.17	<u>CHANGE OF ADDRESS (NON-FDA APPLICANTS)</u>
10.1.18	<u>CHANGE OF PREFERENCE</u>
10.1.19	<u>CHANGE IN POINTS</u>
10.1.20	<u>COMPLAINTS</u>
10.1.21	<u>DELETION OF APPLICATIONS/TRANSFERS</u>
10.1.22	<u>FORWARDING OF FILES</u>
10.1.23	<u>POSITION AND RANK</u>
10.2	<u>GUIDANCE NOTES FOR ASSESSING OFFICERS</u>
10.2.1	<u>PART 1 HOUSING/TRANSFER</u>
10.2.2	<u>SECTION 1: PERSONAL/HOUSEHOLD DETAILS</u>
10.2.3	<u>EMPLOYMENT/INCOME/BENEFIT DETAILS</u>
10.2.4	<u>SECTION 2: APPLICATION DETAILS</u>
10.2.5	<u>SECTION 3A: ELIGIBILITY (APPLICATIONS ONLY)</u>
10.2.6	<u>SECTION 3B: ELIGIBILITY (APPLICATIONS ONLY) (PAGE 4)</u>
10.2.7	<u>SECTION 3C: ELIGIBILITY (TRANSFERS ONLY) (PAGE 5)</u>
10.2.8	<u>SECTION 4: CRITICAL DATES</u>
10.2.9	<u>SECTION 5: PRESENT HOME DETAILS</u>
10.2.10	<u>SECTION 6: APPLICANT'S HOUSING CHOICES/PREFERENCES</u>
10.2.11	<u>SECTION 7: HOUSING NEEDS ASSESSMENT & POINTING INPUT (PAGE 9)</u>

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

- 10.2.12 [ADDITIONAL GUIDANCE NOTES FOR TRANSFERS](#)
- 10.2.13 [PART 2: INSECURITY OF TENURE](#)
- 10.2.14 [SECTION 2A: HOMELESSNESS/THREATENED WITH HOMELESSNESS – FULL DUTY APPLICANT POINTS](#)
- 10.2.15 [APPLICANT DETAILS](#)
- 10.2.16 [HOUSEHOLD DETAILS](#)
- 10.2.17 [CURRENT/PREVIOUS ADDRESSES](#)
- 10.2.18 [INCOME DETAILS](#)
- 10.2.19 [OTHER AGENCIES INVOLVED](#)
- 10.2.20 [HOMELESS CASE REPORT – INVESTIGATION WILL BE CARRIED OUT BY NIHE ONLY](#)
- 10.2.21 [SECTION 2B: OTHER HOMELESS](#)
- 10.2.22 [HOMELESS DUTIES/ACTIONS \(FOR HOUSING EXECUTIVE USE ONLY\)](#)
- 10.2.23 [FINAL DECISION DETAILS](#)
- 10.2.24 [PLACEMENT DETAILS](#)
- 10.2.25 [FINAL ACTION DETAILS](#)
- 10.3 [DATA PROTECTION](#)
- 10.3.1 [GENERAL](#)
- 10.3.2 [DATA ACQUISITION](#)
- 10.3.3 [DATA ACCURACY](#)
- 10.3.4 [DATA SECURITY](#)
- 10.3.5 [SUBJECT ACCESS](#)
- 10.3.6 [RIGHTS OF DATA SUBJECTS](#)
- 10.3.7 [PROCEDURES TO BE FOLLOWED BY OFFICERS IN RECEIPT OF SUBJECT ACCESS REQUESTS](#)
- 10.3.8 [APPEALS](#)
- 10.3.9 [IDENTIFYING SUBJECT ACCESS REQUESTS](#)
- 10.3.10 [RELEASING INFORMATION TO TENANTS](#)
- 10.3.11 [RELEASING INFORMATION TO ELECTED REPRESENTATIVES OR OTHER THIRD PARTIES](#)
- 10.3.12 [INFORMATION PROVIDED BY OTHER PARTIES](#)
- 10.4 [PROCEDURES FOR DEALING WITH APPLICANTS/TENANTS SEEKING A TRANSFER WHO HAVE FAILED TO SIGN THE DECLARATION](#)
- 10.4.1 [INTRODUCTION](#)
- 10.4.2 [NON-HOMELESS CASES](#)
- 10.4.3 [POTENTIAL HOMELESS CASES](#)
- 10.4.4 [MAKING ENQUIRIES](#)
- 10.4.5 [OUTCOME – POSITIVE DECISION](#)
- 10.4.6 [OUTCOME – NEGATIVE DECISION](#)
- 10.4.7 [14 DAY LETTER](#)
- 10.4.8 [OTHER ACTION](#)
- 10.5 [PROCEDURES FOR DEALING WITH HOUSING NEEDS ASSESSMENTS FOR FULL DUTY APPLICANT \(FDA\) CASES](#)
- 10.5.1 [PROCEDURES TO BE ADOPTED](#)

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

- 10.5.2 [HOUSING ADVICE CENTRE \(HAC\) INVOLVEMENT](#)
- 10.6 [HOUSING ASSOCIATION TRANSFERS: ADMINISTRATION OF HOMELESS CASES](#)
- 10.6.1 [IDENTIFICATION OF POTENTIALLY HOMELESS CASES](#)
- 10.6.2 [PROCEDURES TO BE ADOPTED](#)
- 10.7 [GROUNDWORK FOR POSSESSION OF A PROPERTY OCCUPIED BY A SECURE TENANT](#)
- 10.8 [TRANSITIONAL PROTECTION](#)
- 10.8.1 [INTRODUCTION](#)
- 10.8.2 [WHO IS PROTECTED?](#)
- 10.8.3 [PROCEDURES FOR MAKING ALLOCATIONS UNDER THE NEW SCHEME](#)
- 10.8.4 [HOW WILL THEY BE PROTECTED?](#)
- 10.8.5 [SPECIAL WAITING LISTS](#)
- 10.8.6 [PROCEDURES TO BE ADOPTED WHEN MAKING AN ALLOCATION](#)
- 10.8.7 [OFFERS](#)
- 10.8.8 [MAINTAINING THE SPECIAL WL PROTECTED CASES ONLY REPORT](#)
- 10.9 [PERSONS FROM ABROAD GUIDANCE](#)
- 10.10 [RELATIONSHIP BREAKDOWN](#)
- 10.10.1 [PROOF OF RELATIONSHIP BREAKDOWN](#)
- 10.10.2 [COURT ORDERS: GENERAL](#)
- 10.10.3 [GUIDANCE NOTES/INFORMATION/ENQUIRIES](#)
- 10.11 [LATENT DEMAND](#)
- 10.11.1 [RURAL 'LATENT DEMAND' QUESTION](#)
- 10.11.2 [NEW LATENT DEMAND AREAS](#)
- 10.11.3 [INSTRUCTION TO COMPLETE PRO FORMA FOR INCLUSION OF ADDITIONAL CHOICES ON PRAWL LATENT DEMAND SCREENS](#)
- 10.12 [LIST OF PARTICIPATING LANDLORDS](#)
- 10.13 [GUIDE TO AREAS COVERED BY NIHE DISTRICT OFFICES](#)
- 10.14 [PROCEDURES FOR DEALING WITH APPLICANTS WHO HAVE FAILED TO PROVIDE IDENTIFICATION](#)
- 10.14.1 [INTRODUCTION](#)
- 10.14.2 [NON-HOMELESS CASES](#)
- 10.14.3 [POTENTIAL HOMELESS CASES](#)
- 10.14.4 [MAKING ENQUIRIES](#)
- 10.14.5 [OUTCOME – POSITIVE DECISION](#)
- 10.14.6 [OUTCOME – NEGATIVE DECISION](#)

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

CHAPTER 10 ADMINISTRATION

10.0 INTRODUCTION

This Chapter covers general administrative policies and procedures which are required for the effective administration of the Housing Selection Scheme.

10.1 ADMINISTRATION PROCEDURES

10.1.1 COMPUTERISED WAITING LIST (PRAWL SYSTEM)

The Housing Selection Scheme requires that a Waiting List be maintained of all Applicants seeking social housing in Northern Ireland. This Waiting List will also include the tenants of Participating Landlords who are seeking re-housing i.e. Transfers, either within their Landlord's own stock, or to stock belonging to another Participating Landlord.

The Waiting List is maintained in a computerised form generally referred to as the "Computerised Waiting List" or HMS

Apart from maintaining a list for all persons seeking housing accommodation, the information contained in the Computerised Waiting List serves four main purposes:

1. It provides the key record on which all housing allocations are based;
2. It is useful for audit purposes;
3. It acts as a guide to where there is an unfulfilled housing need in an area;
4. It has potential to provide statistical and management information.

Full particulars of the Computerised Waiting List and how it operates, including the documentation to be used, are contained within the HMS User Guide.

NOTE: These procedures are under review as a result of the Modernising Services Project and will be subject to the new arrangements. A separate advice note will be issued and this chapter subsequently updated. (Note dated November 2006).

10.1.2 GENERAL HOUSING APPLICATION FORM

This form is to be used by an Applicant for re-housing who is not a permanent tenant of any of the Participating Landlords. This form is also to be used by applicants living outside Northern Ireland, except where they are Public Sector tenants living in Great Britain in which case a Transfer or Exchange Application form should be used.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

The Housing Executive will process all General Housing Application forms.

Office Responsible for Assessment

The Executive District Office within whose boundaries the Applicant currently resides will be the office responsible for the processing of the form. For an Applicant living outside Northern Ireland, the form will be processed by the Executive District Office which covers the Common Landlord Area (CLA) which is the Applicant's 1st Area of Preference.

10.1.3 TRANSFER OR EXCHANGE APPLICATION FORM

This form is to be used by a permanent tenant of any of the Participating Landlords seeking a Transfer / Exchange. This form is also to be used by a Social tenant living in Great Britain e.g. Local Authority, Registered Social Landlord, Housing Association tenant.

10.1.4 OFFICE RESPONSIBLE FOR ASSESSMENT

The Participating Landlord who is the Landlord of the tenant will be responsible for processing of the form, with the exception of the following Housing Associations that have requested that the Housing Executive carry out assessments on their behalf i.e. Abbeyfield, Clonard, Grove, Newington, Flax, Open Door and St. Matthews Housing Associations.

The Housing Executive will process all Transfer forms from social tenants living in Great Britain with the District Office which covers the CLA of 1st Area of Preference being responsible for the assessment.

10.1.5 GENERAL

Participating Landlords issuing General Application Forms or Transfer / Exchange Forms should also include the following:

- (a) Housing Selection Scheme Booklet.
- (b) List of Participating Landlords.
- (c) Latent Demand Leaflet. A separate leaflet, listing rural areas of possible Latent Demand, has been produced for each Area (South, South East, North East and West). No leaflet has been produced for the Belfast Area. Each landlord should send the leaflet appropriate to the Area in which they are located. A complete list of all Latent Demand Areas is included in Chapter 10.11.

Self –Assessment Forms (for Applicants from outside Northern Ireland) should only be issued by the Executive and, in addition to (a), (b) and (c) above,

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

should also include the relevant accompanying letter (see Chapter 9.2 and Appendix 9.2).

All General Housing Application and Transfer or Exchange forms should be registered on the PRAWL system and acknowledged within 3 working days from the date of receipt. The Applicant / Tenant should be visited and their details keyed onto the PRAWL system. The total process should be completed within 20 working days from the date of receipt of the form.

Assistance in completing a form should be given to applicants / tenants where required e.g. Translation Service, Language Line, Large Print Copies of the forms etc.

More information can be obtained by contacting Housing & Regeneration, NIHE, 2 Adelaide Street, Belfast, BT2 8PB.

Any General Application or Transfer or Exchange forms that have not been appropriately signed will not be considered to be valid and the procedures to be used for such cases are identified at paragraph 10.4.

CHAPTER 10 ADMINISTRATION

Reviewed: April 2011

10.1.5.1 CODE OF CONDUCT (COC) FOR STAFF IN THE ADMINISTRATION OF THE COMMON SELECTION SCHEME.

NIHE staff are reminded that when they are involved in the administration of the Common Selection Scheme they should adhere to NIHE Standing Orders / Code of Conduct which have been issued to every member of staff. NIHE staff can view the code of conduct in full by using the following Link [NIHE Code of Conduct](#)

A summary of the Housing Executive's Code of Conduct relating to Housing matters are detailed in Appendix 10.5.1A.

Housing association staff are reminded that when they are involved in the administration of the Common Selection Scheme they should adhere to;

- a) their associations own Code of Conduct and
- b) the Department of Social Development [Governance Guide](http://www.dsdni.gov.uk/index/hsdiv-housing/ha_guide/haggg-contents.htm)
http://www.dsdni.gov.uk/index/hsdiv-housing/ha_guide/haggg-contents.htm

The policy and procedures that NIHE and housing association staff should follow in relation to the administration of the Selection Scheme are detailed below in paragraphs 10.1.5.2 and 10.1.5.3

10.1.5.2 ASSESSMENT OF HOUSING/TRANSFER APPLICATIONS

Housing Executive Officers should not be involved in the assessment of a housing application if the case involves that Officer personally, or involves any person closely associated with that Officer or the partner of that officer. The case should be referred to the Designated Manager who will arrange for another member of staff who would not have a conflict of interest in the case to carry out the assessment.

In addition to above if a housing/transfer application is received from a Housing Executive member of staff, or a relative of a Housing Executive member of staff, a post assessment check should be carried out by the Designated Manager and signed off appropriately in the Housing/Homeless Assessment and Input Form.

Housing association staff assessing a housing/transfer application form belonging to a member of staff, or a relative of a member of staff of that association or the case involves that Officer personally, or involves any person closely associated with that Officer or the partner of that officer they should refer to their associations own code of conduct and the DSD Governance Guide referred to 10.1.5.1 above.

CHAPTER 10 ADMINISTRATION

Reviewed: April 2011

During the assessment process applicants are asked the following;

- i.) Are you a relative (refer to NIHE CoC 19.6 paragraph 2 appendix 1 copied below) of a member of staff of the Housing Executive or housing association employee?
- ii.) Are you or any member of your household an employee of the Housing Executive or housing association?

If either answer is Yes, detail the name and relationship on Notepad Facility. When HMS is introduced the appropriate UDC fields should be populated.

10.1.5.3 ALLOCATIONS

Where an allocation of a NIHE dwelling is to be made to;

- i) a member of staff, or a relative (refer to NIHE CoC 19.6 paragraph 2 appendix 1 copied below) of a member of staff.
- ii) an applicant who is closely associated with the officer or the partner of the officer who is responsible for making the allocation.

the case should be referred to the Designated Manager who will arrange to have a detailed report prepared and presented to the Area Manager. The Area Manager in such circumstances has to approve the allocation.

The report to the Area Manager should include the following; Name, address & reference No.; reason for referral i.e. details of relationship; confirmation that the Designated Manager has signed the Assessment Form (pre keying check) to confirm he/she is satisfied with the assessment and the Points that have been awarded; a breakdown of the Points awarded; profile of the estate e.g. type of stock available and turnover. Forward a copy/original of the Applicants File and general information in relation to why the District have considered the Applicant should be made the allocation.

Where an allocation of a housing association property is to be made to a member of staff of that association and the case involves that Officer personally, or involves any person closely associated with that Officer or the partner of that officer they should refer to their associations own code of conduct and the DSD Governance Guide referred to 10.1.5.1 above

Where an allocation is being made by a housing association to a Housing Executive employee or a member of staff from another housing association

CHAPTER 10 ADMINISTRATION

Reviewed: April 2011

they should refer to their associations own code of conduct and the DSD Governance Guide referred to **10.1.5.1** above.

10.1.5.1A APPENDIX SUMMARY OF NIHE CODE OF CONDUCT IN RELATION TO HOUSING MATTERS

1.0 STANDARDS, VALUES AND RESPONSIBILITIES

- 1.1 Housing Executive Officers are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide impartial advice.
- 1.2 Responsibility is placed on every Officer for disclosing every potential conflict of interest in which he/she may be involved. Officers will be expected, without fear of recrimination, to bring to the attention of the Designated Manager any deficiency in the provision of service (see paragraph 1 of Appendix 1 detailed below).

12.0 TENANCIES

- 12.1 Any Officer must inform the Designated Manager (see paragraph 1 of Appendix 1 detailed below) promptly:
 1. If, upon appointment to the Housing Executive, he/she is already a tenant of the Housing Executive, of any housing association or of any other social landlord.
 2. If, after appointment, he/she becomes a tenant of the Housing Executive, of any housing association or of any other social landlord.

17.0 INTEGRITY

- 17.11 Officers who have an interest, financial or non-financial, should not involve themselves in any decision or allocation of Housing Executive services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to the Designated Manager (see paragraph 1 of Appendix 1 detailed below).

19.0 HOUSING MATTERS

- 19.1 No Officer should in any circumstances take part in handling any case, falling within any of the categories listed below, if the case involves that Officer personally, or involves any person closely associated with that Officer or the partner of that officer (by family relationship or otherwise see paragraph 2 of Appendix 1 detailed below). The listed categories are as follows:

1. Allocation	6. Land sale or purchase
2. Transfer	7. Home adaptation
3. Exchange	8. Major improvements to an Housing Executive dwelling
4. Home loan	9. Grants
5. House sale or purchase	10. Housing benefit.

CHAPTER 10 ADMINISTRATION

Reviewed: April 2011

- 19.6 The Housing Executive has an obligation to comply with the statutory house allocation scheme ("the Scheme"); if any Officer, in the course of his/ her duties, by act and/or omission, fails to comply with the terms of the Scheme, this is a serious breach of discipline.

1. "DESIGNATED MANAGER" (paragraph 1 of Appendix 1 referred to above)

In relation to any particular provision of this Code, the term "Designated Manager", in relation to any Officer, means the person who has been nominated by the Housing Executive to exercise functions as Designated Manager, in relation to that Officer, under that provision. Complete and up-to-date lists of Designated Managers, for each post and for each of the relevant provisions of this Code, will be found in the Personnel Handbook.

2. "FAMILY RELATIONSHIP" (paragraph 2 of Appendix 1 referred to above)

A family relationship is deemed to exist between an Officer and another person if they are husband, wife or partner or if the other person is a:

- son, daughter or foster child
- parent
- brother, sister, step brother or step sister
- son in law or daughter in law
- mother in law or father in law
- sister in law or brother in law
- uncle or aunt
- nephew or niece
- grandparent
- grandson or granddaughter

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

10.1.6 REGISTRATION PROCEDURE

All applications and transfer requests should be registered on the HMS system within three working days of receipt of the form. The date of receipt of the form should be used as the on-line "Date of Application". On registration, the HMS system will automatically generate a unique Reference Number, and an appropriate "Acknowledgement" letter (see Chapter 11) which should be issued to the Applicant / Tenant as soon as possible.

Application / Transfer Forms received "in error" by a Participating Landlord (i.e. sent to the wrong assessing landlord) should still be date – stamped by that landlord on receipt and forwarded as soon as possible to the appropriate assessing landlord. The assessing landlord should then register the application / transfer request using the **initial** date of receipt (by the first landlord) as the registration date.

The minimum information required to register a case is as follows:
Date of Application; Title; Name (First and Surname); Address; Date of Birth; Sex; Position in Family; Ethnic Origin; Religion; Household Composition; Country of Origin and First Time Applicant. The Tenant Indicator must also be keyed as "Y" for at least 1 person on each application.

10.1.7 APPLICANT / TRANSFER FILES

A separate file should be maintained for each Applicant / transfer case. The files will normally be held at the Office Responsible for Assessment.

Where an Applicant / Tenant is re-housed, the file should be forwarded to the Allocating Landlord (where requested).

10.1.8 VISIT REPORT (HOUSING / HOMELESSNESS ASSESSMENT AND INPUT FORM)

This form is to be issued, along with the application / transfer form, to the Designated Officer and should be completed during a visit to the Applicant / Tenant. All details relevant to the award of any points must be recorded / clearly identified in the Visit Report. Where the reason for the award of points is not immediately evident, the Designated Officer must record an explanatory narrative at the appropriate section of the Visit Report.

10.1.9 "NO ACCESS" CARD (APPENDIX 10.1.1)

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

When a Designated Officer visits an Applicant / Tenant's home but is unable to gain access or make contact with the Applicant/ Tenant or partner, a "No Access" card (see Appendix 10.1.1) should be completed and left at the property. A minimum of 2 attempts should be made to contact the Applicant / Tenant and a card should be left on each occasion. The details of any unsuccessful visits should be recorded at the appropriate section on page 1 of the Visit Report.

10.1.10 APPOINTMENT / CANCELLATION LETTER (APPENDIX 10.1.2)

When a Designated Officer has called at a property to carry out an assessment on an Applicant / Tenant on at least 2 occasions and has left the appropriate "No Access" cards, but has not been contacted by the Applicant or partner, an appropriate letter should be sent (see Appendix 10.1.2). This letter invites the Applicant / Tenant to contact the relevant office within 7 days to arrange a suitable appointment and also advises that failure to respond will result in the cancellation of the application / transfer request.

10.1.11 THE VISIT

Prior to and during the visit, the Designated Officer should carry out a number of checks:

Application Form: Pre-visit Check

- (i) Has a check been carried out on any unanswered questions on the application form?
- (ii) Has the Applicant / Tenant provided details of his / her National Insurance Number etc?
- (iii) Has the Applicant / Tenant completed the Monitoring Information section (if not, assistance should not be given for the completion of these questions as it is their perception of their circumstances that is important)?
- (iv) Has the Applicant / Tenant signed the declaration at the back of the form?
- (v) Have any other application forms been received from this Applicant (identified using the Tenant / Applicant Trace (R252) report)?
- (vi) Is Applicant appearing on the Disqualification Register (identified using the Disqualified Applicant Trace (252A) report)?
- (vii) Has a check been made on any Housing Benefit applications from this address?
- (viii) Has I.D. been provided? If not, request same during visit.

Applicant's Choice

Applicants are asked to indicate two Common Landlord Areas of Preference (see Choice Chapter 5, paragraph 5.3). The Designated Officer should ensure that applicants are advised:

- (i) Of the types of accommodation available in their areas of choice;

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

- (ii) That they cannot await a specific house;
- (iii) The effects of limiting their choices.

On completion of the visit, the Visit Report should be signed by the Applicant / Tenant and the Designated Officer, to confirm that the information recorded is accurate and correct (see paragraph 10.2 – Guidance Notes for Assessing Officers).

A Designated Officer (other than the Officer who carried out the assessment) should check and sign each Visit Report to confirm that the details recorded, and the points to be awarded, are correct.

10.1.12 DUPLICATE APPLICATIONS

Duplicate applications will be identified the day after registration on the Tenant / Applicant Trace (R252) report.

Where a duplicate application is identified, the case should be checked on the HMS system and: -

1. Where the previous application is found to be still “live”, the procedures identified at 10.1.15 (Change of Address (Non-FDA Applicants)) should be applied.
2. Where the previous application is found to have been “deleted”, the Designated Officer should determine the most appropriate “Date of Application”, i.e. whether the circumstances warrant the use of the Date of Application of the **original** application e.g. where the Applicant has moved recently and has continually been interested in re-housing, or whether the date of receipt of the most recent form, is applicable.

The only circumstances where an Applicant will be permitted to appear on 2 separate “live” applications at the one time would be where he / she is Living Apart Due to Overcrowding (see Chapter 3, Paragraph 3.9.5) and an assessment at both addresses is required. In this case the duplication will be for a short time only as one of the Applications will subsequently be deleted.

10.1.13 INPUT OF INFORMATION

Allocations should only be made using the HMS system. Since the Waiting List on the HMS system is updated on an on-going basis, Designated Officers must ensure that the full details of each assessed Applicant / transfer are input at the earliest possible moment after completion of the visit / assessment.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

In Housing Executive District Offices the Designated Officer should carry out a 10% check of the assessed cases input to the HMS system, to ensure that the information input is correct. The appropriate section of the Visit Report should be endorsed to record that this check has been carried out.

10.1.14 ACCURACY OF INFORMATION

Each Applicant / Tenant is responsible for the correctness of all the information given on the initial application / transfer form and at the interview / visit. He / she is also responsible for informing the Landlord assessing his / her case in a timely manner of every change in circumstances which could affect his / her prospects of being re-housed.

Where it is discovered that the information on the HMS system is not correct as a result of either incorrect or false information supplied by the Applicant, or that an error has occurred in transcribing information by the Applicant, the Designated Officer must immediately submit an amendment to the HMS system and note this action on the Applicant's file.

Where a house is allocated on the basis of information that turns out to be incorrect or out of date, the Participating Landlord may take the necessary action to recover possession of the property (See 10.7).

10.1.15 MAINTENANCE OF THE COMPUTERISED WAITING LIST

Applicants and Transfer applicants are reviewed annually to ensure that the Waiting List only contains those applicants / tenants who are genuinely interested in being housed. On the anniversary of an Applicant / Tenant being registered on the Waiting List, a letter (see Chapter 11) will automatically be generated by the HMS system for the relevant Landlord to issue. This letter gives the Applicant the opportunity to renew the application, or withdraw from the list.

If a reply to this letter is not received and input to the HMS system within 4 weeks, a further letter (see Chapter 11) will be generated by the HMS system. This letter advises the Applicant / Tenant of the options but also warns that failure to respond will result in his / her name being removed from the Waiting List. If a reply to this letter is not received, and the details input to the HMS system within 2 weeks, the case will be automatically cancelled. A letter advising the Applicant / Tenant of the deletion will be generated by the HMS system for the relevant Landlord to issue.

It is important that any replies received from applicants / tenants are input to the HMS system as soon as possible to ensure that letters are not produced and deletions do not take place unnecessarily.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Housing Association Renewal Process

Housing Associations must extract renewal letters from their print manager facility on a weekly basis by using the 'u' followed by HA Rad number followed by the word 'print' e.g. u802print and the selected password. The renewal letters can be found in 'Batch Letters' and should be printed and issued immediately.

10.1.16 CHANGE OF CIRCUMSTANCES

Where an office is advised of an Applicant's / Tenant's change in circumstances the Designated Officer should investigate to determine if a change in the Applicant's / Tenant's position and rank will result. Applicants / tenants must advise of any changes in circumstances either verbally or in writing. [When an officer is accepting verbal confirmation they should be satisfied that the actual applicant is making the request. This may include checking to verify by means of a unique identifier]: for example, asking for Date of Birth, National Insurance number, Housing reference number etc. (but not restricted to this list). If the officer is satisfied with the verification, then they should record all of the relevant information of the request on the notes tab in HMS and amend. (In any circumstances where a verbal confirmation is accepted it is important that details of the date and the officer receiving the information is recorded).

Consideration should always be given as to whether or not the change in circumstances should result in the initiation of a Homelessness investigation.

Consideration should also be given as to whether or not the Applicant has deliberately worsened their circumstances in order to improve their position on the Waiting List (see para 3.22.0, Deliberate Worsening of Circumstances).

10.1.17 CHANGE OF ADDRESS (NON-FDA APPLICANTS)

The "no detriment" policy (see Chapter 3, paragraph 3.4.3) that applies for Full Duty Applicants (FDAs) does not apply for non-FDAs i.e. non-FDAs who change address are not automatically entitled to retain any previously awarded points. A full reassessment of the Applicant's circumstances is required and only the points applicable from the new address should be awarded. Therefore, where a non-FDA changes address and still wishes to be considered for alternative accommodation, the action to be taken will depend on the location of the new address and is as follows:

1. If the new address is located **within** the boundary of the Executive District Office that processed the original application:
 - a) That office should carry out a visit and a new Visit Report to record the new points award and any other relevant information.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

- b) The current Application details on the PRAWL system should be updated to reflect the change of address, change to the points award (if applicable), and any other details.
2. If the new address is located **outside** the boundary of the Executive District Office that processed the original application:
- a) The “old” District Office should cancel the original application and forward the file to the District Office within whose boundary the Applicant’s **new** address is situated, advising of the change of address and subsequent need for a new Housing Needs assessment.
 - b) The “new” District Office should register the case from the new address, using the **original** Date of Application.
 - c) The “new” District Office should complete a new Visit Report to assess the new points award and record any other relevant information.
 - d) The “new” District Office should input the new award of points to the HMS system (under the newly created reference number).

10.1.18 CHANGE OF PREFERENCE

Applicants may change their preferred Common Landlord Areas by either providing written or verbal confirmation. [When an officer is accepting verbal confirmation they should be satisfied that the actual applicant is making the request. This may include checking to verify by means of a unique identifier]: for example, asking for Date of Birth, National Insurance number, Housing reference number etc. (but not restricted to this list). If the officer is satisfied with the verification, then they should record all of the relevant information of the request on the notes tab in HMS and amend. (In any circumstances where a verbal confirmation is accepted it is important that details of the date and the officer receiving the information is recorded).

Any changes required to the HMS system should be actioned in a timely manner, to prevent possible misallocation.

10.1.19 CHANGE IN POINTS

Where a change in an Applicant’s / Tenant’s circumstances results in a change in an award of points (either increase or decrease) and the change has not been identified on new Visit Report, an “HSS Points Amendment Form” (see Chapter 11) should be completed by the Designated Officer. The Amendment form need only identify the **change** in points i.e. it does not need to reflect **all** points awarded for the Applicant / Tenant.

Where applicable, the reasons for an award / removal of points should be clearly identified and any relevant documentation should be retained on the file

STAFF RESPONSIBILITIES

The Computerised Waiting List is based on information prepared and keyed by staff of the Participating Landlords and it is essential that this information is

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

both **complete and accurate** to prevent a misallocation. It is therefore important that all input documents are completed **clearly and accurately** and that the details are **keyed correctly**. All relevant documentation should be held on the Applicant's / Tenant's file.

Detailed guidance on the preparation and keying of the input documents is given in the HMS User Guide.

It is important that, when inaccuracies are discovered, the necessary amendments to the PRAWL system are actioned immediately and the relevant details are recorded on the file.

It is important that staff fully understand that they will not be held responsible for a misallocation resulting from a fault in the HMS system.

10.1.20 COMPLAINTS

Any complaint received from an Applicant / Tenant regarding an assessment, offer, allocation etc. should be dealt with by the "relevant" Landlord under their "Complaints Procedure". The relevant Landlord will be determined by the issues relating to the complaint i.e. the "Assessing" Landlord for issues regarding assessment, the "Allocating" Landlord for issues regarding offers / allocations etc.

10.1.21 DELETION OF APPLICATIONS / TRANSFERS

Applicants / tenants can be deleted from the Waiting List either automatically by the HMS system, or manually by a system user.

An automatic deletion will take place where:

1. An Applicant / Tenant is re-housed by a Participating Landlord and that "Allocating" Landlord has keyed the relevant Offer and Offer Acceptance to the HMS system. That Allocating Landlord may request the application / transfer file from the office that assessed the case.
2. An Applicant / Tenant has not responded to the Renewal Reminder letters which have been issued.

A manual deletion will take place where, for example, the Applicant has advised, in writing, that they are no longer interested in re-housing etc. Only the office that assessed the application / transfer can input such deletions / withdrawals.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

All deleted cases are identified on the monthly “Deleted Applications / Transfers” (R67) report which is generated for the “Assessing” Landlord and may be used to update records / files as required.

More information regarding the procedures for the input of offers, offer acceptance and deletions can be found in the HMS User Guide.

10.1.22 FORWARDING OF FILES

Where an Applicant / Tenant has been re-housed by one of the Participating Landlords, the appropriate Housing file for that case will be forwarded to the “Allocating” Landlord, if requested. Where a file has been requested by another Landlord it is important to check that an Applicant / Tenant has been deleted from the HMS system, before the file is sent i.e. the Offer and Offer Acceptance have both been keyed. Where this is not the case, the “Allocating” Landlord should be contacted and advised to take the required action immediately.

All Participating Landlords should record application / transfer files that have been requested and received from Housing Executive District / Housing Association Offices. They should also record details of any files they forward to other offices, for cases they have initiated.

A Register(s) should be maintained which records the Name, Address, HMS Reference No., Forwarding Address, date file requested / received and from whom, date file sent and to whom, and any other details deemed necessary.

All requests for files should be made in writing and should include enough information to allow the issuing Landlord to complete the appropriate register, as identified above.

Where a Homelessness investigation has been carried out by the Housing Executive for a case who is subsequently re-housed by another Landlord / Housing Executive District Office, the original documents relating to Homelessness should be retained in the “assessing” office (for audit purposes), with copies forwarded with the rest of the file.

10.1.23 POSITION AND RANK

The PRAWL system provides information on an Applicant’s / Tenant’s position and rank for accommodation in his / her Areas of Preference.

Position: The total number of points awarded and the Date of Application determine an Applicant’s / Tenant’s “position” on the Waiting List.

Rank: The total number of points awarded, the Date of Application, and minimum bedrooms required determine an Applicant’s / Tenant’s “rank” on the Waiting List.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Applicants / tenants may be advised by a Participating Landlord of their position and rank on the Waiting List according to the on-line information available. However, the Applicant / Tenant should further be advised that this is liable to change at any time due to the following:

- a) The position and rank of an Applicant / Tenant may change on a regular basis where new cases are either added onto / deleted from the Waiting List.
- b) As it is possible to change Areas of Preference at any time, the position and rank of an Applicant / Tenant could be superseded at any time by the inclusion of an existing higher pointed case, in their Estate of Choice.

Additionally, the HMS Waiting List for most Estates may be distorted due to the number of Transitionally Protected cases (see Chapter 10, Paragraph 10.8) who may have been awarded a nominal number of points under the New Scheme. This will continue to be the case until all the Transitionally Protected cases have been re-housed / deleted.

Where a Designated Officer decides to inform an Applicant / Tenant of their current position and rank, they should qualify the information given by advising of the above caveats.

In line with Data Protection Legislation (see Chapter 10, Paragraph 10.3), an Applicant / Tenant should not be given a printed copy of any documents that contains details of any other Applicant / Tenant e.g. a copy of a HMS system "Estate Waiting List". However, if an Applicant requests a more detailed "screen dump" of the HMS system "Transfer / Applicant Enquiry" screen for his / her case, which provides their position and rank, this should be issued provided the above qualifications are clearly listed.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Housing Executive

Office:

Telephone:

Date:

Time:

Mr/Mrs _____

Address _____

I called today regarding _____

but no-one was at home. Please contact me at the above office as soon as possible.

.....

Called at _____

On _____

Regarding _____

Signed _____

HOUSING SELECTION SCHEME GUIDANCE MANUAL

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast, BT1 1PS

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Telephone: 028 9024 0588 : Fax 028 9031 8008

Textphone: 0845 6504381
www.nihe.gov.uk



Housing Executive

Mr Joe Soap

Your Ref:
Our Ref:

Date

Dear

A Housing Visitor has called to your home on _____ occasions in order to assess your housing requirements but has been unable to gain admittance.

In order for you to be considered for re-housing you should contact this office in the next 7 days to make a suitable arrangement for access in order to assess your circumstances.

Failure to contact this office within the next 7 days will result in the assumption that you are no longer interested in re-housing and your application will be cancelled.

Yours sincerely

District/Housing Manager

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

10.2 GUIDANCE NOTES FOR ASSESSING OFFICERS

For completion of Housing / Homelessness Assessment Form and Input Document, otherwise known as the 'Visit Report' (Parts 1 & 2)

10.2.1 PART 1 HOUSING/TRANSFER

This part of the Visit Report form should be completed for all general applicants, homeless applicants and transfer cases. **Note: the assessing officer must complete all boxes that are in bold.**

Unsuccessful Visits

At least 2 attempted visits must be made, with 'No Access' cards being left to advise the Applicant to make contact. The dates of all unsuccessful attempts at visiting the Applicant/Transfer should be noted on the Visit Report (page 1). Following 2 unsuccessful visits, the Applicant/Transfer should be sent a letter requesting him/her to contact the assessing office within 7 days to arrange a suitable appointment. The application/transfer should be cancelled after 7 days if no further contact is made.

Proof of Identification

It is a requirement for all Applicants to provide I.D. (See requirements on Page 2 of the Application Form). If I.D. has not been provided with the Application form, the assessing officer must request same during the visit and record the type of I.D. provided on page 1 of the visit form. If applicant fails to provide I.D. the steps outlined in Chapter 10.14 of the H.S.S. Guidance manual should be exercised.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

10.2.2 SECTION 1: PERSONAL / HOUSEHOLD DETAILS

10.2.3 APPLICATION / PERSONAL / HOUSEHOLD DETAILS

- 10.2.4** The application will be registered on computerised waiting list i.e. on-line prior to visit. Officers should check that the application is signed. If any details have changed at time of visit, select types of change e.g. D.O.B., marital status, and detail in the amendment box.

10.2.5 EMPLOYMENT /INCOME/ BENEFIT DETAILS

Officers should ask for details of the Applicant/Partner's Employer, if applicable, and any other Income or Benefits in payment.

Employees / Relatives

If the applicant /tenant or anyone who will be moving with them is a Housing Executive or a Housing Association employee, these questions **must** be answered by 'Yes' or 'No'. The relevant details should be entered in the Notepad Comments.

Officers should enquire if the Applicant/Tenant is a close relative of a Housing Executive or housing association employee. Close relative is defined as husband /wife/civil partner/partner/son/daughter/ Foster child/brother/sister/ step brother/step sister/son in law/daughter in law/father/mother/mother in law/ father in law/step son/step daughter/step parents /sister in law/brother in law/uncle/aunt/nephew/niece/ grandparent/grandson/granddaughter. If the answer is 'Yes', details should be inserted on the on-line Notepad Comment.

Previous Address Details

List all the addresses where the applicant has lived over the last three years. Dates, tenure, landlords name and address (if applicable) and reasons for leaving each address should also be obtained from the applicant and recorded. **This information should be used in respect of investigations relating to unacceptable behaviour and homelessness as necessary.**

10.2.6 SECTION 2: APPLICATION DETAILS

Household Composition

Select the household composition according to the details of the family/applicant. Circle one box **only** (there are 26 compositions to choose from). If **No. 21** is selected, you must decide and input one of the following household types when assessing Sharing points.

Household Type

A = Adults with no dependent children

F = Families (normally with generation mix)

U = 16-18 year olds without dependent children sharing outside family home

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Type of Accommodation Required

You should be satisfied that the minimum bedroom requirements are entered, officers should refer to the minimum bedroom requirement table for guidance:

Size of Accommodation Guide

Single Person	1 Bedroom	1 Bed Space
Couple	1 Bedroom	2 Bed Spaces
2 Persons (not a couple) or 1 Parent and 1 Child	2 Bedrooms	2 Bed Spaces
Couple and 1 Child or 1 parent and 2 Children	2 Bedrooms	3 Bed Spaces
Couple and 2 Children	2 Bedrooms	4 Bed Spaces
1 Parent and 1 Adult and 1 Child	3 Bedrooms	3 Bed Spaces
1 Parent and 3 Children or Couple and 1 Adult and 1 Child or 1 Parent and 1 Adult and 2 Children	3 Bedrooms	4 Bed Spaces
Couple and 3 Children or 1 Parent and 4 Children or Couple and 1 Adult and 2 Children	3 Bedrooms	5 Bed Spaces
Couple and 4 or more Children or 1 Parent and 1 Adult and 3 or 4 Children	4 Bedrooms	6 Bed Spaces

Other household compositions analogous to the above will be considered for equivalent accommodation.

Enter the minimum bedrooms required, not the minimum bedrooms the applicant would accept or prefer. The system will automatically default to the maximum number of bedrooms i.e. one more than the minimum number although this may be over written. *Any deviations to the Scheme standards must be noted in Notepad Facility.*

Wheelchair Facilities / Ground Floor

Ensure the applicant is asked concerning their accommodation requirements and in particular identify if ground floor or wheelchair housing is appropriate. If necessary, enter an appropriate comment in Disability Field. List any other amendments to the application details since registration.

10.2.7 SECTION 3A: ELIGIBILITY (APPLICATIONS ONLY)**(A) Age**

Regarding age requirements, the general rule is that an Applicant must have attained the age of 18 years at the date of application. However an applicant aged 16-17 may be considered are exceptions The assessing officer should ask the appropriate questions regarding any applicant who is under 18 and tick the relevant boxes where exceptions to the general rule apply. Where the Applicant is aged 16 – 18 years old and answers 'Yes' to the question "Is

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Applicant living outside family home?" it will be necessary to confirm this as sharing points may apply (see Section 7b).

The definition of 'family' in this context is as defined in the Housing (NI) Order 1981 and is " the spouse/civil partner of that person, or he and that person live together as husband and wife or civil partners, or he is that person's parent, grandparent, child, grandchild, brother or sister."

Note:

- (i) A relationship by marriage/civil partnership shall be treated as a relationship by blood and a relationship of the half-blood shall be treated as a relationship of the whole blood, and the stepchild of a person shall be treated as his child.
- (ii) A foster child will be entitled to sharing points if applying from the foster home. This is because they are not considered to be a member of the foster parent's family, as the arrangement is of a temporary nature. Alternatively, adopted children would not be entitled to sharing points if applying from their adoptive parent's home, as their arrangement is considered to be to permanent.

B) Connection with Northern Ireland

The officer should be satisfied that all relevant information is noted so that a decision on eligibility may be made. Officers should take into consideration the applicant's normal residence, previous addresses over the last 5 years, employment, family associations or any other special circumstances. See HSS Guidance Manual- Chapter 2.4.

10.2.8 SECTION 3B: ELIGIBILITY (APPLICATIONS ONLY) (PAGE 4)**(a) Persons from Abroad**

Prior to the visit, the Officer should check if the applicant has completed this section in the application form. If this has been identified, the Officer should ensure that they bring a copy of the Eligibility Pathway in Chapter 10.9 of the H.S.S. Guidance Manual to the visit.

However, regardless of the replies in the application form, the Officer should ask **all** applicants if he/she is a person from abroad at the visit interview. If the applicant is a person from abroad, the Eligibility Pathway should be completed and all relevant identification e.g. Passport / EU ID Card, and documentation e.g. Home Office papers checked and photocopies to be retained on file. Careful attention should be paid to any endorsements on the passport ([See Chapter 10.9](#)). Officers should not advise the applicant of their entitlement at this stage. The applicant should be advised that their eligibility as a person from abroad will be determined following consideration of all the facts and they will be advised

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

of the outcome as soon as investigations have been completed. Such decisions should be made when all investigations are complete. Officers should contact staff in Housing Policy, HQ for advice and assistance on individual cases as necessary. Until you are satisfied that they are ineligible, we may have a duty to the applicant as a homeless person, if he/she is in priority need, so a homeless assessment should be carried out in the interim.

If the applicant is found to be ineligible, the keying officer should be instructed to withdraw the application using reason code 30 and to issue the computer generated letter for “**APPLIC INELIGIBLE**”.

(b) **Unacceptable Behaviour**

Prior to the visit, staff should check the R252 Tenant Applicant Trace particularly in relation to any deletions and the reason for deletion. Where the Officer has reason to believe that there are issues relating to unacceptable behaviour, checks should also be made against the Disqualification Register; previous ASB files; Past Tenant files etc and all relevant information photocopied and collated on the applicant file. Officers should ensure that the questions on Page 4 of the Application Form have been completed and should use these as a basis for investigations. However, any negative answer would not preclude Officers from making further investigations where they have reason to believe that the applicant may have been guilty of unacceptable behaviour.

During the visit interview, the Officer should endeavour to obtain as much information as possible from the applicant in respect of reasons for leaving previous addresses and whether the applicant has been involved in anti-social behaviour or convicted of a serious arrestable offence committed in a dwelling occupied by them or the locality of such a dwelling, including temporary accommodation.

The three-step decision making process should be completed using the Guidance provided and the Senior Housing Officer should be involved in all cases where there are issues relating to unacceptable behaviour. A record must be kept of all enquiries made and all verbal and written information should be documented on the file. **The decision regarding ineligibility should be authorized by the District Manager.** Staff in Housing Policy, HQ should be contacted for advice and assistance on individual cases as necessary.

If an applicant is found to be ineligible due to Unacceptable Behaviour, the keying officer should be instructed to withdraw the application using reason code 31 and to issue the computer generated letter for “**APPLIC.INELIGIBLE**” to the applicant concerned.

Note:

- (a) All joint applicants must be eligible both as a person from abroad and in terms of behaviour.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

- (b) Ineligible decisions must be authorised by the District Manager or in his/her absence the Assistant District Manager.

10.2.9 SECTION 3C: ELIGIBILITY (TRANSFERS ONLY) (PAGE 5)

The Transfer Policy only applies to requests for re-housing from tenants in accommodation owned by a Participating Landlord, which has been let on a permanent basis.

- a) **Access Criteria** - Assessing officers should check tenant's details before visit i.e. the length of tenancy, rent account, condition of the current accommodation, recoverable charges and any serious breaches of tenancy conditions including unacceptable behaviour. The principles employed in terms of the three-step process detailed on page 4 of the visit/input form should also be applied to any tenants seeking a transfer.
- b) **Access Waiver** – The decision to waive access criteria will be made after the visit and will be based on the housing needs of the tenant. **The deciding officer must not be the assessing officer. Tenants who have been guilty of serious unacceptable behaviour may not be granted a waiver.**
- c) **Management Transfer Status** – the assessing officer should recommend management transfer by inserting 'Yes' against the relevant criteria. Any decision regarding the award of Management Transfer status will also be made after the visit and will be made by the Housing Manager.

10.2.10 SECTION 4: CRITICAL DATES (Page 6)

Critical Dates: Any relevant critical dates should be entered. Critical date **must be** a future date e.g. expected date of confinement. If applicable, insert the critical date and add comment.

Appearing on more than one Application Form

The Assessing Officer should be satisfied that the person concerned should only appear on one application form. If the answer is 'Yes', this should be discussed further with the Applicant for clarification.

10.2.11 SECTION 5: PRESENT HOME DETAILS (Page 7)

Present Home Details: Assessing officer should tick relevant Tenure. (When NIHE transfer application is registered on on-line system tenure will automatically default to Housing Executive Tenant.)

Number of Bedrooms in current property: Actual number of bedrooms in current property should be inserted.

Current Property Type: One of the following types should be inserted:

house, maisonette, flat, bungalow, cottage, or mobile.

If other please state for example multi-storey flat, lodging house, hotel, hostel, bedsit or Orlit.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Mutual Exchange Question: applies to both applicants and transfers. For transfer cases, assessing officers should make reference to the Mutual Exchange question in the application form.

10.2.12 SECTION 6: APPLICANT'S HOUSING CHOICES / PREFERENCES

All Applicants must indicate at least one preference, and can choose a maximum of two Common Landlord Areas (CLAs). Ensure the applicant is aware of the Common Waiting List and discuss all the social landlords offering accommodation in the Common Landlord Area surrounding the applicant's area(s) of preference, as there may be more than one social landlord within these areas.

All Applicants may opt for the General Housing Area (GHA) surrounding his/her areas of choice. Assessing Officers should ensure that this facility is explained to all applicants/transfers.

If an applicant in the Common Landlord Areas does not want to be considered for all the social landlords, specify the landlord and the estate/project they do not want to be considered for. Ensure the applicant is aware of the variety of accommodation offered within the Common Landlord Area as some of it may be unsuitable for their needs e.g. sheltered housing.

If there are any comments regarding the applicants estate / project choices or social landlords please enter in comments box. (The same procedure should be followed in relation to a second preference if applicable.)

10.2.13 SECTION 7: HOUSING NEEDS ASSESSMENT & POINTING INPUT (Page 9)

Assessing Officers should note the reasons for re-housing indicated in Section B (question 3a) of the application/transfer form.

Section 7a Insecurity of Tenure

- a) Intimidation (awarded by Housing Executive only and as a result of a homelessness investigation).
- b) Homelessness (Full Duty Applicant) (awarded by Housing Executive only and as a result of a homelessness investigation).
- c) Other Homeless – points may be awarded only where applicant/transfer is not considered a Full Duty Applicant. Homelessness investigation must be carried out first, if there is a negative homeless decision, then assessing officer must consider if applicant/transfer meets criteria for the award of Other Homeless Points.

Section 7b Housing Conditions

Sharing - Select household type (refer back to Section 2 Household Composition) choose the column which relates to this and tick appropriate boxes for sharing points. If the applicant is 16-18 years old and has no

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

dependent children, points will only be awarded if he/she is sharing outside the family.

Do not record the actual points, as this is system generated to household type.

The definition of 'family' in this context is as defined in the Housing (NI) Order 1981 and is: "the spouse/civil partner of that person, or he and that person live together as husband and wife/civil partners or he is that persons' parent, grandparent, child, grandchild, brother or sister."

Note:

- (i) **A relationship by marriage/civil partnership shall be treated as a relationship by blood and a relationship of the half-blood shall be treated as a relationship of the whole blood, and the stepchild of a person should be treated as his child.**
- (ii) A foster child will be entitled to sharing points if applying from the foster home. This is because they are not considered to be a member of the foster parent's family, as the arrangement is of a temporary nature. Alternatively, adopted children would not be entitled to sharing points if applying from their adoptive parent's home, as their arrangement is considered to be permanent.

Overcrowding - The points are based on the total overcrowding in the house.

- a) Rooms which are less than 3.7m. sq. (40sq.ft) will not be deemed suitable for use as a bedroom;
- b) If a dwelling has two reception rooms, one of them will be counted as a bedroom;
- c) Single parents and all adults (over 18 years old) will not be expected to share his/her bedroom;
- d) Different generations or members of different family units (i.e. aunt and niece) are not expected to share a bedroom.

The sizes of bedrooms that will be considered adequate for meeting Applicants' needs are as follows:

- i. Bedroom: over 3.7 and less than 6.5 sq. m. (40 - 69sq. ft) is adequate for 1 child under 7 years old
- ii. Bedroom: over 6.5 and less than 9.3 sq. m. (70 - 99 sq. ft.) is adequate for any of the following:
 - 1 person of any age
 - any 2 persons of the same gender under 18 years of age
 - any 2 children under 7 years of age regardless of gender
- iii. Bedroom: over 9.3 sq. m. (100+ sq. ft.) is adequate for any of the following:
 - 1 person of any age
 - 2 persons living as a couple
 - any 2 persons of the same gender under 18 years of age

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

- any 2 children under 7 years of age regardless of gender

In addition to meeting certain size criteria, a room must also be capable of being used as a bedroom. The room's shape and the amount of available head room must be reasonable for the room to accommodate a bed (of relevant size), appropriate furniture e.g. wardrobe and chest of drawers, and there must be sufficient access space.

Note: Bedsits should be considered as having **no** bedrooms for the purposes of the overcrowding assessment.

Note: When determining the level of Overcrowding, the Designated Officer should consider the 'best use' of the available bedrooms in a property and not necessarily the arrangements which exist within a household i.e. if an arrangement exists in a household whereby a single Applicant has the use of a double bedroom whilst a couple have use of a large single bedroom, a paper exercise should be carried out to 'place' the members of the household in the appropriately sized rooms

The Housing Manager has the authority to exceed these requirements. You should detail all the family units in the property showing relationships and ages. Work out the total number of bedrooms required and subtract this from the number of bedrooms in the property to calculate the number of bedrooms short.

The assessing officer must enter the number of bedrooms short.

Lack of Amenities – This normally applies to Applicants only. Tick "Yes" or "No" to relevant boxes, system will automatically generate points. The award of points for any one of the listed criteria (apart from lack of electricity supply) may indicate that the property is unfit and you should refer the property to the relevant Environmental Health Department (Employer Council) for an inspection. Additional comments may be included in the Notepad Comments.

Referred to Environmental Health Department (Employer Council): if referred, the date sent and the date of the decision should be keyed.

Section 7c**Health & Social Well Being Assessment**

The Assessing Officer should note from the application form as to whether the applicant/tenant has indicated that he/she or a member of their household has a health & social well being problem which is seriously affected by their current housing and also from the "Reasons for Re-housing" as to whether there may be social factors to be considered.

Functionality Matrix: If the matrix is being applied, then the name(s) of the person(s) should be entered. It may be used for more than one person but not more than two persons. The person scoring the highest points should be included in the first functional matrix. The assessing officer must complete the matrix by circling the relevant number, where the applicant /tenant has indicated that he/she has such problems in their current accommodation.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Number 1 – mobility within existing accommodation – use either 1a), 1b) or 1c) and circle appropriate number in relevant column.

Number 2/3 – Internal Factors – circle appropriate number in relevant column.

Number 4/5 – External Factors – circle appropriate number in relevant column.

Unsuitable Accommodation Points: Answer Yes or No

These points will be awarded where the scoring on a second functionality matrix is 6 or more (system generated) or by the Assessing Officer where the applicant or a member of his/her household has difficulty accessing his/her accommodation because it is above ground floor level and it is not served by a lift.

Additional Questions to be asked – The assessing officer should note any adaptations that have been carried out for the applicant and what (if any) adaptations would assist the applicant to stay put in his/her current dwelling.

Support / Care Matrix

The matrix is only to be applied where the applicant/tenant has indicated on their application form that he/she has support/care needs. If the matrix is being applied, then the name(s) of the person(s) should be entered. The assessing officer should circle the appropriate number in the relevant column, even if the Applicant is not seeking Sheltered/Supported Housing only.

Is Applicant/Transfer seeking Sheltered/Supported Housing?

Answer 'Yes', if the **only** choice is sheltered or supported housing (this ensures that the score from the support/care matrix is added to overall points score).

Answer 'No', if the Applicant/Transfer has indicated that he/she wishes to be considered for **both** General Needs and sheltered accommodation as his/her housing choice. In this case, a comment should be made in the Notepad to indicate that the applicant has support/care needs.

Primary Social Factors.

Officers should make reference to the "Reasons for Re-housing" as indicated on the application form and make any subsequent enquiries as appropriate before awarding such points.

Only **one** of the first three Primary Social Need factors may be awarded. If the Applicant/transfer qualifies for any of the first 4 Primary Social factors, or Primary Social factor 7, he/she **must** be considered under the homelessness legislation. An Applicant may qualify for a number of primary Social Factors, however, the maximum award will be capped at two factors.

Other Social Factors

Officers should make reference to the "Reasons for Re-housing" as indicated on the application form and make any subsequent enquiries as appropriate before awarding such points. An applicant may qualify for a number of Other Social Factors, however, the maximum award will be capped at four factors.

Where the applicant has been awarded Other Social Factor points for:

- a) Outside travelling distance of new job/course of study;
- b) Needs to live in an area to receive or give support;

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

- c) Needs to be near family for childcare to aid employment;
- d) Needs to be near specialist facilities;
- e) Alternative accommodation recommended by Social Services;
- f) Analogous circumstances.

The keyer will be asked if those points apply for each CLA Area of Preference, you should enter "Y" to each factor, if not enter "N" under the 1st and 2nd preference columns. The system will then generate appropriate points. If the applicant has two preferences, ensure the same procedure is followed.

Under-occupation

These points only apply to Executive and housing association transfer cases. The assessing officer must key in the number of excess bedrooms/living rooms i.e. those rooms that are in excess of minimum requirements. Where Under-occupation and Overcrowding points co-exist, only overcrowding points should be awarded.

(Complex Needs Points – see Section 9)

Section 8 Professional Contacts

Where the applicant/transfer case has indicated that they are in receipt of services from or have been in contact with other agencies, the assessing officer should then complete this section.

Section 9 Complex Needs Applicants

These points will only be awarded on the recommendation of the Area based Housing Support Service Officer, and are only applicable where the agreed housing choice is General Needs/ Sheltered accommodation for a Complex Needs Applicant.

Where the agreed housing choice is Supported Housing, the award of Complex Needs points does not apply unless the housing choice is amended at a later date.

Section 10 Other Housing Options (These questions must be asked)

This section of the visit report covers questions on Latent Demand, garages, renting from a private landlord and intention to purchase either now or in the future including Co-Ownership.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

The question regarding interest in a Group Housing Scheme is intended only to be applied to applicants who are Travellers.

Section 11 Notepad Comments Facility

You should insert any general comments relevant to the application and include any comments from the visit report. You should note that specific comments could also be included elsewhere in relation to disability, critical dates (Section 4) and preferences (see Section 9). However, the Notepad Comments will be the most readily available to all users of the Waiting List System. As many users will not have easy access to the application form and file, you should ensure that comprehensive comments are included in this section.

Release of Information on Other Tenures

Where the applicant/transfer case has indicated an interest in other tenures, as in Section 10, he/she must be asked if they will allow such information to be released to interested parties. The Assessing office must indicate 'Yes' or 'No'.

Signatures

The Applicant/joint applicant should complete this section. The Assessing Officer should also sign the 'Visit Report'.

10.2.13 ADDITIONAL GUIDANCE NOTES FOR TRANSFERS

Family Details

Particular attention should be paid on the Transfer Form to Section A (Details of Family), and questions 2g and 2h, which relate to household members who do not intend to move when the tenant(s) are offered a transfer. If not all family members intend moving, ensure the implications are made clear to the tenant in terms of Assignment Policy. You should bring to the attention of a Senior Officer and where appropriate the Housing Manager. Where necessary, record relevant information as a Notepad Comment.

10.2.14 PART 2 INSECURITY OF TENURE

SECTION 1: INTIMIDATION POINTS

This section is only to be completed where the applicant/tenant has indicated that they are homeless as a result of terrorist, sectarian or racial intimidation or because of an attack motivated by hostility because of an individual's disability or sexual orientation and where the Housing Executive has determined if any Intimidation points should be awarded arising from a homelessness investigation.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

10.2.15 SECTION 2A: HOMELESSNESS/THREATENED WITH HOMELESSNESS - FULL DUTY APPLICANT POINTS

The assessing officer should be satisfied as to whether the applicant is homeless or threatened with homelessness, based on the information provided by the applicant. If a homeless assessment is required you should tick 'Yes' and ensure that a homeless assessment is made. Otherwise, tick 'No'. The Date of Presentation should be completed.

10.2.16 APPLICANT DETAILS

This must be completed where the homeless applicant is not the same person who completed the General Housing Application Form (e.g. is a member of the Housing Applicant's family).

10.2.17 HOUSEHOLD DETAILS

Please ensure these boxes are updated (if different) from housing application as they are essential to assessment of priority need. Answer the questions relating to any household member who is pregnant, disabled or undergoing medical treatment.

Correspondence Address and Telephone Number - The system will automatically assume the address and telephone number on the Housing/Transfer application form, although these details will not appear on the homeless screen.

Where an address and telephone number other than that on the Housing/Transfer application is to be used, then a correspondence address must be keyed as outlined in 1 or 2 below:

- 1) Where a homeless applicant **IS NOT** placed into temporary accommodation but is using a correspondence or crisis address, the address and telephone number must be recorded and keyed onto the system using the "Address" key.
- 2) Where a homeless applicant **IS** placed into temporary accommodation, the address of the accommodation and other details must be recorded and keyed onto the system using the "Placements" key.

10.2.17 CURRENT / PREVIOUS ADDRESSES

Any previous addresses in the last 3 years before the homelessness presentation should be noted on page 2 of the input form as this will assist in establishing homelessness. The applicant should already have provided some address details but information such as 'reasons for leaving' 'landlord details'

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

etc should be sought at the homeless assessment interview. *This information should also be used in respect of any investigations relating to eligibility.*

10.2.18 INCOME DETAILS

Ensure that relevant income details are always completed.

10.2.19 OTHER AGENCIES INVOLVED

Record details of all agencies involved with the homeless applicant that may assist in enquiries regarding the applicant's circumstances.

10.2.21 HOMELESS CASE REPORT – INVESTIGATION WILL BE CARRIED OUT BY NIHE ONLY

- (i) **Assessment of Homelessness/Threatened Homelessness** - outline the applicant's given reason(s) for homelessness/threatened homelessness.
- (ii) **Assessment of Priority Need** - Outline the priority need category where applicable, or state that the applicant does not appear to meet the priority need criteria. It is important to ensure that all criteria are checked - it is not for example sufficient to assume that a single person is not in priority need, as s/he may meet some of the legislative criteria for priority need. These are:
 - A pregnant woman or a person with whom a pregnant woman resides or might reasonably be expected to reside;
 - A person with whom dependent children reside or might reasonably be expected to reside;
 - A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
 - A person who is homeless or threatened with homelessness as a result of an emergency such as a flood, fire or other disaster;
 - A person without dependent children who satisfied the Executive that s/he has been subject to violence and is at risk of violent pursuit or, if s/he returns home, is at risk of further violence;
 - A young person who satisfies the Executive that he is at risk of sexual exploitation.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

(iii) **Intentionality** - if the applicant is, or appears to be homeless and in priority need, indicate matters to be considered if assessing Intentionality, such as “deliberate act or omission” which may have led to the applicant’s homelessness. It is important to establish reasons why an individual became homeless (as if for example, the homeless applicant gave up a secure tenancy, the reasons for this action should be noted).

(iv) **Eligibility**

NOTE: THE ELIGIBILITY TESTS SHOULD BE CARRIED OUT SIMULTANEOUSLY TO ALL OTHER ASPECTS OF THE HOMELESSNESS INVESTIGATION.

(a) **Persons from abroad**

Officers should ensure that the questions on page 4 of the Application form have been completed.

As per section 3B on Page 4 of the visit/ input form, the Officer should ask all applicants if he/she is a person from abroad at the time of the interview. If the applicant is a person from abroad, the Eligibility Pathway should be completed and all relevant identification e.g. Passport / EU ID card, and documentation

e.g. Home Office papers checked and photocopies taken. Careful attention should be paid to any endorsements on the passport (See Chapter 10.9). Officers should not advise the applicant of their entitlement at this stage. The applicant should be advised that their eligibility as a person from abroad will be determined following consideration of all the facts and they will be advised of the outcome as soon as investigations have been completed. Such decisions should be made when all investigations are complete. Officers should contact staff in Housing Policy, HQ for advice and assistance on individual cases as necessary.

(b) **Unacceptable Behaviour**

Officers should ensure that the questions on page 4 of the application form have been completed and that page 2 of the visit form in relation to previous addresses has been completed together with reasons for leaving. Where the officer has reason to believe that there are issues relating to unacceptable behaviour, checks should also be made against the Disqualification Register, previous ASB files, Past Tenant files etc. and all relevant information should be photocopied and collated on the applicant’s file. During the homeless interview the Officer should endeavour to obtain as much information as possible from the applicant in respect of reasons for leaving previous addresses and whether the applicant has been involved in anti-social behaviour or convicted of a serious arrestable offence committed in a dwelling occupied

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

by them or the locality of such a dwelling, including temporary accommodation.

The three-step decision making process should be completed using the Guidance provided and the Senior Housing Officer should be involved in all cases where there are issues relating to unacceptable behaviour. A record must be kept of all enquiries made and all verbal and written information should be documented on the file.

- (v) **Enquiries / Evidence requested** - record appropriate details of letters sent/telephone calls made etc - such records should be signed and dated.
- (vi) **General Comments / Investigations made** - provide a detailed report of the facts presented to you by the homeless applicant and investigations made (use additional pages if necessary).
- (vii) **Interim Accommodation**
Complete the questions relating to temporary accommodation and furniture storage

Ensure that this report is signed and dated.

10.2.22 SECTION 2B: OTHER HOMELESS

Housing Executive/Housing Association Designated Officers may award these points.

You should consider the award of Other Homeless points where the Applicant/Tenant is not owed a Full Duty under the Homelessness legislation. You should also consider the ready availability of suitable alternative accommodation within the GHA encompassing the applicant's area of choice. You should also consider whether the applicant is in a position to seek and obtain such alternative accommodation based on his/her financial and family circumstances.

The award of these points must be authorised by the District / Housing Manager.

10.2.23 HOMELESS DUTIES/ACTIONS (FOR HOUSING EXECUTIVE USE ONLY)

Homeless Presentation Date - if the applicant/tenant has answered YES to question on homelessness on the application form or the transfer/exchange form, enter the date the form has been received by the Executive. If the applicant presents as homeless at a later date, enter that date.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Reason Given for Homelessness - enter one of the following codes which indicate the applicants given reason for homelessness/threatened homelessness:

Homeless Reason Codes

1. Breakdown of sharing/family dispute	10. Mortgage arrears
2. Relationship breakdown	11. Release from prison
3. Intimidation (Civil Disturbance)	12. Hospital discharge
4. Bomb/fire damage (Civil Disturbance)	13. Child ex-care
5. Neighbourhood harassment	14. Loss of private rented accommodation
6. Battered partners/violence	15. Loss of NIHE accommodation
7. Sexual abuse/violence	16. Other action
8. Accommodation not reasonable	17. No accommodation in Northern Ireland
9. Fire/flood/other emergency	

Presenting Applicant - the system will automatically assume the Presenting Applicant is the first named applicant on the housing application/transfer form. If this is not the case, enter the homeless presenter's name.

Household Composition - the system will automatically assume the Household Composition is that on the housing application/transfer form.

Furniture storage provided - ensure that you record whether or not the Executive arranged to have the homeless applicant's belongings stored. (Tick YES or NO as appropriate.)

Date stored - always enter the date the applicant's belongings were taken into storage by the Executive.

Voucher number - enter the number on the furniture storage voucher.

Furniture storage contractor/contact details - enter the name, address and telephone number of the furniture storage company.

Inventory taken by (attach copy) - record the name of the person who completed the inventory of items taken into storage. A copy of the inventory must be held on the applicant's file.

Date - enter the date the inventory was completed. This date should be on the actual inventory.

Comments regarding furniture storage (if required) - there may be occasions when this section will have to be completed (e.g. company didn't turn up, homeless applicant wasn't there etc).

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Taxi/transport offered - indicate whether or not the homeless applicant was offered transport to their temporary accommodation.

Taxi/transport accepted - indicate if the homeless applicant accepted or refused any transport offered.

Voucher number - record the number on the taxi voucher.

Taxi/transport details/comments - any relevant comments relating to transport arrangements should be recorded e.g. was journey broken to collect a family member, if a bus was used give details.

Temporary Accommodation

Indicate if temporary accommodation has been offered and accepted.

10.2.23 FINAL DECISION DETAILS

Date of final decision - enter the date on which the final decision was reached.

The keyer must use either threatened homelessness or Homeless (not both)

Assessed reason - in all cases where the applicant is accepted as homeless or threatened with homelessness, enter one of the Homeless Reasons Codes listed previously. This may be different from the reason given for homelessness by the applicant.

Priority need - enter YES or NO in all cases where the Executive has accepted the applicant is homeless/threatened with homelessness, following consideration of Priority Need criteria outlined previously.

Priority need category - select one of the following priority need codes where priority need is "Y":

Priority Need Codes

1. Pregnant	6. Vulnerable - Old Age
2. Dependent child/children	7. Vulnerable – Mental
3. Fire/Flood/Emergency	8. Vulnerable – Physical
4. Violence	9. Vulnerable - Other
5. Sexual/Financial Exploitation	10. Unobtainable

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Intentionality - enter YES or NO in all cases where the Executive has accepted the applicant as being homeless/threatened with homelessness and in priority need.

Reason for Intentionality - explain why you have concluded that the homeless applicant is intentionally homeless. You must include the particular act or omission, the consequence of which resulted in the homeless applicant ceasing to occupy their last settled address e.g. failure to pay rent, breach of tenancy agreement, leaving the accommodation of their own accord. You must also state that the accommodation would have been reasonable and available for the applicant to continue to occupy. This section must be completed for all homeless assessments where the applicant has been found to be intentionally homeless.

Eligibility- Enter Y or N in accordance with the decision reached.

If the answer is N circle the reason for ineligibility i.e. Person from abroad or Unacceptable Behaviour.

NOTE: The decision regarding ineligibility **must be authorised by the District Manager.**

If an applicant is found to be ineligible the Officer should instruct the keyer to use the appropriate deletion code and issue the correct computer generated letter(s) for **"APPLIC. INELIGIBLE"** to the applicant concerned.

Appeal 1 - enter Y if the applicant has appealed the District Office decision, otherwise leave the box blank.

Date received - enter the date the 1st stage appeal was received.

Comments/Action taken - enter any details relating to the appeal e.g. if a solicitor/voluntary group made the appeal on the applicants behalf, new information presented, further developments, further information now required etc.

Outcome of Appeal 1 / Decision upheld - enter Y or N in all cases where a 1st stage appeal has been submitted.

Date - enter the date on which the appeal was either upheld or overturned.

Appeal 2 - enter Y if the applicant has made a 2nd stage appeal, otherwise leave the box blank.

Date received - enter the date the 2nd stage appeal was received.

Comments/Action taken - enter any details relating to the 2nd stage appeal as outlined at (xi) above.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Outcome of Appeal 2 / Decision upheld - enter Y or N in all cases where a 2nd stage appeal has been submitted.

Date - enter the date on which the appeal was either upheld or overturned.

10.2.24 PLACEMENT DETAILS

Placement No: - the placement number is system generated when temporary accommodation placement details are saved. The placement no. should, however, be written on the Temporary Accommodation Amendment Form.

Voucher No: - in all cases where temporary accommodation is arranged by the Executive enter the number of the temporary accommodation voucher (number is on the voucher) and indicate if the voucher is financial or non-financial.

Temporary Accommodation (Placement) Address - temporary accommodation addresses are held on the system. If the address to be used is not held on the system, you should contact the PRAWL helpdesk with the details (and they will arrange to add the details of the address). Ensure you record the temporary accommodation details on this section of the form.

Temporary Accommodation Type - select one of the following temporary accommodation type codes:

Temporary Accommodation Type Codes

1. NIHE	2. Voluntary
3. Bed Bureau	3. Private
5. Other	

Unit No: enter the room number where applicable.

AHS (After Hours Service) - enter Y or N or if unknown, leave blank.

Date in: enter the date the homeless applicant was placed in temporary accommodation.

Reason in: select one of the following 'Reason for Placement' codes:
Reason in Codes:

1. Pending investigation
2. Intentionally homeless
3. Priority granted – pending re-housing

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Date out - enter the date the homeless applicant left the temporary accommodation.

Reason out - select one of the following Reasons Left codes:

Reason Out Codes

1. Moved into NIHE hostel	8. Re-housed by NIHE
2. Moved into Vol Sector hostel	9. Re-housed by Housing Association
3. Moved private (bed bureau)	10. Re-housed by private sector
4. Moved private (non bed bureau)	11. Re-housed by other
5. Moved other arranged by NIHE	12. Applicant's whereabouts unknown
6. Made own temp arrangements	13. Application withdrawn
7. Limited duty only owed by NIHE	14. Other

Comments - Enter any comments relevant to temporary accommodation placements e.g. size of unit/room, reason for placing outside the Bed Bureau etc.

If the applicant is subsequently placed in alternative temporary accommodation, the above placement details should be recorded on a **HMS TEMPORARY ACCOMMODATION AMENDMENT FORM** and held in the file. Similarly, if there are other changes in circumstances, the details should be recorded on a **HMS HOMELESS AMENDMENT FORM**, and held in the file.

10.2.25 FINAL ACTION DETAILS

Date of final action – Only select 1 of the following 3 reasons

(ii) **Application withdrawn** - enter YES.

Or

(iii) **Priority withdrawn** - enter YES.

Or

(iv) **Re-housed by** - if the applicant has been re-housed, select one of the following codes to indicate who s/he has been re-housed by:

Re-housed Codes:

14. Re-housed by NIHE
15. Re-housed by Housing Association
16. Re-housed by private sector
17. Other

Address - enter the address where the homeless applicant has been re-housed.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

COT date (if applicable) - enter the tenancy commencement date.

Temporary accommodation end date - in all cases where the applicant has been placed in temporary accommodation by the Executive, enter the date on which the duty to provide such temporary accommodation ceased. This will be system generated from the most recent placement end date as inserted in Placement Details - 'Date Out' field.

Furniture storage end date - in all cases where the Executive arranged to store the applicants' belongings, enter the date on which the Executive ceased to have a duty to store belongings.

10.3 DATA PROTECTION

10.3.1 GENERAL

The Data Protection Act 1998 (the 1998 Act) came into force on 1 March 2000. The new Act, which replaced the Data Protection Act 1984, sets out rules for processing personal information and applies to some paper records as well as those held on computers (extends subject access rights to most paper records-including housing files).

Personal data covers both facts and opinions about the individual. It also includes information regarding the intentions of the data controller towards the individual.

Participating Landlords – Assessing Landlord – Allocating Landlord

Further Information

These procedures relate to housing files. Detailed information can be obtained from the following:

Michael Faherty (Data Protection Officer) I.T. Department, Extension 2970 or Jim Johnston (Records Officer) Facilities Services, Extension 2970.

The Divisional Representative for Housing & Regeneration is Jim Hughes, Extension 2257. Housing Associations should contact N.I.F.H.A. for further information.

10.3.2 DATA ACQUISITION

Declaration; Making Enquiries: Sharing information with other Landlords. By obtaining a declaration from all applicants and transfer applicants, we have the authority to process personal information and share it with other Landlords.

This means as well as viewing the information on-line, each Landlord would be permitted to photocopy application forms / Visit Input /Assessment Form. It is very important that all Applicants sign the Declaration. If an Applicant refused to sign the Declaration, the procedures outlined in 10.4 should be followed.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

10.3.3 DATA ACCURACY

The extension of the Data Protection Act to cover personal data in manual files means that all staff need to be aware of the duties imposed on them by the Act. It should also be remembered that personal information recorded on manual files may at some later stage be made available to the tenant following a Subject Access Request. When recording an opinion make sure that it is supported by relevant facts and avoid the use of contentious language. Make sure that you keep a complete record of any data that is disclosed in order to meet the requirements of Paragraph 10.3.2.

Recording Information on Files

Personal Data should be adequate, relevant and not excessive in relation to the purpose for which it is processed.

- Adequate:** Ensuring you have sufficient information to enable you to perform the particular business function – e.g. allocating a house.
- Relevant:** Only obtain and record information that is appropriate to the particular business need.
- Not Excessive:** Keep it simple. Only record information that is essential. Any opinions recorded should be supported with relevant facts and be directly linked to the business needs of the Executive. The recording of contentious opinions should be avoided.

Information should also be **accurate** and kept **up to date**. Check all facts. Make sure that information is correct before recording it on file. Keep information held on file up to date. Implement the retention Policy to ensure the prompt destruction of obsolete material. The regular amendment, deletion or removal of inaccurate or out of date data should be part of office good practice at all times.

Sensitive Personal Data

The Data Protection Act requires that 'Sensitive Personal Data' should be handled with particular care, including enhanced access controls being in place to avoid unlawful disclosure. Sensitive Personal Data can include information about an individual's medical condition or sexual orientation or other matters that might affect their personal security. Where there is a particular issue regarding a certain applicant, an appropriate comment should be recorded on

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

the Visit/Input/Assessment Form and also placed on the Notepad facility on-line.

10.3.4 DATA SECURITY

Data Controllers are responsible for deciding how personal data will be held, recorded or obtained and for ensuring that staff comply with all eight Data Protection Principles.

10.3.5 SUBJECT ACCESS

10.3.6 RIGHTS OF DATA SUBJECTS

10.3.7 PROCEDURES TO BE FOLLOWED BY OFFICERS IN RECEIPT OF SUBJECT ACCESS REQUESTS

10.3.8 APPEALS

10.3.9 IDENTIFYING SUBJECT ACCESS REQUESTS

Most requests for information in a District Office will be dealt with as normal routine business. Past experience with the previous Data Protection Act has shown that only a small number of such requests will constitute Subject Access Requests. Typical examples of Subject Access Requests would be:

- Where the Data Protection Act is specifically mentioned;
- Where the Data Subject asks for all information relating to them.

Subject Access Requests should be forwarded to Jim Johnston, Records Officer, at Headquarters. Details of the referral procedures are contained in the Data Protection Training Pack.

10.3.10 RELEASING INFORMATION TO TENANTS

When releasing personal information to tenants, the staff member involved should obtain details of the information requested and confirm the identity of the enquirer. If any doubt exists, the Officer should either ask for details of personal information which would be known only to the tenant (e.g. Date of Birth etc) or in the case of a telephone query, ring tem back at a known contact number.

10.3.11 RELEASING INFORMATION TO ELECTED REPRESENTATIVES OR OTHER THIRD PARTIES

Elected Representatives are currently registered as Points of Disclosure for Data Protection Purposes. In most cases it is only a matter of ensuring that the

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

enquirer is actually the elected representative. It is reasonable, however, in the case of newly elected representatives, to also establish that they have the consent of the person on whose behalf they are requesting the information.

When dealing with requests from **other Third Parties**, it is important, in all cases, to ensure that the third party is who they claim to be and that they are acting on behalf of and at the request of the Data Subject.

10.3.12 INFORMATION PROVIDED BY OTHER PARTIES

Police Reports – Police Reports may be exempt from the subject access provisions under Section 29 of the Act. However it is suggested as a general rule that no disclosure of such reports are made under public access without first obtaining written advice from the Legal Department.

Medical Reports – The disclosure of medical reports would only be exempt from subject access provisions if it could be shown that the release of such records would cause harm to the physical or mental health or condition of the data subject or any other person. However in regards to any medical records held by the Executive, before any disclosure is made the Executive must first consult the health professional who produced the record or the health professional who currently oversees the care of the data subject to obtain their opinion in regards to same.

The majority of such requests will normally be handled by either the Data Protection Officer or the Records Officer, and advice should be sought if any doubt exists.

10.4 PROCEDURES FOR DEALING WITH APPLICANTS / TENANTS SEEKING A TRANSFER WHO HAVE FAILED TO SIGN THE DECLARATION**10.4.1 INTRODUCTION**

In most cases it is relatively straightforward that we do not process an application if the Applicant (including transfer applicant) refuses to sign the declaration. A flowchart for the procedures outlined is attached at Appendix 10.4.8. The steps are as follows:

The Application must be registered with basic details listed in Appendix 10.4.1¹.

The Applicant must be visited and a full assessment carried out – this is for two main reasons:

¹ When dealing with Applicants from outside NI who have not signed the declaration, you should then move on to Step 10.4.3

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

- a. to draw attention to the fact that the application has not been signed (most failures to sign may simply be an omission or oversight). Therefore, it is very important that the visiting officer explains that the declaration must be signed in order to comply with the Application Requirements necessary to be eligible under the Housing Selection Scheme. They should advise the Applicant that their application form cannot be processed unless they complete the application by signing the declaration. A note should be made on the Visit Report that this has been discussed with the Applicant and to confirm that the Applicant still refuses to sign the Declaration.
- b. there may be issues around homelessness which we would have a statutory duty to investigate. The NIHE must discharge its homelessness obligations regardless of whether the Applicant has signed the declaration section of the Application form. If an Applicant / Transfer Applicant has refused to sign the declaration, however, claims to be homeless / threatened with homelessness, or there would appear from the visit / assessment to be issues which may suggest that a homelessness investigation should be carried out, then it will be necessary to open a homelessness investigation. [See below if issues around homelessness are involved.]

10.4.2 NON-HOMELESS CASES

If the Applicant refuses to sign the declaration during the visit, then the Housing Officer must issue Letter 1a (Appendix 10.4.2) upon return to the office and allow 14 (calendar) days for a reply. The Preferences or Answers to the Questions should not be keyed at this stage. See 10.4.8.

10.4.3 POTENTIAL HOMELESS CASES

Alternatively, if there are any issues regarding homelessness, then the Housing Officer should issue Letter 1b (**Appendix 10.4.3**) and commence homelessness investigations. There are special considerations regarding making enquiries in such circumstances, and these are detailed below.

For Housing Association transfer cases, if there is any issue of potential homelessness, the case should be referred to the Housing Executive for investigation.

10.4.4 MAKING ENQUIRIES

Article 14 of the Housing Order (NI) 1988, may assist the Housing Executive in carrying out its homelessness duties on the basis that information can be obtained under Article 14 in the absence of the consent of the Applicant.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Article 14 puts an obligation on certain bodies to co-operate with the Executive. Specifically, where the Executive requests Health and Social Services or the Probation Board to provide any information or advice in a homeless case, this Article places an obligation on them to assist the Executive.

Generally, when information relating to homelessness investigations is being sought from all those other than Health and Social Services and the Probation Board, for example from the Police etc., then that body should be informed at the outset of the fact that the Executive does not have written consent from the Applicant to make enquiries or obtain information. Staff should caution any third party that they do not have the Applicant's consent to make enquiries.

On the other hand, where the Applicant instructs a body, for example the Police, etc. to disclose specific information in relation to their housing / homeless circumstances, then the Executive would be have to accept this information.

Normal rules in relation to temporary accommodation placements apply, regardless of signing the declaration.

10.4.5 OUTCOME - POSITIVE DECISION

An Applicant who meets the statutory homeless criteria can be awarded 70 points as an FDA, in recognition of the full housing duty and can therefore be placed on the Waiting List (Only the Preferences and the 70 FDA points should be keyed). It will be necessary in such circumstances to issue a manual decision letter notifying the Applicants of the outcome of the homelessness investigation and the award of points (attached at **Appendix 10.4.5**). The letter is worded to deal with both Homeless / threatened with homelessness and should be deleted as applicable. The system generated points notification letter should not be issued for such cases.

These Applicants are not entitled to any other housing need points from the Selection Scheme, with the exception of Interim Accommodation Points (awarded if the applicant remains in temporary accommodation after 6 months, having been placed under the homelessness legislation) and Time in Housing Need Points (commencing after 2 years), if applicable. Both awards are system generated. If these points are subsequently awarded by the system for FDAs who have not signed the declaration, then the system generated points amendment letters should not be issued. A manual points amendment letter (attached at Appendix 10.4.6) should be issued instead.

Apart from the system generated points mentioned above, no points other than FDA Points can be awarded to applicants who do not sign the declaration. Where the reason for the Homelessness is intimidation / civil disturbance, Intimidation Points cannot be awarded (Ensure that the answer to this question

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

is set to 'N'). Therefore because of system validation, the Homelessness Reason Code 16: 'Other Action' should be used in such circumstances.

The Selection Scheme rules that if an Applicant has been on the Waiting List as an FDA for 6 months or more, then the system will apply the GHA policy by automatically setting the GHA indicator to 'Y' and generating a GHA imposed letter. Offices are notified through the Critical Date Report. This letter should not be issued to such applicants who have not signed the declaration. An alternative manual letter, included at Appendix 10.4.7, should be issued instead. All estates / projects within 'real' and 'associated' CLAs within the GHA may need to be reviewed at this stage.

Note: The files for applicants who have been found to be FDA and have not signed the declaration should be clearly marked to avoid any inadvertent award of points and to ensure that the correct letters are issued.

10.4.6 OUTCOME - NEGATIVE DECISION

If there is a negative outcome to the homelessness investigations then the appropriate Homeless Decision letter should be selected from e203 and issued and the steps regarding Letter 2 should be followed. (See 10.4.8).

Note: If a FDA Applicant agrees to sign the declaration at a later stage, then all other relevant points must be awarded.

10.4.7 14 DAY LETTER

If, after the 14 days have elapsed, the Applicant has failed to sign the declaration, then Letter 2 (Appendix 10.4.4) should be issued. The date on which the first letter was issued should be inserted in the blank space provided. 7 (calendar) days should be allowed for a reply. In some cases it may take longer than 14 days to carry out the homelessness investigation (up to 30 days are permitted as the performance objective) and therefore, it will not be possible to issue Letter 2 until the investigations are complete and a decision on homelessness reached.

10.4.8 OTHER ACTION

If the Applicant has not signed the declaration within 7 days of the issue of Letter 2, then the Application (or transfer) should be deleted using Deletion Code 13 – Application Withdrawn.

CHAPTER 10 ADMINISTRATION

Reviewed: December 2006

Appendix 10.4.1

Mandatory Information Required for Registration of Applicants

1. Initial Registration Stage (PRAWL Event 201 Create Application/Transfer)
The minimum information that needs to be recorded onto the computer system from the Application/Transfer and Visit Report form is:
 - Address details
 - Date of application
 - Applicant's Title e.g. Mr/Mrs/etc
 - Forename
 - Surname
 - Date of birth
 - Sex
 - Position in family e.g. head of household
 - Ethnic origin e.g. white, Irish Traveller etc
 - Religion
 - Household composition
 - Country of origin i.e. the Country from where the applicant is applying
 - 1st time application (Y or N)
 - Tenure

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 : Fax 028 9031 8000

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015

Dear

SAMPLE LETTER 1a

I refer to your housing / transfer application.

As you have failed to sign the Declaration on the application form, the Housing Executive is unable to adequately assess your application.

I regret to inform you that unless you are willing to sign the necessary declaration within the next 14 days, the Executive is likely to conclude that you have failed to comply with the necessary requirements of the Housing Selection Scheme Rules and therefore you would not be eligible to be considered under the Housing Selection Scheme.

Please contact me so that arrangements can be made for you to sign your application.

Yours sincerely

District Manager

Housing Executive

lorthern Ireland Housing Executive
he Housing Centre
Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 : Fax 028 9031 8000

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015

Dear

SAMPLE LETTER 1b (POTENTIAL FDA)

As you have failed to sign the Declaration on the application form, the Housing Executive is unable to adequately assess your application.

I regret to inform you that unless you are willing to sign the necessary declaration **within the next 14 days**, the Executive is likely to conclude that you have failed to comply with the necessary requirement of the Housing Selection Scheme Rules in that you have failed to complete the necessary Application Form and are therefore not eligible to be considered under the Housing Selection Scheme.

Please contact me so that arrangements can be made for you to sign your application.

In the meantime, we will continue to consider your application under the homelessness legislation, with a view to ascertain if you are owed the "full duty" under that legislation, however we would strongly advise you to sign the declaration to ensure that you are awarded all housing need points which you may be entitled to.

Yours sincerely

District Manager

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 : Fax 028 9031 8008

Textphone: 0845 6504381
www.nihe.gov.uk

Mr A Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015

Dear

SAMPLE LETTER 2

I refer to my previous correspondence dated _____ in which I advised that the Housing Executive is unable to adequately assess your application as you have failed to sign the Declaration on the application form.

Failure to sign the application effectively means that the Executive will not be able to take further action under the Housing Selection Scheme arrangements.

Please contact me within the next 7 days, otherwise, it will be assumed that you are no longer interested in housing and your application will be cancelled.

Yours sincerely

District Manager

Housing Executive

lorthern Ireland Housing Executive
he Housing Centre
Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 : Fax 028 9031 8000

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A Anybody
23, Any Street,
Anywhere,
BT2 8PB
Your Ref:
Our Ref:

SAMPLE HOMELESS DECISION LETTER

5 November, 2015
Dear

NOTICE OF DECISION – HOUSING (NI) ORDER 1988

I am writing to you concerning your request for accommodation for you as a homeless person / person threatened with homelessness. * **(delete as applicable)**

Under the terms of the above Order, the Executive has accepted you as a person who is unintentionally homeless and in priority need. As you have refused to sign the declaration on the Application form, you will be registered on the waiting list with 70 Insecurity of Tenure – Full Duty Applicant points only.

If you remain on the Waiting List as a Full Duty Applicant after six months, you will be considered for accommodation within the general catchment area of your preferred choice, in line with the General Housing Area policy.

A leaflet explaining how the Executive assesses homelessness, and the advice and assistance available from the Executive is enclosed. If you wish to avail of these services or discuss this notice further, you should contact _____ at this office.

Once again, I would strongly urge you to complete the declaration on the Application Form, so that you can obtain all the housing need points you may be entitled to.

I trust this is of assistance to you.

Yours sincerely
DISTRICT MANAGER

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 : Fax 028 9031 8000

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015

Dear

SAMPLE POINTS AMENDMENT LETTER

Your application for housing / a transfer was registered on
_____.

Your points total has been amended to _____ from _____ for your area of
choice_____.

Your points total has been amended to _____ from _____ for your area of
choice_____.

It is important that you let us know at once of any change in your address or in
your circumstances.

Once again, I would strongly urge you to complete the declaration on the
Application Form, so that you can obtain all the housing need points you may be
entitled to.

Should you require any information or advice about your application or housing
prospects, please contact this office.

Yours sincerely,

District Manager

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 : Fax 028 9031 8000

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:

Our Ref:

5 November, 2015

Dear

SAMPLE GHA IMPOSED LETTER

Further to your application for housing / a transfer, I am writing to confirm that you are a person to whom the Housing Executive has a duty under the Housing (N.I.) Order 1988 and awarded 'Homelessness / Threatened with Homelessness – Full Duty Applicant' points. As you have not been allocated accommodation on a permanent basis after six months, in accordance with the rules of the Housing Selection Scheme, your area(s) of choice are now being widened out and you will now be considered for accommodation in the General Housing Area surrounding your area(s) of choice:

Area x

Area y

This means that you may be offered accommodation by either the Housing Executive or housing associations in both the area(s) of choice listed and the surrounding areas. You will be placed on the Common waiting List to be considered by all such providers unless you have indicated otherwise. Details of the estates / projects included in the General Housing Area are included.

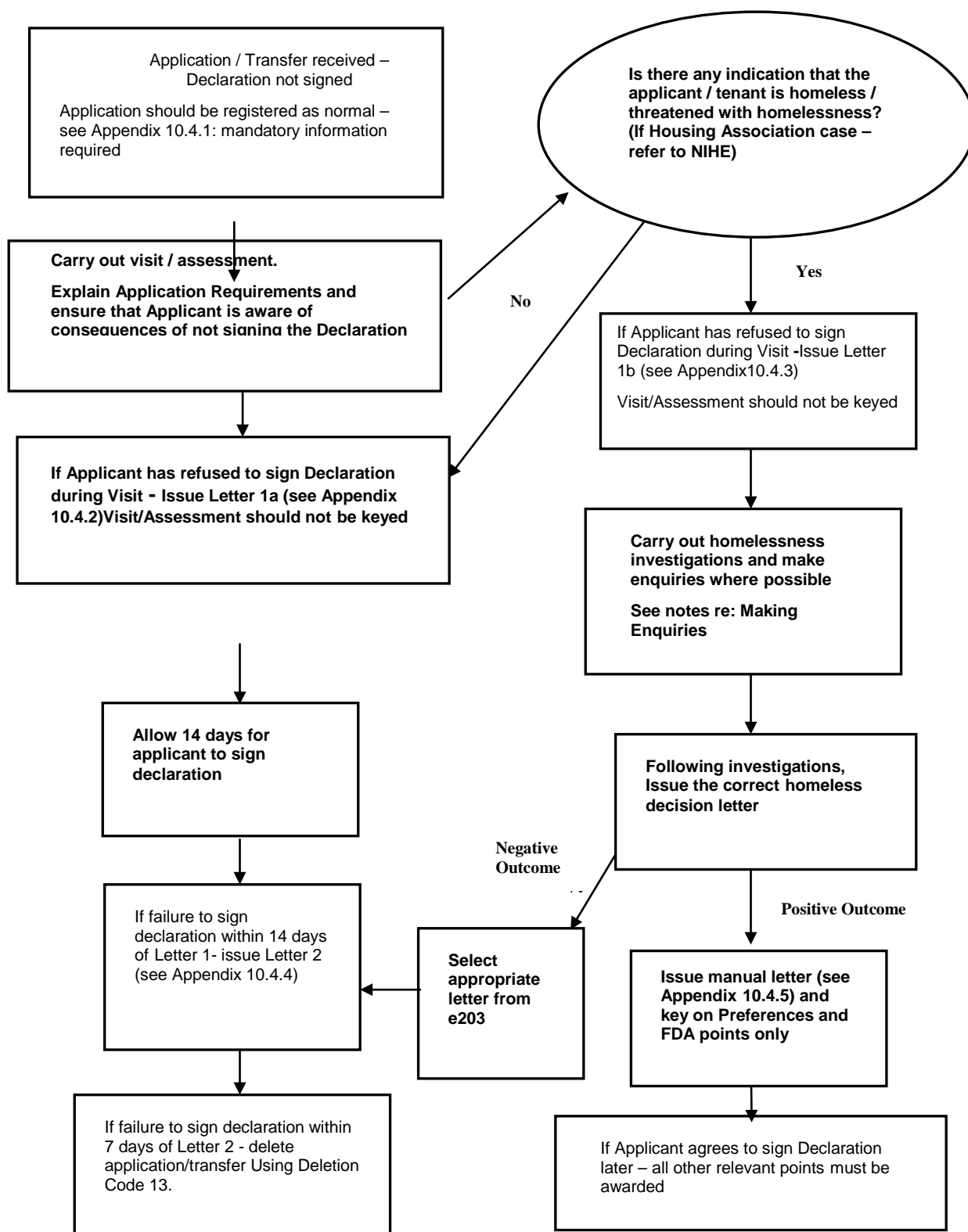
It is important that you let us know at once of any changes in your address. Should you require any information or advice about your application, or housing prospects, please contact this office.

Yours sincerely,
District Manager

HOUSING SELECTION SCHEME GUIDANCE MANUAL
CHAPTER 10 ADMINISTRATION

Reviewed December 2006

Procedures for Applicants / Transfers who do not sign the Declaration
Appendix 10.4.8



HOUSING SELECTION SCHEME GUIDANCE MANUAL
CHAPTER 10 ADMINISTRATION

Reviewed December 2006

HOUSING
SELECTION
SCHEME

Housing Executive

INTERNAL MEMORANDUM

To:

From:

CC:

Date:

Re: Housing Needs Assessment: Homeless Applicant

Re: NAME_____

CRISIS ADDRESS_____

REFERENCE NUMBER_____

The above person is being / has been assessed under the Homeless Legislation and is currently living at the above crisis address, in your District.

I would appreciate if you would carry out a Housing Needs assessment at their crisis address as soon as possible and return the completed documentation to this office, for keying purposes.

Should you have any queries regarding this matter do not hesitate to contact_____ at this office.

District Manager

HOUSING SELECTION SCHEME GUIDANCE MANUAL

CHAPTER 10 ADMINISTRATION

HOUSING
SELECTION
SCHEME

Reviewed December 2006

10.5. PROCEDURES FOR DEALING WITH THE HOUSING NEEDS ASSESSMENTS FOR FULL DUTY APPLICANT (FDA) CASES

The Housing Selection Scheme identifies the requirement for a Housing Needs Assessment to be carried out for Full Duty Applicants (FDAs) at the initial 'crisis' address, and also each time the 'crisis' address changes. As a 'no detriment' policy applies for Applicants awarded FDA points (see Insecurity of Tenure, Chapter 3.4), it is important that the Housing Needs reassessment takes place as soon as possible following the notification of a change of address, to ensure that all the relevant points are awarded.

10.5.1 PROCEDURES TO BE ADOPTED

The general rule will be that the District of Presentation i.e. the Executive District Office that is carrying out the homelessness investigations and will be making the final decision, will retain 'ownership' of the case and will be responsible for any subsequent action / keying.

This section identifies the procedures to be followed where a Full Duty Applicant is placed in Bed Bureau accommodation, or arranges their own 'crisis' accommodation, that is either inside or outside the District of Presentation.

The procedures to be adopted would best be explained by using the following examples:

Example 1

Applicant presents as Homeless in District A and is placed in Bed Bureau accommodation or obtains his / her own crisis accommodation, within District A.

1. District A registers the case under their RAD.
2. District A assesses the Homelessness and input Intimidation and / or FDA points to the PRAWL system when the decision has been made (if a positive decision is reached).
3. District A carries out a Housing Needs assessment at the 'crisis' address and input the relevant points award to the PRAWL system.

Example 2

Applicant presents as Homeless in District A and is placed in Bed Bureau accommodation or obtains his / her own crisis accommodation, in District B.

1. District A registers the case under their RAD.

HOUSING SELECTION SCHEME GUIDANCE MANUAL

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

2. District A assesses the Homelessness and input Intimidation and / or FDA points to the **HMS** system when the decision has been made (if a positive decision is reached).
3. District A forwards a memo (Appendix 10.5.1) and a copy of the Application Form to District B, requesting that they carry out a Housing Needs assessment at the 'crisis' address on their behalf.
4. District B completes a Visit Report and returns it (and any other relevant documentation) to District A, for the input of the relevant Housing Need points to the **HMS** system.

Example 3

Applicant presents as Homeless in District A, is placed in Bed Bureau accommodation, or obtains his / her own crisis accommodation in District B, but subsequently moves to new crisis accommodation in District C.

For this example it is assumed that the steps identified in Example 2 above have already been completed i.e. they are already on the Waiting List with FDA and Housing Needs points following the initial assessments.

1. When District A is made aware of the change of 'crisis' address, it forwards a memo (Appendix 10.5.1) and a copy of the Application Form to District C, requesting that they carry out a **new** Housing Needs assessment at the **new** 'crisis' address on their behalf.
2. District C completes a Visit Report and returns it (and any other relevant documentation) to District A.
3. District A checks the **new** points award against the **current** points award and:
 - a) Where there is an increase in the number of points awarded in a category during the new assessment, the increased level of points should be input to the PRAWL system.
 - b) Where, during the new assessment, points are awarded in a category that had previously had **no** points awarded, the new points should be input to the PRAWL system.

No action is required where there are no additional points or increase in points in any of the categories, from the current assessment.

Any subsequent change of address should follow the same procedures identified above, as a new assessment is required each time the Applicant's address changes.

10.5.2 HOUSING ADVICE CENTRE (HAC) INVOLVEMENT

HOUSING SELECTION SCHEME GUIDANCE MANUAL

CHAPTER 10 ADMINISTRATION

HOUSING
SELECTION
SCHEME

Reviewed December 2006

Belfast District Offices may have to adopt different procedures in cases where there is Housing Advice Centre (HAC) involvement and the procedures to be adopted would best be explained by using the following examples:

Example 1

Applicant presents as Homeless at the HAC and is placed in Bed Bureau accommodation or obtains his / her own crisis accommodation in District A.

1. HAC registers the case under the District A RAD (District A will retain 'Ownership' of the case from thereon).
2. HAC assesses Homelessness and inputs Intimidation and / or FDA points **only** to the **HMS** system, when the decision has been made (if positive decision reached).
3. HAC forwards Application / Transfer form to District A with a memo (Appendix 10.5.2) requesting that they carry out a Housing Needs Assessment at the 'crisis' address (Other relevant information e.g. Social / Medical reports may also be included, where appropriate).
4. District A carries out the Housing Needs assessment and inputs the relevant Housing Needs points to the **HMS** system.

Example 2

Applicant presents as Homeless in the HAC, is placed in Bed Bureau accommodation or obtains his / her own crisis accommodation in District A, but subsequently moves to new crisis accommodation in District B.

(For this example it is assumed that the steps identified in Example 1 above have already been completed i.e. the Applicant is already on the Waiting List with FDA and Housing Needs points following the initial assessments).

1. Applicant or HAC will notify District A of the change in the 'crisis' address.
2. District A forwards a memo (Appendix 10.5.1) and a copy of the Application Form to District B requesting that they carry out a **new** Housing Needs assessment at the **new** 'crisis' address, on their behalf.
3. District B complete a Visit Report and return it (and any other relevant documentation) to District A.
4. District A check the **new** points award against the **current** points award and:
 - a) Where there is an increase in the number of points awarded in a category during the new assessment, the increased level of points should be input to the **HMS** system.
 - b) Where, during the new assessment, points are awarded in a category that had previously had **no** points awarded, the new points should be input to the **HMS** system.

HOUSING SELECTION SCHEME GUIDANCE MANUAL
CHAPTER 10 ADMINISTRATION

Reviewed December 2006

No action is required where there are no additional points or increase in points in any of the categories, from the current assessment.

Any subsequent change of address should follow the same procedures identified above, as a new assessment is required each time the Applicant's address changes.

Example 3

Applicant presents as Homeless at District A, is referred to the HAC for Temporary Accommodation, and is placed in Bed Bureau accommodation in District B.

1. District A registers the case under their RAD.
2. District A assesses Homelessness and keys Intimidation and / or FDA points when the decision has been made (if positive decision reached).
3. HAC advises District A of the Temporary Accommodation address.
4. District A forwards a memo (Appendix 10.5.1) and a copy of the Application Form to District B, requesting that they carry out a Housing Needs assessment at the 'crisis' address on their behalf.
5. District B completes a Visit Report and returns it (and any other relevant documentation) to District A, for the keying of the relevant Housing Needs points to the PRAWL system.

Any subsequent changes of placements should follow the relevant procedures identified above.

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

Housing Executive

INTERNAL MEMORANDUM

To:

From:

CC:

Date:

Re: Housing Needs Assessment: Homeless Applicant

Re: NAME_____

CRISIS ADDRESS_____

REFERENCE NUMBER_____

The above person is being / has been assessed under the Homeless Legislation and is currently living at the above crisis address, in your District.

I would appreciate if you would carry out a Housing Needs assessment at their crisis address as soon as possible and return the completed documentation to this office, for keying purposes.

Should you have any queries regarding this matter do not hesitate to contact_____ at this office.

District Manager

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

Housing Executive

INTERNAL MEMORANDUM

To:

From: HAC Manager

CC:

Date:

Re: Housing Needs Assessment: Homeless Applicant

Re : NAME_____

CRISIS ADDRESS_____

REFERENCE NUMBER_____

The above person is being / has been assessed under the Homeless Legislation and is currently living at the above crisis address, in your District.

I would appreciate if you would carry out a Housing Needs assessment at their crisis address as soon as possible, and key the relevant points award to the HMS system.

Should you have any queries regarding this matter do not hesitate to contact_____ at this office.

Housing Advice Centre Manager

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

Housing Executive

INTERNAL MEMORANDUM

To:
From: HAC Manager
CC:
Date:
Re: Housing Needs Assessment : Homeless Applicant

Re : NAME_____

CRISIS ADDRESS_____

REFERENCE NUMBER_____

The above person is being / has been assessed under the Homeless Legislation and is currently living at the above crisis address, in your District.

I would appreciate if you would carry out a Housing Needs assessment at their crisis address as soon as possible, and key the relevant points award to the HMS system.

Should you have any queries regarding this matter do not hesitate to contact_____ at this office.

Housing Advice Centre Manager

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

10.6 HOUSING ASSOCIATION TRANSFERS: ADMINISTRATION OF HOMELESS CASES

The Executive has statutory responsibility for all Homelessness assessments (under the Housing (NI) Order 1988), and therefore any Housing Association tenant who is potentially Homeless, must be referred to the appropriate Executive District Office for investigation / consideration. The District Office that covers accommodation in the area of the tenant's home will be responsible for the assessment.

The Landlord of the tenant will be responsible for carrying out the corresponding Housing Needs assessment for such cases to ensure that all the appropriate points are awarded. The appropriate Executive District Office will carry out any Housing Needs assessments for tenants of the following Abbeyfield, Clonard, Grove, Newington, Open Door and St. Matthews Housing Associations.

10.6.1 IDENTIFICATION OF POTENTIALLY HOMELESS CASES

It is envisaged that Housing Association tenants who are potentially Homeless and will be identified in the following 3 ways:-

1. The tenant presents as Homeless / Threatened with Homelessness at the Housing Association Office.
2. During the course of a Housing Needs assessment by the Designated Housing Association Officer, where the tenant has submitted a Transfer form.
3. The tenant presents as Homeless / Threatened with Homelessness at an Executive District Office Housing Advice Centre.

If the tenant has terminated / is terminating the tenancy of the Housing Association property, he / she should be registered and assessed by the relevant Executive District Office as an Applicant.

10.6.2 PROCEDURES TO BE ADOPTED

Where a Housing Association tenant is potentially homeless and **has not terminated / is not terminating his / her tenancy**, the procedures to be adopted would be best explained using the following examples: -

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

Example 1

Tenant presents as Homeless / Threatened with Homelessness to the Housing Association office.

Housing Association Action

The following action should be taken by a Housing Association where one of their tenants presents in their office as being Homeless / Threatened with Homelessness:

- a) Ensure that the tenant completes a Transfer application form and register the form as their "H" case;
- b) Give a photocopy of the Transfer application form to the tenant (clearly identifying the Reference Number), **and arrange with the appropriate Executive District Office for an interview to take place as soon as possible.** The tenant should give the form to the Executive officer during the ensuing interview. This interview will normally take place in the Executive District Office but may take place elsewhere where this is not possible e.g. in the tenant's home where the tenant has mobility problems etc.;
- c) Whilst a decision is pending, carry out a Housing Needs assessment **but only input any Preferences, Housing Needs points awarded, etc. to the PRAWL system if the tenant meets either the "Transfer Access Criteria" OR the "Transfer Access Waiver Criteria"** (see Transfers, Chapter 7). Where points etc. are keyed, a "Points Notification" letter should be issued via the Print Manager;
- d) The Association will receive a copy of the manual "Homelessness Decision" letter (to be retained on file) from the Executive District Office which will identify whether or not the tenant has been accepted as Unintentionally Homeless;
- e) If there is a "positive" Homelessness decision i.e. the tenant is found to be Unintentionally Homeless / Threatened with Homelessness, issue the "Points Amendment" letter using the Print Manager facility (see PRAWL User Guide);
- f) If there is a "negative" homeless decision i.e. the tenant is found to be Not Homeless / Threatened with Homelessness, Not in Priority Need, or Intentionally Homeless / Threatened with Homelessness, ensure that the tenant still doesn't satisfy either the "Transfer Access Criteria" OR the "Transfer Access Waiver Criteria" and if not, delete the case from the PRAWL system issuing the relevant "Ineligible Application" letter via the Print Manager.

Housing Executive Action

The following action should be taken by the appropriate Executive District Office where a Housing Association office refers one of their tenants for consideration under the Housing (NI) Order, 1988 (Homeless Legislation): -

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

- a) Interview the tenant and initiate a Homeless case (under the Housing Association Reference Number) on the HMS system;
- b) Carry out Homelessness investigations and make an appropriate decision;
- c) Issue a manual "Homelessness Decision" letter to the tenant and send a copy to the Housing Association Office;
- d) If there is a "positive" Homelessness Decision: -
 - Input the Full Duty Applicant (FDA) and, where applicable, Intimidation points to the HMS system
 - Update the on-line Homeless details;
- e) If there is a "negative" Homelessness Decision, update the on-line Homeless details;

Example 2

During the course of a Housing Needs assessment by the Designated Housing Association Officer, where the tenant has submitted a Transfer form.

Housing Association Action

The action to be taken by a Housing Association where one of their tenant's is identified as being potentially Homeless / Threatened with Homelessness during the course of a Housing Needs assessment is similar to that described in **Example 1 above**. The only differences will be :-

- The Transfer application form will already have been completed, registered on-line and an Acknowledgement letter issued to the tenant;
- As the Housing Needs assessment is taking place in the Tenant's home, arrangements will need to be made to provide him / her with a copy of the Transfer application form before he / she goes to the Executive District Office.

Housing Executive Action

The action to be taken by the Executive District Office will be the same as that described in **Example 1 above**.

Example 3

The tenant presents as Homeless / Threatened with Homelessness at an Executive District Office / Housing Advice Centre.

Housing Executive Action

The following action should be taken by the Executive where a Housing Association tenant presents at a District Office, for consideration under the Housing (NI) Order, 1988 (Homeless Legislation): -

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

- a) Interview the tenant and advise his / her Landlord (by telephone) of the situation;
- b) Check with the Housing Association and the HMS system to determine whether or not the tenant is already on the Waiting List (as a Housing Association "H" case);
- c) If he / she **is on the List**, initiate a Homeless case (under the existing Housing Association Reference Number) on the HMS system;
- d) If he / she **is not on the List**, ensure that a Transfer application form is completed, photocopy it and forward the **original** to the Housing Association as soon as possible. It will not be possible to initiate a Homeless case on the HMS system until the Housing Association register the case on-line.;
- e) Carry out Homelessness investigations and make an appropriate decision;
- f) Issue a manual "Homelessness Decision" letter to the tenant and send a copy to the Housing Association Office;
- g) If there is a "positive" Homelessness Decision: -
 - Input the Full Duty Applicant (FDA) and, where applicable, Intimidation points to the PRAWL system;
 - Update the on-line Homeless details;
- h) If there is a "negative" Homelessness Decision, update the on-line Homeless details;

Housing Association Action

The following action should be taken by a Housing Association where one of their tenants presents at an Executive Office, for consideration under the Housing (NI) Order, 1988 (Homeless Legislation): -

- a) Where applicable, on receipt of a Transfer application form from the Executive District Office, carry out a Housing Needs assessment (a reassessment may be required for tenants already on the List);
- b) Input any Preferences, points awarded / amended etc. to the HMS system;

Follow steps d) – f) in Example 1 above.

In all cases the timely sharing of information between the Executive District Office and the Housing Association is very important. Relevant documents should be forwarded between offices as quickly as possible. Offices should also liaise by telephone as much as possible.

CHAPTER 10 ADMINISTRATION

Reviewed April 2008

10.7 GROUNDS FOR POSSESSION OF A PROPERTY OCCUPIED BY A SECURE TENANT

Schedule 3 of Article 28 of the HOUSING (N.I.) ORDER 1983

With effect from 28th September 1983, a Landlord may seek to re-possess a dwelling under one or more of the following grounds:

Ground 1

Any rent due from the tenant has not been paid or any obligation of the tenancy has been broken or not performed.

Ground 2

The tenant or a person residing in or visiting the dwelling-house-

- (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality , or
- (b) has been convicted of:
 - i. using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
 - ii. an indictable offence committed in, or in the locality of, the dwelling-house.

Ground 2A

The dwelling-house was occupied (whether alone or with others) by a married couple, a couple who are civil partners of each other or a couple living together as husband and wife or a couple living together as if they were civil partners and:

- (a) one or both of the partners is a tenant of the dwelling-house,
- (b) one partner has left because of violence or threats of violence by the other towards:
 - i. that partner, or
 - ii. a member of the family of that partner who was residing with that partner immediately before the partner left, and
- (c) the court is satisfied that the partner who has left is unlikely to return while the other continues to occupy the dwelling-house.

CHAPTER 10 ADMINISTRATION

Reviewed April 2008

Ground 3

The condition of the dwelling or any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any person residing in the dwelling house and in the case of any act of waste by, or the neglect or default of, a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought to reasonably have taken for the removal of the lodger or sub-tenant.

In this paragraph, the “common parts” mean any part of the building comprising the dwelling house, and any other premises that the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other dwelling houses let by the Landlord.

Ground 4

The condition of any relevant furniture has deteriorated owing to ill -treatment by the tenant or any person residing in the dwelling house and, in the case of any ill –treatment by a person lodging with the tenant or a sub-tenant of his, the tenant has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this paragraph, “relevant furniture” means any furniture provided by the Landlord for use under the tenancy or for use in any of the common parts (within the meaning given in Ground 3).

Ground 5

The tenant is the person, or one of the persons, to whom the tenancy was granted and the Landlord was induced to grant the tenancy by a false statement made knowingly or recklessly by:

- (a) the tenant, or
- (b) a person acting at the tenant’s instigation.

Ground 5A

The tenancy was assigned to the tenant, or to a predecessor in title of his who is a member of his family and is residing in the dwelling house, by an assignment made by virtue of Article 32A and a premium was paid either in connection with that assignment or the assignment which the tenant or predecessor himself made by virtue of that Article.

In this paragraph “premium” means any fine or other like sum and any other pecuniary consideration in addition to rent.

Ground 6

The dwelling-house was made available for occupation by the tenant (or a predecessor in title of his) while works were carried out on the dwelling-house which he previously occupied as his only or principal home and—

- (a) the tenant or predecessor was a secure tenant of that other dwelling-house at the time when he ceased to occupy it as his home;

CHAPTER 10 ADMINISTRATION

Reviewed April 2008

- (b) the tenant or predecessor accepted the tenancy of the dwelling-house of which possession is sought on the understanding that he would give up occupation when, on completion of the works, the other dwelling-house was again available for occupation by him under a secure tenancy; and
- (c) the works have been completed and the other dwelling-house is so available

Ground 7

The Landlord intends, within a reasonable time of obtaining possession of the dwelling house:

- a) to demolish or reconstruct the building or part of the building comprising that dwelling house; or
- b) to carry out work on that building or on land let together with, and thus treated as part of, the dwelling house; and cannot reasonably do so without obtaining possession of the dwelling house.

Ground 8

The dwelling house has features which are substantially different from those of ordinary houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the dwelling house and:

- a) there is no longer such a person residing in the dwelling house; and
- b) the Landlord requires it for occupation (whether alone or with other members of his family) by such a person.

Ground 9 (This ground only applies to Housing Associations)

The dwelling house is let by a registered housing association which it lets dwelling houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing; and:

- a) either there is no longer such a person residing in the dwelling-house or the tenant has received from the Executive an offer of accommodation in premises which are to be let as a separate dwelling under a secure tenancy; and
- b) the association requires the dwelling-house for occupation (whether alone or with other members of his family) by such a person.

Ground 10

The dwelling house is one of a group of dwelling houses which it is the practice of the Landlord to let for occupation by persons with special needs and:

- a) a social service or special facility is provided in close proximity to the group of dwelling houses in order to assist persons with those special needs;
- b) there is no longer a person with those special needs residing in the dwelling house; and

CHAPTER 10 ADMINISTRATION

Reviewed April 2008

- c) the Landlord requires the dwelling house for occupation (whether alone or with other members of his family) by a person who has those special needs.

Ground 11

The accommodation afforded by the dwelling house is more extensive than is reasonably required by the tenant and:

- a) the tenancy vested in this tenant, by virtue of Article 26 of the Housing (NI) Order 1983, on the death of the previous tenant;
- b) the tenant was qualified to succeed by virtue of paragraph (2) (b) of that Article; and
- (c) notice of the proceedings for possession was served under Article 28 (or, where no such notice was served, the proceedings for possession were begun) more than six months, but less than twelve months, after the date of the previous tenant's death.

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

THIS NOTICE IS THE FIRST STEP TOWARDS REQUIRING YOU TO GIVE UP POSSESSION OF YOUR DWELLING. YOU SHOULD READ IT AND THE ATTACHED NOTES VERY CAREFULLY.

HOUSING (NORTHERN IRELAND) ORDER 1983 (Article 28)

NOTICE OF SEEKING POSSESSION

1. To:
[name(s) of secure tenant(s)]

2. The Housing Executive intends to apply to the Court for an Order requiring you to give up possession of:

[address of property]

3. Possession will be sought on ground(s).....of Part 1 of Schedule 3 to the Housing (NI) Order 1983 which read (s):-

[give text of ground(s) in full]

4. The reasons for taking this action are:

[give full reasons here]

5. Court Proceedings for possession of the dwelling house can be begun immediately. The date by which the tenant is to give up possession of the dwelling house is..... **(give the date by which the tenant is to give up possession of the dwelling-house).**

Signed: _____
District Manager

Date: _____

On behalf of Northern Ireland Housing Executive
[insert address]

Telephone: 028

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

NOTES for NSP

Grounds for Possession

1. If you have a secure tenancy under the Housing (Northern Ireland) Order 1983, you can only be required to leave your dwelling following an order of the Court on one or more of the grounds set out in the Order. Paragraph 3 of this Notice tells you on what grounds an order is sought against you and paragraph 4 gives the landlord's reasons for believing those grounds apply. If you do not agree that they apply, you will be able to argue your case at a hearing in Court.

Does the Court have to grant the landlord possession?

2. Before the Court grants an order on any grounds 1-6 or 8-11, it must be satisfied that it is reasonable to require you to leave. This means that if one of these grounds is set out in paragraph 3 of this Notice, you will be able to argue to the court that it is not reasonable you should have to leave, even if you accept the grounds do apply.

Suitable alternative accommodation

3. Before the Court grants an order on any of the grounds 7-11, it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in their opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a protected tenancy under the Rent (Northern Ireland) Order 1978, of a kind that will give you similar security. **There is no requirement for suitable alternative accommodation where grounds 1-6 apply.**
4. If your landlord is a registered housing association, and the Housing Executive gives a certificate that it will provide you with suitable accommodation, the Court has to accept the certificate.
5. Whatever grounds for possession are set out in paragraph 3 of this notice, the Court may allow any of the other grounds to be added at a later stage. If this is done, you will be told about it so you can argue about the new ground if you want to.

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

Limits

6. Court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new notice must be served before possession can be sought.
7. Possession of your dwelling-house cannot be obtained until after the date given in paragraph 5 of this Notice. This date cannot be earlier than the date when your tenancy or license could have been brought to an end. This means that if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date inserted in paragraph 5 of this Notice and the date possession is ordered.

Leaving without a Court Order

8. If you are willing to give up possession without a Court Order, you should notify the person who signed the Notice as soon as possible and specify a date on which your tenancy is to terminate. This date must be not less than four weeks from the date of notification.

Further Advice

9. If you need advice about this Notice, and what you should do about it, take it as soon as possible to a Citizen's Advice Bureau, a Housing Aid Centre, Law Centre or to a Solicitor. You may be able to receive a Legal Aid but this will depend on your personal circumstances.

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

10.8 TRANSITIONAL PROTECTION

10.8.1 INTRODUCTION

At its meeting in March 2000, the Executive's Board approved a paper which outlined the need for certain Waiting List applicants to be protected when the New Selection Scheme would be implemented in November 2000. It was agreed that a number of transitional arrangements would be put in place to lessen the impact of the New Scheme in relation to some of those pending applicants at 1st November 2000 and who were likely to be 'losers' as a result of the re-assessment.

Housing Associations have since been advised to adhere to the same Transitional Protection arrangements by the Department of Social Development (Circular HAC02/01).

10.8.2 WHO IS PROTECTED?

It was agreed that the Applicants who will require such protection are:

- A1 / PT1 applicants who have been awarded that status on 31st March 2000 or earlier (or whose status was pending at that date and subsequently awarded).
- A1(I) / PT1(I) applicants who have been awarded that status on 31st October 2000 or earlier (or whose status was pending at that date and subsequently awarded).

All of the cases which fall in the above categories have been included on the R65 Waiting List Reports issued at 30th October 2000 to all Executive District and Housing Association offices, (see 10.8.5).

The Executive's Board has authorised, (pursuant to Rule 84 of the Housing Selection Scheme), the making of allocations from 1st November on the basis as outlined below:

"In relation to any Area of Choice, the allocation of a dwelling available for letting to homelessness applicants or to applicants who are not already tenants of a social landlord will take place on the basis of the following procedures:

3. First, the dwelling must be offered to any eligible relevant A1(I) applicant who has listed that area as one of his/her areas of choice; if there is more than one eligible A1(I) applicant, the offer should be made first to the A1(I) applicant who was first awarded that status.

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

4. (1) - Secondly, the dwelling must be offered to any eligible " New Intimidation" applicant who has listed that area as one of his /her areas of choice. If there is more than one eligible "New Intimidation" Applicant, the offer should be made (among such applicants) to whichever Applicant has the highest level of points under the New Scheme.

(2) - For the purposes of this sub-paragraph, an Applicant is a New Intimidation Applicant if both of the following conditions apply to his/her application:
 - (a) the Applicant was not awarded A1(I) status on or before 31st October 2000;
 - (b) the Applicant has been awarded Intimidation points under Rule 23 of the New Scheme.
5. Thirdly, the dwelling must be offered to any eligible relevant A1 Applicant who has listed that area as one of his/her areas of choice; if there is more than one eligible A1 Applicant, the offer should be made first to the A1 Applicant who was first awarded that status.
6. All other applicants, in accordance with their entitlement under the New Scheme."

As a result of the Executive's Board's decision it was crucial that appropriate decision / letters to all applicants/transfer cases were issued. This ensured that those who were due transitional protection under the new arrangements were duly advised and those who were outside the protection arrangements were similarly advised of their interim assessment status. It was important that any applications made prior to 3rd April 2000 and which were subsequently awarded A1 / PT1 were afforded the transitional protection as described above. Designated Officers were advised to retain a copy of the letter on the Applicant or Transfer file.

10.8.3 PROCEDURES FOR MAKING ALLOCATIONS UNDER NEW SCHEME

The new on-line Waiting List was made available from 6th November 2000 for enquiries and allocations. However, because it had been agreed that the position and rank of certain applicants would be protected, this meant that for allocations in Estates / Projects which have a waiting list containing any protected cases, it would not be a straightforward allocation from the on-line waiting list. In such cases, it is necessary for Designated Officers to use the "Special WL - Protected Cases Only" printout alongside the new on-line Waiting List.

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

10.8.4 HOW WILL THEY BE PROTECTED?

These applicants will retain their position and rank under the 'old' Scheme for their areas of choice subject to the following exceptions:

- Other protected cases who may be entitled to a higher position on that Estate Waiting List as a result of a change in their areas of choice and on the basis that they have an earlier date of priority;
- Intimidation cases under the 'New Scheme'.

10.8.5 SPECIAL WAITING LISTS

On 30th October 2000, in addition to the final R65 Estate Waiting List under the 'old' Scheme, Landlords were circulated with the following 2 special reports:

1. "Waiting List Protected Cases Only"

This is a list of all the transitional protected cases for all estates / projects in a District / belonging to a Housing Association. This is the residual list referred to in training and is an important report which Designated Officers will have to use for allocation purposes until all protected cases in every estate/project in a District / belonging to a Housing Association have been re-housed and which, for certain Estates, may be some time.

2. "Protected Cases by District of Origin"

This is a list of protected cases registered at the District / Housing Association. Most cases in this Report will be already identified in the "Waiting List Protected Cases Only Report", but others will be on for other Districts / Housing Associations. It is recommended that the relevant files in your office be marked as transitional protected cases for easy reference. The 'District / Housing Association of Origin' will be responsible for the administration of these cases. This will be very important, especially for the identification of cases where the Applicant decides to change preferences (see Examples in Appendix 10.8.1).

Error in R65 Waiting List Printouts

NOTE: A minor printing error has been found which applies to both the Normal R65 and the "Special WL-Protected Cases Only" Reports.

This error relates to the Estate / Project Waiting List Header. Where the last page of an estate / project waiting list ends on the last line, that Estate / Project Waiting List Header is carried over onto the next page.

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

Designated Officers should check through the Normal R65 first and ensure that where there is a 'Pos 1 Rank 1', the Estate / Project Waiting List Header on the previous page has not been carried forward. Where such an error is identified, Designated Officers are advised to check the Estate Waiting List (E34a Enquiry) and compare the Estate / Project names (they should be in the same alphabetical sequence) and amend the Header accordingly.

10.8.6 PROCEDURES TO BE ADOPTED WHEN MAKING AN ALLOCATION

WHEN MAKING AN ALLOCATION, DESIGNATED OFFICERS MUST ENSURE THAT IN ADDITION TO WORKING FROM THE SPECIAL REPORT, THEY MUST ALSO CHECK THE WAITING LIST ON-LINE.

This is important for several reasons:

2. a **New** Intimidation case (under the 'New Scheme') may have come on in the interim for that estate / project.
2. to ensure that the Applicant is still on the Waiting List for that estate / project - they may have changed their preferences since the special report was run or they may have been deferred or deleted from the List;
3. to make sure that there are no outstanding offers to the Applicant you are considering;

NOTE: The R65 report lists applicants ranked in order by minimum bedroom requirements. The actual position / rank of protected cases on-line under the new Scheme is not relevant.

The following steps indicate the order in which applicants should be considered where appropriate, taking into account the general principles to be followed when considering a transfer applicant, for any vacancy arising:

1. First, the dwelling must be offered to highest ranked eligible A1(I) / PT1(I) protected Applicant from the R65 report (identified by 'i' indicator).
2. Secondly, the dwelling must be offered to the highest pointed eligible "New Intimidation" Applicant (i.e. awarded Intimidation Points under Rule 23 of the New Scheme, after 31st October 2000) from the on-line Waiting List.
3. Thirdly, the dwelling must be offered to the highest ranked eligible A1 / PT1 protected Applicant from the R65 report.
4. All other pointed applicants from the on-line Waiting List in accordance with their entitlement under the New Scheme.

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

10.8.6 OFFERS

All offers made before 28th October 2000 will not count under the new scheme and each Applicant, including applicants who hold transitional protection, will be entitled to receive a maximum of three new reasonable offers.

NOTE: It is very important that all offers, including offers made to transitional protected applicants on the special hard copy reports, are keyed to the on-line Waiting Lists.

10.8.7 MAINTAINING THE SPECIAL WL-PROTECTED CASES ONLY REPORT

It is unlikely that Protected Applicants will change their areas of choice, however the Executive's Legal Department has advised that should they wish to do so, they should continue to be afforded Transitional Protection for their new Areas of Choice. In such situations, the following administrative procedures must be followed.

It is important that the special R65 reports are kept up to date. In addition to keying amendments to the **on-line** Waiting List, it will be necessary for Districts / Housing Associations to manually update all the necessary details of applicants on their **R65 reports** for each Estate / Project in the following circumstances:

- Applicants who have been awarded A1(I) / PT1(I) status where the Priority Date has been backdated prior to 31st October 2000;
- Protected applicants who change their areas of preference (including GHA, CLA and / or Estates/Projects) resulting in them coming off particular Estate(s) / Project(s) Waiting Lists and also going on to other Estate(s) / Project(s) Waiting Lists;
- Protected Applicants who, as a result of the refusal of three reasonable offers, lose their Insecurity of Tenure points, including FDA status, also in effect lose their Protected status;
- Protected Applicants who have been re-housed or are deleted of the Waiting List for any reason;
- Protected Applicants who wish to be considered for a New Build Estate / Project within their GHA, provided the new Estate/Project is appropriate for that applicant;
- Applicants who are currently Protected for one of their Real CLA preferences, however, are on as a pointed 'B' Group Applicant for their second CLA preference (as a result of a rejected waiver). 2 Scenarios apply for these applicants:

1. GHA Indicator Applied under New Scheme

Of these cases, if they have been an FDA case for more than 6 months,

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

with the GHA indicator set as 'NO', then the System will automatically set the Indicator to 'Y'. These cases will appear on the relevant Critical Date Report (in most cases next week) as "GHA APPLIED". The District / HA of Origin must advise all Districts / Housing Associations of choice to treat such applicants as Transitional Protected Applicants and add the Applicant's details on to the correct Estate / Projects on the Special R65 report in the correct position, taking into account the Priority Date in relation to the minimum bedroom requirements.

3. Applicant Requests to be considered under New GHA Policy

Where a non-FDA Protected Applicant (e.g. previously A1 Selection Scheme - Other Homeless under the New Scheme) requests to have the GHA applied to an area where a waiver has been rejected. In such cases, the District of Origin must amend the GHA Indicator. It is also important to notify all relevant Districts / Housing Associations of choice to treat such applicants as Transitional Protected Applicants and add the Applicant's details on to the relevant Estate / Projects on the Special R65 report in the correct position, taking into account the Priority Date in relation to the minimum bedroom requirements.

Designated Officers should ensure that these Special R65 Lists are kept safely and amended with caution. It is important that any amendments are tidy and do not result in a deletion being unreadable. This is relevant where Audit will be carrying out monitoring. There may be other situations, for example where a Protected Applicant wins an appeal regarding the reasonableness of an offer which had resulted in the loss of protection, and they have to be re-instated on the Waiting List Protected Cases List.

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

APPENDIX 10.8.1

EXAMPLES

The procedures to be followed when making allocations which involve transitional protected cases would best be explained by using examples and the following will hopefully clarify the issues:

Example 1

Protected Applicant is registered with District A, changes preferences within District A.

District A must make the following manual adjustments-

1. "Waiting List Protected Cases Only" Special Reports:
 - Score off the applicants' details in the Estate(s) / Project(s) Waiting List(s) they no longer want considered for;
 - Add-in the applicants' details in the Estate Waiting List they now want considered for in the correct position on the basis of their priority date.

Note: The same procedures must be adopted for each Estate/Project within the relevant CLA and or GHA

2. "Protected Cases by District of Origin"
 - No amendments required.
3. District A must both telephone and issue the pro forma (Appendix 10.8.2) manually to all housing associations quoting the applicant details and advising of the applicants' change in preferences which would affect their estates.
4. Changes preferences on-line

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

Example 2

Protected Applicant registered in District B with areas of choice in District B changes all preferences to District C

District B must make the following manual adjustments:

1. "Waiting List Protected Cases Only" Special Report
 - score off the Applicant's details in the Estate(s) / Project(s) Waiting List(s) they no longer want considered for.
 - advise District C (using the pro forma attached in Appendix 10.8.2) and all housing associations of choice to manually add the Applicant's details on to their list in the Estate(s) / Project(s) Waiting List(s) they now want considered for in the correct position on the basis of their priority date in relation to their minimum bedroom requirements.
2. "Protected Cases by District of Origin"
 - No amendments required.
3. Changes preferences on-line.

HOUSING SELECTION SCHEME GUIDANCE MANUAL

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

APPENDIX 10.8.2

NOTIFICATION OF CHANGE OF AREAS OF CHOICE FOR CASES SUBJECT TO TRANSITIONAL PROTECTION

From _____	To _____
NIHE District / HA Address _____ _____ _____ _____ _____	NIHE District / HA Address _____ _____ _____ _____ _____
Phone _____ _____	Phone _____ _____
Fax _____ _____	Fax _____ _____

I wish to advise that the following applicant, who is registered at this office, has changed his / her areas of choice. This change will affect the Estate / Project Waiting List for your District / housing association and the appropriate deletions / additions should be marked on your special Waiting List Protected Cases Report. Please add / delete this applicant's details from the relevant Estates / Projects in your special Report.

Ref Number _____
Name _____

Address _____

HH _____ Gp _____ Priority Date ____/____/____ Min
Beds _____

Application Date ____/____/____ Tot Pts
_____ G _____

Old Area of Choice:

HOUSING SELECTION SCHEME GUIDANCE MANUAL

CHAPTER 10 ADMINISTRATION

Reviewed December 2006

New Area of choice:

Signed

by _____ Date _____

Position in Organisation

HOUSING SELECTION SCHEME

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

PERSONS FROM ABROAD GUIDANCE

10.9 APPLICATIONS FROM PERSONS FROM ABROAD	88
Introduction	88
Eligibility of Applicant in Own Right or as a Family Member	89
Applicant's Household	89
Joint Tenants	89
Existing Tenants	89
Statutory Succession and Statutory Assignment	89
Language Support	90
Documentation – Immigration Status	90
Passport Endorsements	91
Documentation Not Available	92
Who is subject to Immigration Control?	92
Determining Immigration Status	95
Persons Subject to Immigration Control - Domestic Violence	95
British and Irish Citizens	96
Illegal Entrants	96
Overstayers	97
Asylum Seekers	97
Refugees	97
Humanitarian Protection; Discretionary Leave and Leave Outside the Rules (LOTS)	98
Persons from Abroad who are not subject to Immigration Control	98
European Economic Area Nationals - Rights to Reside In the UK Derived from EC Law	100
The Accession States	100
Initial Three Months of Residence	100
Rights of Residence for "Qualified Persons"	100
Jobseekers	101
Workers	101
Retention of worker status	101
Maternity Leave	101
Self-employed persons	102
Self-sufficient person	102
Family Members of a Qualified Person	103
Who is a 'family member'?	104
Family Members of Students	105
Family Member – EEA Family Permit / Residence Documents	105
Extended Family Members	105
Family member who has retained the right of residence	106
UK Nationals	106
Relationship with Other Rights to Reside	107
Permanent Right of Residence	107
A-8 State Nationals	109

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

A8 nationals who are not required to register	110
Exempt from Registration	111
A8 Worker: post 12 months	111
Applicants who are Self Employed	111
A2 Nationals	112
A2 Nationals who do not Require Authorisation	112
Homelessness – Pending Enquiries	113
Homelessness - Ineligible Applicants	113
Homelessness - Conferring Priority Need	113
Ineligible Decisions: Letters and Deletion Arrangements	115
Deleting the Application	116
Monitoring	116
Appeals and Complaints	116
Advice and Assistance	117
List of Appendices	118
Glossary of Terms	120
Appendix 2	120
Appendix 3 Flowchart	124
Appendix 4 Summary: Classes of Applicant Eligible for Housing Assistance	125
Appendix 5 Persons Subject to Immigration Control Prescribed as Eligible for an Allocation of Accommodation	126
Appendix 6 Persons Subject to Immigration Control Prescribed as Eligible for Homelessness Assistance	127
Appendix 7 Classes of Person Who are Not Eligible for Accommodation and Homelessness Assistance	128
Appendix 8 European Groupings (EU and EEA)	129
Appendix 9 How to Identify the Main Classes of Person Subject to Immigration Control Eligible for Homelessness Assistance / Housing Allocation	130
Appendix 10 Asylum Seekers	133
Appendix 11 How to Contact the UK Border Agency	134
Appendix 12 Public Funds	143
Appendix 13 Habitual Residence Test	145
Appendix 14 Workers Registration Scheme	150
Appendix 15 A8 Worker Registration Eligibility Flowchart	155
Appendix 16 Example of a Worker Registration Scheme Card	156
Appendix 17 Example of a Worker Registration Certificate	157
Appendix 18 Eligibility - Bulgarian and Romanian Nationals	158
Appendix 19 Keying and Deletion of Ineligible Decisions	166

10.2 APPLICATIONS FROM PERSONS FROM ABROAD

Introduction

- 10.9.1 The Housing Executive should be satisfied, so far as practicable, that an applicant is eligible before providing housing assistance. For the purposes of this guidance housing assistance includes assistance under the Homelessness Legislation and an allocation of accommodation under the Housing Selection Scheme.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

- 10.9.2 Eligibility will depend on a number of factors including the applicant's, immigration status, nationality, habitual residence and economic status. This section of the guidance manual provides guidance to assist in determining which categories of person from abroad are entitled to claim housing assistance.
- 10.9.3 The provisions on eligibility can be complex and if staff are in any doubt about an applicant's eligibility they should contact Housing Policy, HQ for additional guidance. A glossary of terms used and acronyms is at Appendix 2.

Eligibility of Applicant in Own Right or as a Family Member

- 10.9.4 An Applicant may be eligible in his / her own right or also as a family member of a qualified person (a qualified person is a person who would be eligible if they had applied) (see section 10.9.58).

Applicant's Household

- 10.9.5 All members of the household must be taken into account in determining the size and suitability of accommodation requirements, regardless of eligibility (whether a temporary accommodation placement under homelessness or an allocation of permanent accommodation). Therefore, the presence in a household of an ineligible person upon whom the homelessness application does not depend is generally immaterial. The only exception is where a member of the applicant's household is conferring priority need for the applicant's homelessness assessment e.g. a dependant relative. In such circumstances it will also be necessary to assess whether the person providing the priority need is eligible and there are restrictions on the duties owed to such households (see Section 10.9.33).

Joint Tenants

- 10.9.6 The Housing Executive is not permitted under legislation to grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible, therefore each applicant for a joint tenancy must be eligible. This also means that where the Housing Executive is asked to grant a joint tenancy with an existing secure tenant, it will be necessary to check the eligibility of the proposed joint tenant.

Existing Tenants

- 10.9.7 The eligibility provisions do not apply to persons who are already secure tenants of the Housing Executive or a registered housing association. This means that existing tenants of the Housing Executive or a Registered Housing Association who are persons from abroad can be transferred within the social housing stock under the Common Selection Scheme.

Statutory Succession and Statutory Assignment

- 10.9.8 A statutory (legal) succession and a statutory assignment by a person from abroad to a secure or introductory tenancy do not constitute an allocation and therefore eligibility rules do not apply. Where a tenancy has been transferred by vesting or

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

deed from one tenant to another, rather than by the Housing Executive selecting the tenant from its list of applicants, there is no allocation and so the eligibility provisions are not engaged.

- 10.9.9 However, the Housing Executive does not have the power to allow a policy succession or a policy assignment to a person from abroad who is not eligible for housing as this would amount to an allocation. Rules regarding eligibility must be applied when deciding on entitlement to a policy succession and a policy assignment.

Language Support

- 10.9.10 Language support is available for those applicants who do not speak English as a first language, or have difficulty reading English. This should help to ensure that they are clear about the procedures for applying for housing assistance. 'thebigword' telephone based interpretation service is available at all offices across the organisation and can also be accessed by mobile phone, or if permission is given, via a domestic line during a visit. As 'the bigword' uses a freephone number there are no charges for landline calls. However, as this may not be the case with all mobile phone providers, users should check with their own office administration. Additional interpretation and translation services can be booked from other providers, such as Northern Ireland Council on Ethnic Minorities (NICEM), South Tyrone Empowerment Project (STEP) and the Chinese Welfare Association (CWA). All translation and interpretation services, including 'thebigword', are currently managed by the Equality Unit, HQ. Any new or additional applications for Access Numbers, requests for training, guidelines and assistance in booking language provision can be made through that unit.
- 10.9.11 Ineligible persons from abroad fall into two main groups:
- Persons who are subject to immigration control and who are ineligible within the meaning of the Immigration and Asylum Act 1999², **unless** re-qualified by regulations³ made by the Secretary of State.
 - Others – not subject to immigration control but who are within the class persons from abroad who are ineligible by virtue of regulations prescribed by the Secretary of State⁴. These are primarily European Economic Area nationals and British nationals who have been living abroad.

Documentation – Immigration Status

² For the purposes of this guidance, any person who is not a national of a country within the European Economic Area ("the EEA"- see Appendix 8), which includes the UK, will be a person subject to immigration control.

³ The Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000 as amended by The Person Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Order 2008

⁴ The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 397) as amended.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

- 10.9.12 In order to establish eligibility it is first necessary to ascertain whether the Applicant is a person subject to immigration control and if so, which of the immigration categories he /she falls into. Alternatively, if he / she is an EEA national it will be necessary to establish the applicant's nationality and economic circumstances in order to determine whether he/she is to be treated as eligible.
- 10.9.13 All applicants to the Housing Executive are required to provide proof of identification. Where an applicant is a person from abroad, the Executive should verify the applicant's identity by checking their current passport, Immigration Status Document or Residence Permit. EEA nationals may travel using their EU National Identity Card rather than a Passport.
- Passport Endorsements**
- 10.9.14 Endorsements are not always placed in passports in chronological order. Staff should check through the passport to make sure that they have seen the latest UK visas, stamps or endorsements.
- 10.9.15 Many immigrants are allowed to enter the UK on the basis that they will have no recourse to public funds. In such a case, their entry is subject to a limitation or condition and they will not be eligible to apply for benefits including housing benefit, homelessness assistance and an allocation of housing accommodation. This category includes most people coming legally into the UK from outside of the EEA, for example visitors, students, work permit holders and those coming to the UK to marry or join a spouse / civil partner may be granted leave on condition that they do not have recourse to public funds. Where the stamp / visa in the passport includes the wording: **"No recourse to public funds"** this normally means that the applicant is not eligible for an allocation of housing or homelessness assistance as both fall within the definition of public funds (See Appendix 12 for definition of public funds).
- 10.9.16 It may also be necessary to check a range of documentation depending on the applicant's nationality and economic circumstances, including Home Office / UK Border Agency documentation; Workers Registration Card and Certificate(s); Worker Authorisation Documentation; Work Permits; employment details; and proof of relationship of family members.
- 10.9.17 As a general rule, original documents only should be provided by the applicant for verification purposes unless exceptional circumstances apply, in which case advice should be sought from Housing Policy, HQ. All relevant parts of these documents should be photocopied if possible and returned to the applicant. If the applicant withdraws his application at any stage, the photocopies should also be returned to him, if reasonably practicable. Information about applicant's immigration status should be treated in confidence, and applicants should be reassured that such information will be used solely for the purpose of determining eligibility. If applicants are uncertain about their immigration status, they should be advised to seek specialist independent advice.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Documentation Not Available

- 10.9.18 Where an Applicant fails to provide the necessary documentation staff should follow the procedures detailed in Chapter 10.14 of the HSS Guidance Manual. The absence of evidence to demonstrate that a person meets an eligibility criterion should not be treated as evidence that they do not meet that criterion. It should be noted that an applicant's eligibility may change (e.g. where an asylum seeker is subsequently granted refugee status, humanitarian protection or discretionary leave to remain in the UK or where an EEA national subsequently becomes an authorised or registered worker) and therefore an applicant may be eligible when applying at a later date.

Who is subject to Immigration Control?

- 10.9.19 A "person subject to immigration control" means a person who, under the Immigration Act 1971, requires leave to enter or remain in the UK (whether or not such leave has been given).

Only the following categories of person do **not** require leave to enter or remain in the UK:

- (i) **British citizens**; British citizens have the right to live in the UK without restriction and to return after periods of absence, however long. A British citizen is eligible for benefits and housing, subject to the habitual residence test (see Appendix 13)
- (ii) **Irish citizens**; People who are nationals of the Republic of Ireland are not subject to immigration control. This is not just because they are nationals of a member state of the EU, but also because of an agreement between the British and Irish governments that is reflected in the Immigration Act 1971. An Irish citizen does not need leave to enter or remain, even if he or she is not economically active. The UK, the Channel Islands, the Isle of Man and the Republic of Ireland comprise the Common Travel Area (CTA). Irish nationals are fully eligible for housing and benefits, subject to the habitual residence test. Bear in mind that this is satisfied by residence in the Republic of Ireland as well as the rest of the CTA.
- (iii) **Certain Commonwealth citizens with a right of abode in the UK**; A few Citizens of Commonwealth countries who established a close connection with the UK, mainly through a parent or by marriage, before 1st January 1983, have the right of abode in the UK and are not subject to immigration control. They do not need leave to enter or remain in the UK. Note that a citizen of an independent Commonwealth country who has right of abode in the UK will have a certificate of entitlement to the right of abode in his or her passport and is fully entitled to housing and benefits, subject to the habitual residence test.
- (iv) **European Economic Area (EEA) nationals and their family members, who are exercising their right to enter and reside in the UK⁵**. A person who has

⁵ The Immigration (European Economic Area) Regulations 2006

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

nationality of any member state of the EEA is free to enter the UK without the need for leave, provided he or she has a passport or national identity card. All EU nationals have an unconditional right to live in any other member state for an initial 3 months. The right of residence does not satisfy the eligibility regulations therefore any EU national who exercises their right to live in the UK for this initial 3 month period is not entitled to housing assistance unless they also have an additional right to reside as a qualified person. The question of whether or not an EEA national or family member has a particular right to reside in the UK or another EEA member state will depend on the circumstances, e.g. whether he/she has a permanent right to reside or is defined as a “worker”, a self-employed person, a student, or a self-sufficient person. A8 and A2 nationals may only access public funds (benefits and housing) if they meet certain criteria.

- (v) **Persons who are exempt from immigration control under the Immigration Acts**, including diplomats and their family members and some military personnel.

10.9.20 Any person who does not fall within one of the categories in paragraph 10.9.19 is a person subject to immigration control. Generally, persons subject to immigration control are not eligible for homelessness assistance; however the UK Order⁶ specifies certain classes of persons who are eligible.

10.9.21 Persons Subject to Immigration Control - Eligible Classes for Homelessness Assistance

The following persons subject to immigration control are specified as eligible for homelessness assistance. This is summarised at Appendix 6.

- (i) **CLASS A - Refugee status.** A person who has been granted refugee status in the UK; (see Section 10.9.32)
- (ii) **CLASSES B and BA – A person who has been granted Humanitarian Protection or Discretionary Leave to Enter or Remain in the UK (formerly Exceptional Leave to Enter or Remain in the UK (ELR)).** This leave may be granted to a person who has failed in his request for asylum, but nonetheless has international protection needs and has been awarded Humanitarian Protection and leave to remain in the UK, or someone who has been granted Discretionary Leave to remain in the UK where there are compelling, compassionate circumstances, for example a medical condition. However, it may be the case that when the Leave was granted it was on condition that the applicant should not be a charge on public funds. If that is the case, the applicant is not eligible for an allocation (see section 10.9.35).
- (iii) **CLASS C - Indefinite leave to enter or remain in the UK (ILR).** This will be someone who has permission to enter or remain in the UK for an

⁶ The Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000 (the ‘UK Order’) as amended by The Person Subject to Immigration control (Housing Authority Accommodation and Homelessness) (Amendment) Order 2008

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

indefinite period with no condition or limitation and is regarded as having settled status. In order to be eligible the applicant will still have to be able to establish habitual residence. It is also the case that if ILR status was obtained as a result of sponsorship, the applicant is not eligible unless five years have elapsed since his/her arrival in the UK or the date of sponsorship, whichever is later. However, where a sponsor dies (or there is more than one sponsor, where all of them die) within the first five years, the applicant will be eligible provided he / she can establish habitual residence. Typically these people are relatives of someone already living in the UK- without that family connection they would have no reason for coming to the UK and they are only allowed to enter if their relative supports them. A sponsored immigrant has conditional leave to enter the UK indefinitely; however their accommodation costs and living expenses must be provided by a third party (or parties). The Home Office requires a formal undertaking from the sponsor that the person already living in the UK will support their relative.

- (iv) **CLASS D – A person who left the territory of Montserrat after 1 November 1995 due to volcanic eruption there.**
- (v) **CLASS Q - An asylum seeker who claimed asylum on arrival (other than on re-entry) in the UK from a country outside the Common Travel Area on or before 2 April 2000 and whose claim has not been decided (other than on appeal) or abandoned.**
- (vi) **CLASS R – An asylum seeker who made a claim for asylum on or before 4 February 1996 and was entitled to housing benefit on that date.**
- (vii) **CLASS T – an asylum seeker who was in Northern Ireland when the Home Secretary made a declaration that the country of which he is a national was subject to a fundamental change in circumstances, who claimed asylum within 3 months of that declaration and whose claim has not been decided (other than on appeal) or abandoned.**

10.9.22 Persons Subject to Immigration Control - Eligible Classes for an Allocation of Accommodation

The following persons subject to immigration control are specified as eligible to be allocated housing accommodation. This is summarised at Appendix 5.

- (i) **CLASS A - Refugee status.** A person who has been granted refugee status in the UK; (see Section 10.9.32)
- (ii) **CLASSES B and BA – A person who has been granted Humanitarian Protection or Discretionary Leave to Enter or Remain in the UK (formerly Exceptional Leave to Enter or Remain in the UK (ELR)).** This leave may be granted to a person who has failed in his request for asylum, but nonetheless has international protection needs and has been awarded Humanitarian Protection and leave to

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

remain in the UK, or someone who has been granted Discretionary Leave to remain in the UK where there are compelling, compassionate circumstances, for example a medical condition. However, it may be the case that when the Leave was granted it was on condition that the applicant should not be a charge on public funds. If that is the case, the applicant is not eligible for an allocation (see section 10.9.35).

- (iii) **CLASS C – a person who has leave to enter or remain in the UK which is not subject to any time limit or condition (Indefinite leave to enter or remain in the UK (ILR)) and who is habitually resident in the CTA.** This will be someone who has permission to enter or remain in the UK for an indefinite period with no condition or limitation and is regarded as having settled status. In order to be eligible the applicant will have to be able to establish habitual residence. It is also the case that if ILR status was obtained as a result of sponsorship, the applicant is not eligible unless five years have elapsed since his/her arrival in the UK or the date of sponsorship, whichever is later. However, where a sponsor dies (or there is more than one sponsor, where all of them die) within the first five years, the applicant will be eligible provided he / she can establish habitual residence. Typically these people are relatives of someone already living in the UK- without that family connection they would have no reason for coming to the UK and they are only allowed to enter if their relative supports them. A sponsored immigrant has conditional leave to enter the UK indefinitely; however their accommodation costs and living expenses must be provided by a third party (or parties). The Home Office requires a formal undertaking from the sponsor that the person already living in the UK will support their relative.
- (iv) **CLASS D – A person who left the territory of Montserrat after 1 November 1995 due to volcanic eruption there.**
- (v) **CLASS F – An overseas student, where the accommodation has been let by the Executive to an education institution;**
- (vi) **CLASS M – A person who is already a secure tenant of the Executive or a registered housing association, and**
- (vii) **CLASS N – A person who is owed a duty under Articles 8, 10(2), 10(3) or 11(2) of the Housing (NI) Order 1988.**

Determining Immigration Status

10.9.23 If there is any uncertainty about an applicant's immigration status, the District Office's designated officer should contact the Home Office United Kingdom Border Agency (UKBA), using the procedures and template set out in Appendix 11. Before doing so, the applicant should be advised that an inquiry will be made. If at this stage the applicant prefers to withdraw his or her application, no further action will be required.

Persons Subject to Immigration Control - Domestic Violence

10.9.24 Article 13(2)(c) of the Free Movement Directive 2006 gives a right to remain to a person subject to immigration control who is the partner (married or civil partner) of an

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

EEA national (whether an EEA national exercising their Treaty rights or a British citizen) and who is the victim of domestic abuse. There is, however, no protection for cohabitants. This can give rise to difficult situations and there may be circumstances in which it is necessary to refer cases to social services and other helping agencies such as Women's Aid and Simon Community.

British and Irish Citizens

10.9.25 Returning UK nationals or a British passport holder coming to the UK for the first time will have to satisfy both steps of the Habitual Residence Test (HRT). They need to provide one of the following to confirm they have a right to reside:

- Current passport
- Birth certificate
- Certificate from the Home Office confirming the grant of citizenship

The second step of the HRT to show are habitually resident should then be applied as outlined in Appendix 13.

However, under a UK Government resettlement programme, certain British citizens who leave Zimbabwe to live in the UK will be exempt from the Habitual Residence Test and will be eligible for an allocation of housing accommodation or homelessness assistance where he / she:

- Arrived in the United Kingdom on or after 28th February 2009 but before 18th March 2011;
- Immediately before arriving in the United Kingdom had been resident in Zimbabwe; and
- Before leaving Zimbabwe had accepted an offer made by HM Government to assist that person to settle in the United Kingdom,

The applicant must provide proof of the offer from HM Government as evidence of eligibility.

Illegal Entrants

10.9.26 Illegal entrants include:

- (i) persons who entered the country by evading immigration controls,
- (ii) persons who have been deported from the UK, but who re-enter the country while the deportation order is still in force, and
- (iii) persons who obtained entry clearance by practising fraud or deceit towards the entry clearance officer when applying for a visa or other entry clearance abroad, or by deceiving the immigration officer on arrival; the deceit or fraud would, however, have to be material.

10.9.27 The question of whether or not someone is an illegal entrant is a matter of fact which UK Border Agency will be in the best position to determine the issue.

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

Where staff are of the view that an applicant may be in the country illegally, it is recommended that the designated officer consults the Agency using the procedures set out in Appendix 11.

Overstayers

- 10.9.28 Establishing whether a person is an overstayer is not always straightforward and may involve detailed knowledge of the provisions of the Immigration legislation. In all cases where staff has reason to believe that a person may be an overstayer, it is recommended that they consult UKBA.

Asylum Seekers

- 10.9.29 An asylum seeker is a person claiming to have a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, and who is unable or unwilling to avail him or her self of the protection of the authorities in his or her own country. A person becomes an asylum seeker when his or her claim for asylum has been recorded by the Home Secretary, and he or she remains an asylum seeker until such time as that application has been finally resolved (including the resolution of any appeal). The recording, consideration and resolution of such a claim is a matter for the Home Office.
- 10.9.30 Asylum seekers who are persons subject to immigration control and whose claim for asylum was made after 2 April 2000 are not eligible to be assisted under the homelessness assistance or to be allocated a social housing tenancy. The Home Office has arrangements in place for the provision of accommodation for asylum seekers in Northern Ireland and such cases should be referred to the Housing Executive's Asylum Development Officer based in Belfast Area office.
- 10.9.31 However, certain asylum seekers whose claim for asylum was made before 3 April 2000 may be eligible for homelessness assistance. In such circumstances further advice should be sought from the Asylum Development Officer, Belfast Area. Alternatively, if there is any uncertainty about an applicant's immigration or asylum status, the designated officer should contact the UKBA, using the procedures set out in Appendix 11. Before doing so, the applicant should be advised that an inquiry will be made: if at this stage the applicant prefers to withdraw his or her application, no further action will be required.

Refugees

- 10.9.32 When an application for asylum is granted, an asylum seeker becomes a refugee and is entitled to enjoy a range of benefits, including entitlement to be considered for an allocation of accommodation and homelessness assistance.
- 10.9.33 Once leave to enter or remain has been granted to a person who has been recognised as a refugee or has been given leave because of humanitarian

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

protection, they (and if recognised as dependants, their family) have full housing and homelessness rights and can qualify for assistance and benefits, under the eligibility regulations.

- 10.9.34 Since 30 August 2005, people granted refugee status are given limited leave to remain in the UK for a period of 5 years. When the 5 year period is due to expire, a refugee is entitled to apply for indefinite leave. If a person who has limited leave to enter or remain as a refugee allows their leave to expire, however, without making a further application in time, they will become an overstayer, and cease to be eligible for housing. Where an application for further leave to remain is made by a person before their current leave to enter or remain runs out, the current leave is automatically extended on the same terms while the Home Office deals with the application.

Humanitarian Protection; Discretionary Leave and Leave Outside the Rules (LOTS)

- 10.9.35 Not all people seeking asylum are granted refugee status, but some are given leave to enter or remain in the UK on a humanitarian or discretionary basis for periods of up to 3 years. Towards the end of this period, protected persons / leave holders may apply for further leave to remain (if the application is made within relevant time limits, the original protection or leave will continue to apply until a decision is made).
- 10.9.36 The Secretary of State has a residual discretion to grant a person leave to enter or remain outside the immigration rules. This was known as “exceptional leave” and from 1st April 2003 this was called “Leave Outside The Rules (LOTR)” or “Discretionary Leave”. Leave to enter or remain granted at the discretion of the Secretary of State may be given with or without a restriction on public funds, depending on the circumstances. Where a person has been given such leave they are eligible for housing as long as there is no public funds limit on current stay.
- 10.9.37 Staff should use the critical date facility on HMSKL to monitor the outcome of any application to extend a period of leave. If the application is refused and the person is not removed from the country by the Home Office’s UKBA, it is possible that the person may remain in the country unlawfully. Such persons are not eligible for assistance under the homelessness legislation or to be granted a tenancy.

Persons from Abroad who are not subject to Immigration Control

- 10.9.38 The NI Regulations provide that the following persons who are not subject to immigration control are ineligible for an allocation of housing accommodation⁷:
- (i) with certain exceptions (see paragraph 10.9.39), a person not habitually resident in the Common Travel Area;

⁷ Regulation 3(1) of The Allocation of Housing and Homelessness (Eligibility) Regulations (Northern Ireland) 2006 as amended (“the Eligibility regulations”)

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

- (ii) a person whose only right to reside in the UK is derived from their status as a jobseeker or a member of a jobseeker's family. See section 10.9.44. (*For these purposes, "jobseeker" has the same meaning as for the purposes of regulation 6(1)(a) of the Immigration (European Economic Area) Regulations 2006 ("the EEA Regulations")*);
- (iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under Regulation 13 of the EEA Regulations;
- (iv) a person whose only right to reside in the Common Travel Area is a right derived from one of the rights mentioned in (ii) or (iii) above and which is derived from the Treaty establishing the European Community ("the EC Treaty").

10.9.39 Certain persons from abroad (not being persons subject to immigration control) will be eligible for an allocation of housing accommodation⁸, if he/she is:

- (i) an EEA national who is in the UK as a "worker" (*which has the same meaning as it does for the purpose of Regulation 6(1) of the EEA Regulations*);
- (ii) an EEA national who is in the UK as a self-employed person (*which has the same meaning as it does for the purposes of Regulation 6(1) of the EEA Regulations*);
- (iii) a person who is worker from an accession state requiring registration or authorisation and who is treated as a "worker" for the purposes of regulation 6(1) of the EEA Regulations 2006, pursuant to the *Accession (Immigration and Worker Registration) Regulations 2004* or the *Accession (Immigration and Worker Registration) Regulations 2006*;
- (iv) a person who is a family member of a person referred to in (i)–(iii) above;
- (v) a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations;
- (vi) a person who left the island of Montserrat after 1 November 1995 due to the volcanic activity there;
- (vii) a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country.

⁸ Regulation 3(2) of The Eligibility Regulations

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009****European Economic Area Nationals - Rights to Reside In the UK Derived from EC Law**

- 10.9.40 EEA nationals and their family members have rights to enter and reside in the UK derived from EC Regulations, Directives Treaties, and agreements and are not persons subject to immigration control. The countries concerned are listed at Appendix 8. The Immigration (European Economic Area) Regulations 2006 ("the EEA Regulations") implement into UK domestic law EC legislation conferring rights of residence on EU nationals. Broadly, the EEA Regulations provide that EU nationals have the right to reside in the UK for the first three months of their residence, and for longer if they are a "qualified person" or they have acquired a permanent right of residence. The entitlement to housing assistance and benefits of an EEA national is in some limited cases limited by the Allocations and Homelessness Regulations⁹ and the habitual residence test. However, EEA nationals who are workers or self-employed in the UK, and their family members (regardless of nationality), are specifically exempt from this test.

The Accession States

- 10.9.41 A slightly different regime applies to EU nationals who are citizens of the accession states. For the purposes of this guidance, "the accession or A8 states" are the eight eastern European countries that acceded to the EU on 1 May 2004: Poland, Lithuania, Estonia, Latvia, Slovenia, Slovakia, Hungary and the Czech Republic. A8 nationals are subject to special rules about seeking and taking up employment (see section 10.9.74 and Appendix 14). There are also additional rules about nationals of Bulgaria and Romania ("the A2 states") with effect from their accession to the EU on 1st January 2007 (see Appendix 18).

Initial Three Months of Residence

- 10.9.42 EEA nationals have an unconditional right to reside¹⁰ in the UK for an initial period of up to three months without any conditions or formalities other than holding a valid identity card or passport. However, they are not eligible for housing assistance if his or her only right to reside in the UK is an initial right to reside for a period not exceeding three months.¹¹ Therefore any EU national who exercises their right to live in the UK for this initial 3 month period is not entitled to housing assistance unless they also have an additional right to reside as a "qualified person".

Rights of Residence for "Qualified Persons"

- 10.9.43 A "qualified person" has the right to reside in the UK so long as they remain a qualified person¹². A qualified person means:
- a) a jobseeker;
 - b) a worker;
 - c) a self-employed person;

⁹ The Eligibility Regulations

¹⁰ Regulation 13 of the EEA Regulations 2006

¹¹ Regulation 3(1)(b)(ii) and (c) and 4(1)(b)(ii) and (c) of the Eligibility Regulations 2006

¹² Regulation 14 of the EEA Regulations 2006

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

- d) a self-sufficient person;
- e) a student.

Jobseekers

- 10.9.44 A jobseeker is a person who enters the UK in order to seek employment and can provide evidence that he or she is seeking employment and has a genuine chance of being employed. The Eligibility Regulations provide that in the case of a housing and homelessness application made on or after 1st June 2006, a person whose only right to reside in the UK is based on his or her status as a jobseeker or the family member of a jobseeker is not eligible for assistance as homeless and not qualifying for an allocation. If, however, the EEA national is entitled to JSA (IB) then he / she may be eligible to be assessed under homelessness assistance.

Workers

- 10.9.45 Subject to the special rules outlined later about A8s and A2s, an EEA worker is a person with EEA nationality who has a paid job in the UK. Work should be genuine and effective. Work that is purely marginal or ancillary to some other activity is not sufficient, but a part-time job is enough as long as it is real employment. Applicants in the labour market should be able to confirm that they are, or have been, working in the UK by providing, for example: - pay slips; a contract of employment, or a letter of employment. An EEA worker and his or her family members are eligible for housing because they are not subject to immigration control and have the right to reside. Also they are specifically exempt from the habitual residence test under the eligibility regulations.

Retention of worker status

- 10.9.46 A person who has worked in the UK and is no longer working may not cease to be treated as a 'worker'¹³ if he or she:
- (a) is temporarily unable to work as the result of an illness or accident; or
 - (b) is recorded as involuntarily unemployed after having being employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:
 - (i) was employed for one year or more before becoming unemployed, or
 - (ii) has been unemployed for no more than 6 months, or
 - (iii) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or
 - (c) is involuntarily unemployed and has embarked on vocational training; or
 - (d) has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment.

Maternity Leave

- 10.9.47 There has been much debate about whether claimants who are on maternity leave are treated as being temporarily unavailable for work. The EU issued the Pregnant

¹³ Regulation 6(1)(b) of the EEA Regulations

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

Worker's Directive¹⁴ which confirms that a pregnant woman retains her worker status while on maternity leave. If a woman is on maternity leave and the employment relationship still exists, then she is treated as a worker. If however, the claimant does not return to work or gives up her job while on maternity leave, then she may not retain her worker status and may subsequently lose her right to reside.

Self-employed persons

10.9.48 'Self-employed person' means a person who establishes himself in the UK in order to pursue activity as a self-employed person in accordance with Article 43 of the Treaty establishing the European Union. An EEA self-employed and his or her family members are eligible for housing assistance because they are not subject to immigration control and have the right to reside. Also they are specifically exempt from the habitual residence test.

10.9.49 A self-employed person earns his / her own livelihood directly from his own trade or business rather than as an employee of another. Any person who pursues genuine and effective activities as a self-employed person must be regarded as self-employed. Factors to be considered include:

- the sharing of the commercial risks of the business
- the freedom to choose their own working hours
- the freedom to engage their own assistants.

10.9.50 A self-employed person should be able to confirm that he or she is pursuing activity as a self-employed person by providing documents relating to their business such as invoices; tax accounts, or utility bills. Any person who pursues genuine and effective activities as a self-employed person must be regarded as self-employed.

10.9.51 Accession state nationals are not required to register in order to establish themselves in the UK as self-employed persons. A self-employed person retains that status if they are temporarily unable to pursue their activity as the result of an illness or accident.¹⁵

Self-sufficient person

10.9.52 A self-sufficient person¹⁶ means a person from the EEA who has enough resources not to become a burden on the social assistance system of the UK during his or her period of residence **and** has comprehensive sickness insurance cover¹⁷ in this country. This applies to members of his or her family as well.

10.9.53 Sufficient resources are "*higher than the level of resources below which the host Member State may grant social assistance to its nationals*".¹⁸ In other words, more than the level at which income support would be awarded.

¹⁴ EC Pregnant Workers Directive 92/85/EC

¹⁵ Regulation 6(1)(c) of the 2006 EEA regulations

¹⁶ Regulation 4(1)(c) of the 2006 EEA regulations

¹⁷ Comprehensive sickness insurance cover must provide for general health risks. The E111 or its successor the EU Health Insurance Card does not suffice.

¹⁸ Article 8(4) of Council Directive (EC) 2004/38

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

10.9.54 Under the eligibility rules applying to a housing or homelessness application made on or after 1st June 2006, a self-sufficient person and his or her family members with a basic income are eligible for assistance because they have a right to reside, and can qualify for housing if they are habitually residence in the CTA. Where the applicant does not meet the conditions but has previously done so during his or her residence in the UK, the case should be referred to the Home Office for clarification of their status.

Students

10.9.55 A 'student' is defined¹⁹ as a person who:

- (a) is enrolled at a private or public establishment included on the Department of Education and Skills' Register of Education and Training Providers, or is financed from public funds for the principal purpose of following a course of study, including vocational training, and
- (b) has comprehensive sickness insurance cover in the UK²⁰, and
- (c) makes a declaration to the Home Office that he or she (and if applicable his or her family members) has sufficient resources not to become a burden on the social assistance system of the UK during his or her period of residence.

10.9.56 Note the restricted definition of family member that applies where the EEA national is a student and has no other rights to reside. After the initial three month right of entry, only the spouse or civil partner and dependant children of the EEA student or his spouse or civil partner have the right to reside in the UK. The resources of a student from the EEA or his or her family are sufficient if they are more than the maximum level of resources that a UK national and his or her family members may possess if he or she is to become eligible for social assistance under the UK benefit system.

10.9.57 A student and his or her family members (subject to the restricted definition outlined above) may become eligible for housing because they have the right to reside. This is provided he or she is habitually resident in the CTA and has enough resources to meet the requirements.

Family Members of a Qualified Person

10.9.58 Family members of EEA nationals (whether or not they themselves are EEA nationals or non-EEA nationals) have rights to reside as outlined above, and are therefore exempt from immigration control when the above rules apply to them. Therefore they are often eligible for housing in their own rights.

10.9.59 The following persons²¹ are treated as family members of another person

- (i) a family member of a qualified person residing in the UK;
- (ii) a family member of an EEA national with a permanent right of residence²²;

¹⁹ Regulation 4(1)(d) of the EEA Regulations 2006

²⁰ Comprehensive sickness insurance cover must provide for general health risks. The E111 or its successor the EU Health Insurance Card does not suffice.

²¹ Regulation 14 of the EEA Regulations 2006

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

- and
- (iii) a family member who has retained the right of residence²³

Staff should check that the Applicant remains a family member of an EEA national and also that the EEA national in question is a Qualified Person.

When considering the eligibility of a family member, the Executive should consider whether the person has acquired a right to reside in their own right, for example a permanent right to reside.

Who is a 'family member'?

10.9.60 The following persons are treated as the family members of another person²⁴ (with certain exceptions for students - see below):

- (a) the spouse or civil partner;
- (b) direct descendants of the EEA national, his or her spouse or his or her civil partner who are:
 - (i) under the age of 21; or
 - (ii) over 21 and dependent on the person, or the spouse or civil partner;
- (c) an ascendant relative of the person, or of the person's spouse or civil partner, who is dependent on the person or the spouse or civil partner.
- (d) a person who is an extended family member and is treated as a family member.

10.9.61 Note: Meaning of "spouse or civil partner"

Reference to a spouse means a married partner and includes the spouse or civil partner when separated. Where the spouse or civil partner is an EEA national, divorce, annulment of the marriage or termination of a civil partnership does not affect the right of residence of their family members. Where the spouse or civil partner is a non-EEA national they may be considered as a family member who has retained the right of residence (see section 10.9.69). Unmarried partners may apply for residence rights as extended family members as outlined below. A family member of an EEA national who has the right to reside in this country and is living in this country does not have to be living with that EEA national to have the right to reside here.

10.9.62 Note: Meaning of "dependant"

The references to dependency mean financial dependency, but a family member does not have to be wholly dependent, or live with the EEA national to meet the dependency requirement. The European Court of Justice has ruled on the meaning of "dependant" a family member is dependent on the qualified person if the qualified

²² Regulation 15 of the EEA Regulations 2006

²³ Regulation 10 of the EEA Regulations 2006

²⁴ Regulation 7 of the EEA regulations 2006

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

person was providing the family member with the “material support.....in order to meet their essential needs in the State of origin”²⁵. Generally, this means that financial support must have been provided by the qualified person or their spouse or civil partner to the family member before the family member joined them in the UK. If the family member becomes dependent after arriving in the UK they are not a family member of a qualified person.

Family Members of Students

- 10.9.63 A person shall not be treated as a family member of a student residing in the UK after the period of 3 months beginning on the date the student is admitted to the UK unless:
- (a) the person is the dependent child of the student, or of the spouse or civil partner; or
 - (b) the student also falls within one of the other categories of qualified person mentioned above.

Family Member – EEA Family Permit / Residence Documents

- 10.9.64 As confirmation of their right of residence, family members may apply for certain residence documents:

- EEA national – registration certificate
- Non-EEA national – registration card
- EEA and Non-EEA nationals – family permit

A registration card normally takes the form of a stamp in the applicant’s passport. An EEA family permit is a form of entry clearance issued to the EEA family members of an EEA national who is in the UK, or intends to come to the UK, in order to exercise a Treaty right.

NOTE: All residence documentation issued to EEA nationals is declaratory in nature only, i.e. it confirms that at the date of issue the holder of the document had the right to reside in the UK; however it does not confer a right of residence. Staff should check that the Applicant remains a family member of an EEA national and also that the EEA national in question is a Qualified Person.

Extended Family Members

- 10.9.65 The Home Office decides who is an “extended family member”. An extended family member must hold a valid
- EEA family permit; or
 - A Registration Certificate; or
 - A Residence Card

The extended family member may be for example a cousin, unmarried common-law partner (who can prove he/she is in a durable relationship with the EEA national), sibling etc. If an extended family member has documentation from the Home Office confirming the right to reside he or she will be eligible for housing on the same basis as the EEA national themselves.

²⁵ Case C-1/05 Yunying Jia v Migrationsverket, paragraph 43

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

FAMILY MEMBER WHO HAS RETAINED THE RIGHT OF RESIDENCE

10.9.66 The expression “a family member who has retained the right of residence” has a specific meaning. It means **non-EEA** family members continue to have the right of residence in the **four** following sets of circumstances:²⁶

1. they were a family member of a qualified person when the qualified person died **and** if they were an EEA national would be a worker, a self-employed person or a self-sufficient person.
2. They ceased to be a family member of a qualified person on the termination of the marriage or civil partnership of the qualified person and they are a worker, a self-employed person or a self-sufficient person **and**
 - their marriage/ civil partnership must have lasted at least three years (when divorce proceedings were initiated), and at least one of those years must have been spent in the UK, or
 - the former spouse or civil partner of the qualified person has custody of a child of the EEA national **or**
 - They have the right of access to a child of the EEA national under the age of 18 and a court has ordered that such access must take place in the UK **or**
 - There are particularly difficult circumstances, such as domestic violence during the marriage.
3. They are a direct descendant of an EEA national who has died or has ceased to reside in the UK, (or of their spouse/ civil partner) **and**
 - they were attending an educational course in the UK immediately before the EEA national died or left the UK and continues to attend such a course.
4. They are a parent with actual custody of a child who satisfies the condition in paragraph 3 above.

EEA family members and non-EEA family members are treated differently with regard to family members retaining the right of residence. **An EEA national is a “family member who retained the right of residence” under paragraphs 3 & 4 above only.**

UK Nationals

10.9.67 The above rules do not apply to family members of UK nationals unless the UK national has been working in an EEA country and now wants to bring a non EEA family member back to the UK with him/ her. Otherwise, no EEA family members of UK nationals must apply for entry under the normal immigration rules. This is because a UK national cannot be a qualified person unless they have exercised their

²⁶ Regulation 10 of the EEA Regulations 2006

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

treaty rights and worked in another EEA country. However, an Irish national is treated as qualified person.

Relationship with Other Rights to Reside

10.9.68 Where an applicant for housing assistance who's right to reside is derived from his or her status as the family member of an EEA national with a right to reside, the family member may have acquired a right to reside in his or her own right. In particular, a person who arrived in the UK as the family member of an EEA national may have subsequently acquired a permanent right of residence.

Permanent Right of Residence

10.9.69 A person acquires the right to reside permanently in the UK in the following sets of circumstances:

- (a) an EEA national who has resided in the UK in accordance with the 2006 EEA regulations for a continuous period of 5 years; or
- (b) a non-EEA national who is a family member of an EEA national and who has resided in the UK with the EEA national in accordance with the EEA regulations for a continuous period of 5 years;
- (c) a worker or self-employed person who has ceased activity (see regulation 5 of the EEA Regulations for the definition of worker or self-employed person who has ceased activity);
- (d) the family member of a worker or self-employed person who has ceased activity;
- (e) a person who was the family member of a worker or self-employed person who has died, where the family member resided with the worker or self-employed person immediately before the death and the worker or self-employed person had resided continuously in the UK for at least 2 years before the death (or the death was the result of an accident at work or an occupational disease);
- (f) a person who has resided in the UK in accordance with the EEA regulations for a continuous period of 5 years, and at the end of that period was a family member who has retained the right of residence (see regulation 10 of the EEA Regulations for the definition of a family member who has retained the right of residence).

10.9.70 The concept of a "worker or self-employed person who has ceased activity" has a specific meaning and does not mean someone who has merely stopped work. It

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

means an EEA national who ceases to work as a worker or self-employed person in the **five** following sets of circumstances:²⁷

1. They reach the age at which they are entitled to a state pension on the date on which they terminate their activity or in the case of a worker, ceases working to take early retirement **and**
 - have pursued their activity as a worker or self-employed person in the UK for at least 1 year prior to the termination **and**
 - have resided in the UK continuously for more than 3 years prior to the termination.
2. They terminate their activity in the UK as a worker or self-employed person as a result of a permanent incapacity to work **and** either
 - they have resided in the UK continuously for more than 2 years prior to the termination **or**
 - the incapacity is the result of an accident at work or an occupational disease that entitles them to a pension payable in full or in part by an institution in the UK.
3. They are active as a worker or self-employed person in an EEA State but retain their place of residence in the UK to which they return as a rule at least once a week **and**
 - prior to becoming so active in that EEA State, they had been continuously resident and continuously active as a worker or self-employed person in the UK for at least 3 years.
4. A person who satisfies the first part of paragraph 3 but not the time limit is treated as being active and resident in the UK for the purposes of paragraphs 2 & 3.
5. The time limits in paragraphs 2 & 3 do not apply if the spouse or civil partner of the worker or self-employed person is an UK national.

Periods of activity include:²⁸

- periods of inactivity not of the person's own making; **and**
- periods of inactivity due to illness or accident; **and**
- in the case of a worker, periods of involuntary unemployment duly recorded by the relevant employment office.

10.9.71 Continuity of residence is not affected by temporary absence:

- Not exceeding a total of 6 months a year; or

²⁷ Regulation 5 of the 2006 Regulations

²⁸ Regulation 5(7) of the EEA Regulations 2006

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

- By absences of longer duration for compulsory military service; or
- By 1 absence of a maximum of 12 consecutive months for important reasons such as pregnancy and childbirth, serious illness, study or vocational training, or posting in another country.

Once acquired, the right of permanent residence can be lost through absence from the UK for a period exceeding two consecutive years. A person with a right to reside permanently in the UK arising from para. 38 (c), (d) or (e) is eligible for housing assistance whether or not he or she is habitually resident in the CTA. Persons with a permanent right to reside by virtue of para. 38 (a), (b), or (f) must be habitually resident in order to be eligible.

10.9.72 A8 nationals and their family members are eligible for permanent residence once they have exercised their Treaty rights in the UK for 5 years. In other words after 5 years as a qualified person or a family members of qualified person. The time spent in the UK prior to 1 May 2004 does not count towards the qualifying period for permanent residence. However, time spent as a registered worker on the Worker Registration Scheme will count towards the qualifying period.

10.9.73 Likewise A2 nationals and their family members are eligible for permanent residence once they have exercised their Treaty rights in the UK for 5 years. The time spent in the UK prior to 1 January 2007 does not count towards the qualifying period for permanent residence. However, time spent as an authorised worker on the Worker Authorisation Scheme will count towards the qualifying period.

A-8 State Nationals

10.9.74 On 1st May 2004 ten new countries joined the European Union. People who have nationality of either Malta or Cyprus enjoy full rights to work and reside in the UK as an EEA national from that accession date. However the nationals of the other eight countries (the A-8 States) do not enjoy full rights to reside as workers immediately. These countries are: Czech Republic; Estonia; Hungary; Latvia; Lithuania; Poland; Slovakia; and Slovenia. Note that A8 nationals are EU nationals and all the above rights to reside and entitlement to housing assistance apply to them and their families, subject only to the special requirements they have to meet if they look for work or take a job.

Under the Accession Regulations²⁹ nationals from the A-8 States can take work without prior authorisation but in most cases have to comply with the requirements of the worker registration scheme. A8 workers are required to register with the Home Office Worker Registration Scheme in most cases if they take employment in the UK up to 30th April 2009.

10.9.75 The right of residence for workers and jobseekers is limited in the following ways:

²⁹ Regulation 5 of the Accession (Immigration and Worker Registration) Regulations 2004

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

- A8 workers will only be lawfully resident in the UK during their first year of employment if they have registered their employment and are working for authorised employers³⁰ (see flowchart in Appendix 15)
- A8 workers who cease to work within the first month of their employment will only be lawfully resident for the remainder of that month³¹
- A8 jobseekers are not entitled to reside in the UK³²

10.9.76 Note: There is no restriction on A8 nationals who exercise other Treaty rights, therefore self-employed persons, self-sufficient persons and students are treated in the same way as existing EEA nationals.

10.9.77 The requirement to register when working ceases to apply once an A8 national has worked in the UK continuously for 12 months. (Breaks of up to 30 days in total during the 12 months do not break the continuity) and from then on they and their families have rights to reside and are eligible for housing assistance in the same way as any other European nationals.

10.9.78 A8 workers need to provide the following evidence to confirm their status:

- A passport or ID card
- Worker Registration Card
- Worker Registration Certificate (only valid whilst the holder is employed by the employer named on it and only has the start date. Staff should contact the employer named in the registration certificate, to confirm that the applicant continues to be employed.).

A8 nationals who are not required to register

10.9.79 The following categories of A8 nationals are not required to register.³³

A person who:

- had leave to remain on 30 April 2004 which was not subject to conditions restricting employment **or**
- was legally working on 30 April 2004 and had been legally working without interruption* throughout the period of 12 months ending on that date or after that date **or**
- had worked legally without interruption for 12 months since 1 May 2004 (Verified through Worker Registration Certificates) **or**
- is a posted workers** **or**
- is a family member of an EEA or Swiss national who has the right to reside as a qualified person or who has a permanent right of residence.

³⁰ Regulation 5(2) of the Registration Regulations

³¹ Regulation 5(4) of the Registration Regulations

³² Regulation 4(2) of the Registration Regulations

³³ Regulation 2 of the Registration Regulations

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

* “Without interruption” means without breaks totalling more than 30 days³⁴.

** “Posted worker” means a person whose employer is not established in the UK and who works for that employer in the UK for the purpose of providing services on his employer's behalf.

10.9.80 A8 workers are exempt from the second part of the HRT. They will only be eligible for housing / homelessness assistance whilst they are working because they lose their right to reside once they stop working. While “between jobs”, they would not retain their EU “worker” status and their right to reside would be conditional on them being self-sufficient and not placing an unreasonable burden on the host state (see Appendix 14 for more detailed guidance on this area).

Exempt from Registration

10.9.81 Some A-8 nationals will be exempt from the registration scheme (e.g. those already working legally in the UK immediately prior to 1 May 2004; those who are self-employed) and those who have worked in the UK for an uninterrupted period of 12 months after 1 May 2004 will no longer be subject to the Scheme (see Appendix 13).

A8 Worker: post 12 months

10.9.82 Once a worker registered with the Worker Registration Scheme has worked for 12 months uninterrupted they have the same rights and access to housing / homelessness assistance as EEA 16 Nationals. (A worker must not be out of work for more than 30 days in the 12 month period). Once the 12 months uninterrupted work is completed they are no longer required to register as a worker. In such circumstances, staff should obtain previous Registration Certificates and check through the start and end dates of previous registered employment to establish that the 12 months has been completed.

Applicants who are Self Employed

10.9.83 EEA and A2 nationals who are self-employed are allowed to come to the UK to establish themselves in work and have a right to reside under the new Directive. Self-employed people and their family members have the same rights as workers and their family members. They will need to provide one of the following documents as evidence of their right to reside:

- An ID card
- Passport
- EEA Registration certificate, if they have one, and

Evidence of self-employment would include the following:

- Audited accounts
- Bank statements
- Business lease
- Invoices

³⁴ Regulation 2(8) of the Registration Regulations

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

10.9.84 The following should be treated as self-employed:

- i. People who pay or who have arranged to pay class 2 National Insurance Contributions
- ii. People who are in receipt of an allowance under the Business Start Up Programme
- iii. Usually people in the building industry who hold a Registration Card (C1S4) or a tax certificate (C1S5 – a construction tax certificate) or (C1S6 – a subcontractor's tax certificate).
- iv. Franchise holders who are paying schedule D tax and class 2 and/or class 4 National Insurance Contributions.

This group is exempt from the second step of the HRT. A8 Nationals who are self-employed have the same rights as EEA 16 and A2 nationals who are self-employed. The applicant's own statement that he/she is self-employed should be accepted unless there are grounds for uncertainty.

A2 Nationals

10.9.85 On 1 January 2007 Bulgaria and Romania became members of the European Union. The government assessed the impact of the 2004 accession and decided to adopt a gradual approach on labour market access to minimise any further impact. The national measures applied by the UK took the form of a worker authorisation scheme. The Accession (Immigration and Worker Authorisation) Regulations 2006 set out the scheme and also amended the 2006 Regulations to include within their scope A2 nationals.

10.9.86 This scheme operates in a similar manner to the WRS for A8 nationals. The essential difference being that A2 nationals are required to seek permission from the Home Office to take up work. The social security provisions are virtually identical to those for A8 nationals.

A2 NATIONALS WHO DO NOT REQUIRE AUTHORISATION

10.9.87 The following categories of A2 nationals do not require authorisation.³⁵ A person who:

- has leave to enter or remain and that leave is not subject to any condition restricting his employment.
- was legally working on 31 December 2006 and had been legally working without interruption* throughout the period of 12 months ending on that date or after that date.
- had worked legally without interruption for 12 months since 1 January 2007.

³⁵ Regulation 2 of the Authorisation Regulations

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

10.9.88 More detailed guidance is provided in Appendix 18.

Homelessness – Pending Enquiries

10.9.89 The Housing Executive does not owe the full housing duty (FDA status) under the homelessness legislation to Applicants who are not eligible for assistance.

10.9.90 The interim duty to accommodate under Article 8 of the 1988 Order (pending inquiries under Article 7) applies to all Applicants who may be persons subject to immigration control in the same way as it applies to all other applicants. Where inquiries are necessary to determine immigration status and eligibility, these should be carried out in parallel with the usual homelessness inquiries carried out under Article 7 of the 1988 Order. Where there is a duty to secure that temporary accommodation becomes available, it must be suitable for *all* members of the household, including any ineligible persons.

10.9.91 If the Designated Officer is in a position to determine that the Applicant is ineligible at the outset of his/her application, there is no duty to provide temporary accommodation regardless that the Applicant may be homeless and have a priority need.

Homelessness - Ineligible Applicants

10.9.92 Where having completed their inquiries, the Designated Officer is satisfied that the Applicant is ineligible; he/she should be notified to leave the temporary accommodation which had been provided under the interim duty immediately. Families with children therefore could find themselves without accommodation and any prospect of further assistance. This could give rise to a situation in which the children of such families become a child in need. It is important that social services are alerted as quickly as possible to homelessness cases where the family may wish to seek assistance under the Children Order. Social Services should also be advised of cases of Applicants who may be destitute, vulnerable and ineligible for assistance.

10.9.93 It should be noted that all persons, whether “eligible persons” or not, are entitled to advice and assistance on homelessness and the prevention of homelessness including finding alternative accommodation; information regarding estate agents; private rented sector and local advice / support agencies.

Homelessness - Conferring Priority Need

10.9.94 Although the presence in a household of an ineligible person upon whom the homelessness applicant does *not* depend is generally immaterial, where an applicant is relying on a member of his or her household to confer priority need it will be necessary to establish if that member of the household is eligible for assistance. Article 7A(4) of the 1988 Order requires that “ineligible persons” are disregarded when determining whether an applicant is homeless, threatened with homelessness, or has a priority need. From 2 March 2009, whether or not an ineligible person is disregarded for the purposes of the homelessness legislation will now depend on the immigration status of the applicant.

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

- 10.9.95 The restrictions under Article 7A(4) of the 1988 Order will continue to apply where the eligible applicant is a person subject to immigration control, for example a person granted refugee status, indefinite leave to remain, humanitarian protection or discretionary leave. In such cases this means that the Article 7(4) as amended requires any dependants or other household members who are ineligible for assistance to be disregarded for the purpose of determining whether the applicant is homeless or has a priority need for accommodation. Such cases will continue to be ineligible for Full Duty Applicant status.
- 10.9.96 Where the applicant is not subject to immigration control and is an eligible UK citizen, national of a Commonwealth country with a right of abode in the UK, or an EEA national with a right to reside in the UK, then Article 7A (4) of the 1988 Order will no longer apply. The applicant can claim homeless or priority need status, even if it is derived from a member of the applicant's household who is a 'restricted person' (a restricted person is a person who is not eligible for assistance, is subject to immigration control and who has no leave to enter or remain in the UK or who has leave on the basis of no recourse to public funds). This is now defined in a new Rule 1(8) which has been inserted in the Housing Selection Scheme (see Chapter 12).
- 10.9.97 Therefore a 'restricted case'³⁶ is a case where an eligible applicant who is not subject to immigration control has a priority need for accommodation which is based on a restricted person. This group of eligible applicants will therefore be able to rely on ineligible household members to convey homelessness or priority need, and therefore convey an entitlement to be secured suitable accommodation under Article 10(2) of the 1988 Order. Such cases are now referred to as restricted cases. However, the statutory duty owed to such restricted cases differs. A template for a homeless decision letter which should be used in such restricted cases is attached at Appendix 19(c) and should be completed as necessary and issued to the Applicant.
- 10.9.98 Restricted cases will be entitled to additional homelessness services if necessary, namely temporary accommodation, furniture storage and taxi vouchers. Of particular importance, however, is that unlike other Full Duty Applicants, in a restricted case, the Housing Executive must, so far as reasonably practical, bring the Article 10(2) duty to an end by arranging for an offer of a tenancy in private accommodation to be made to the applicant by a landlord.
- 10.9.99 The Applicant in a restricted case will only be entitled to one offer of private rented accommodation. For an offer of private accommodation to come within the meaning of Article 10, amended, the following requirements must be met:
1. It must be an offer of a private tenancy for a term of at least 12 months of accommodation which is available for the applicant's occupation;
 2. That offer must be made with the approval of NIHE, in pursuance of arrangements made by NIHE with the landlord with a view to bringing its housing duty to an end.

³⁶ Article 10(5) of the 1988 Order

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

3. NIHE must not approve an offer of private accommodation unless it is satisfied that it is suitable for the applicant and reasonable for him to accept, and having been informed by the Housing Executive of the possible consequences of refusal, the applicant either accepts or refuses the offer.
4. At the end of the 12 months term, the private landlord can choose to renew the tenancy term. However, if the tenancy is not renewed and the applicant's circumstances have not changed they will have to reapply for a homeless assessment.

NOTE: OFFICERS DEALING WITH A RESTRICTED CASE SHOULD CONTACT HOMELESSNESS POLICY UNIT, HQ FOR DETAILED ADVICE AND ASSISTANCE.

- 10.9.100 The Housing Executive will have discharged its statutory duty where the applicant either accepts or refuses an offer of private rented accommodation (Article 10(2A) of the Housing (Northern Ireland) Order 1988 as inserted by the 2008 Act). Templates of letters to be issued to an Applicant who has refused or accepted an offer of private accommodation are attached at Appendix 19(d) and Appendix 19(e) respectively.
- 10.9.101 If the Designated Offer is not able to secure a suitable offer of private accommodation for the Applicant and the Applicant's household, the Designated Officer may make a reasonable offer of accommodation under the Housing Selection Scheme. The Housing Executive will have discharged its statutory duty under the homelessness legislation where the applicant either accepts or refuses that offer and the Applicant should be notified accordingly.
- 10.9.102 In a restricted case, applicants will be entitled to be placed on the waiting list and considered for an allocation of accommodation. They will not, however, be entitled to any preferential access to social housing and a new Rule 24A has been introduced in the Housing Selection Scheme to provide that no Insecurity of Tenure points (Intimidation; Full Duty Applicant Other Homeless points or Interim Accommodation points) should be awarded to an applicant whose homelessness status depends on a restricted person (see Chapter 12).
- 10.9.103 Where an Applicant who is a restricted case has refused an offer of private accommodation or of accommodation under the Housing Selection Scheme in discharge of the statutory duty, that Applicant will be entitled to remain on the Waiting List and receive three further reasonable offers under the Housing Selection Scheme.

Ineligible Decisions: Letters and Deletion Arrangements

- 10.9.104 **Decision Letters:** Where, following investigations the Housing Executive is satisfied that a homelessness applicant is ineligible, then in effect two decisions are made, namely under the homelessness legislation and also under the Housing Selection Scheme and therefore two decision letters should be issued (See Appendix 19). Firstly the homeless (ineligible) decision letter should be selected and issued to advise the applicant that he is ineligible under the homelessness

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

legislation. In addition, the applicant is ineligible for housing and the application should be deleted, therefore the attached ineligible system-generated letter (205/1) should be selected from HMS and issued. The Housing Executive is obliged to notify the applicant of the reasons for its decision therefore the blank lines in both letters should be completed freehand to explain that the Housing Executive has decided that the applicant is a person from abroad who is not eligible for housing assistance. Note: a housing applicant who has not applied under the homelessness legislation should only receive one letter, namely 205/1.

Deleting the Application

- 10.9.105 Ineligible decisions are in two parts – Homeless and Housing. Homeless Ineligibility must be keyed before Housing deletion. Guidelines on the administrative arrangements, including use of the appropriate deletion code, for removing ineligible applications are attached at Appendix 19.

Monitoring

- 10.9.106 Senior Housing Officers should check an applicant's eligibility when considering making an allocation. This is particularly significant where it is possible that a substantial amount of time may have elapsed between the point at which an applicant applies to join a scheme and the point at which he or she is considered for an allocation of accommodation and where an applicant has been awarded limited leave to remain, including discretionary leave, humanitarian protection. Critical dates should be recorded on HMS to monitor such cases.
- 10.9.107 Where at the time that the applicant joins the scheme, it is decided that he or she is a person from abroad but is nonetheless eligible for housing, it is recommended that the housing officer inform the applicant that changes to his or her immigration status or the statutory eligibility criteria prior to an allocation could affect his or her eligibility.

Appeals and Complaints

- 10.9.108 Where an homeless applicant who has been notified that they are an ineligible person from abroad decides to appeal the decision that they are ineligible, then that appeal should be considered under the Executive's two-stage homeless appeals process in the same way as an appeal in relation to whether an applicant is homeless or threatened with homelessness; in priority need; or intentionally homeless. Interim statutory homelessness duties including temporary accommodation and furniture storage continue during appeal.
- 10.9.109 If an Applicant who has applied for housing accommodation under the Housing Selection Scheme and has not been assessed under the homelessness legislation has been deemed ineligible as a person from abroad, then their case should be considered under the Internal Complaints Procedure.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Advice and Assistance

- 10.9.110 Ineligible applicants should be given advice and assistance on the private rented sector, local advice agencies and support groups. The applicant should also be advised that he / she may make a fresh application for housing assistance if his or her circumstances have changed or he / she thinks that they should no longer be treated as not eligible.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

List of Appendices

- Appendix 1 Useful Websites
- Appendix 2 Glossary
- Appendix 3 Flowchart
- Appendix 4 Classes of applicant who are eligible for housing assistance
- Appendix 5 Persons subject to immigration control prescribed as eligible for an allocation of accommodation
- Appendix 6 Persons subject to immigration control prescribed as eligible for homelessness assistance
- Appendix 7 Classes of Person Who are NOT eligible for Accommodation/Homeless Assistance
- Appendix 8 European Groupings (EU, (A8) (A2), AND EEA)
- Appendix 9 How to identify the main classes of person subject to immigration control eligible for homelessness assistance / housing allocation
- Appendix 10 Asylum Seekers - Overview
- Appendix 11 How to contact the Home Office Immigration and Nationality Directorate; Information Request Template; List of Registered Officers
- Appendix 12 Public Funds
- Appendix 13 Habitual Residence Test
- Appendix 14 Workers Registration Scheme
- Appendix 15 A8 Workers Registration Flowchart
- Appendix 16 Example of a Worker Registration Scheme Card
- Appendix 17 Example of a Worker Registration Scheme Certificate
- Appendix 18 Worker Authorisation Scheme - Bulgarian and Romanian Nationals
- Appendix 19 Ineligible Decisions – Keying Arrangements and Decision Letters

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 1

Useful Websites

Legislation can be downloaded from:

http://www.opsi.gov.uk/legislation/northernireland/ni_legislation.htm

These pages explain how nationals of the European Economic Area (EEA) and members of their family can enter, live in and work in the United Kingdom:

<http://www.ind.homeoffice.gov.uk/applying/eeaeunationals>

Information on the Workers Registration Scheme can be found at:

http://www.workingintheuk.gov.uk/working_in_the_uk/en/homepage/schemes_and_programmes/worker_registration/wrs_faq.html

Guidance for nationals of Bulgaria and Romania on obtaining permission to work in the United Kingdom can be found at:

<http://www.bia.homeoffice.gov.uk/6353/11406/49552/guidancefornationalofbulgar1.pdf>

Examples of passport endorsements, visas, permits etc.:

<http://www.ind.homeoffice.gov.uk/6353/18383/18469/fullguidance1.pdf>

<http://www.ukvisas.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1037023012243>

Guidance on Employing Migrant Workers:

<http://www.employingmigrantworkers.org.uk/index.html>

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Glossary of Terms

Appendix 2

A2 Accession Countries	Bulgaria and Romania; these two countries joined the EU on the 1 st January 2007. Their nationals are subject to requirements regarding residence and employment under the Workers Authorisation scheme.
A8 Accession Countries	8 of the 10 countries which joined the EU on the 1 st May 2004 are subject to special residence and employment rules known as the Workers Registration Scheme. Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovak Republic and Slovenia. Cyprus and Malta are not subject to such restrictions.
Habitual Residence Test HRT	A test which the UK Government uses to decide if an individual normally lives in the CTA (see below) in order to decide if he/she is entitled to benefits.
Certificate of Naturalisation	The document showing the grant of citizenship to a foreign national who can now apply for a British passport.
CTA	Common Travel Area; comprised the UK, Channel Islands, Isle of Man and the Republic of Ireland
Lawfully Present	This means that a person who requires leave to enter and remain in the UK has been granted that leave. EEA nationals do not require leave to enter.
Leave to Remain	When a non-EEA national is permitted to stay in the UK, they are granted leave to remain by the Government.
Leave to Enter	When permission is given for a non-EEA national to enter the UK from outside, this is referred to as 'leave to enter'.
Limited Leave to Enter/Remain	A form of leave granted to non-EEA national which permits them a limited period of stay in the UK. Some nationals will be able to take employment as part of their limited leave, although immigration restrictions may be imposed on the types of work they can do during their stay here. This is also often referred to as 'current' or 'subsisting' leave.
Indefinite Leave to Remain ILR	This is the immigration status granted by the Home Office to those foreign nationals who qualify for settlement or permanent residence in the United Kingdom. A person granted this status has no immigration restrictions placed on the work they may carry out in the UK, and no time limited on their stay.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

United Kingdom Border Agency (UKBA)	Formerly Immigration and Nationality Directorate (IND) is the Government Department within the Home Office which is responsible for migration to the UK.
Immigration Status Document	A document which contains a UK Residence Permit and grants the holder Limited/Indefinite Leave to Enter or Remain in the UK.
Asylum Seeker	A person subject to immigration control who is in the UK requesting refugee status is an asylum seeker.
NASS	National Asylum Support Service. A division of IND established in 2000 to operate the asylum support scheme.
Refugee Status / Asylum	Granted to those asylum seekers who are recognised by the Home Office in accordance with the criteria set out in the 1951 United Nations (Geneva) Convention or under Article 3 of the Human Rights Act.
Humanitarian Protection HP	Not all people seeking asylum are granted refugee status, but some are given leave to enter or remain in the UK on a humanitarian basis.
Discretionary Leave DL	Leave to remain which is awarded on an exceptional basis to a person in cases where their expulsion would breach ECHR Art3 on medical grounds
Public Funds	Public funds include a range of income-related benefits, together with housing and homelessness support. See Appendix 17 for the full list.
Illegal Entrant	A person who requires leave to enter the UK but enters (or attempts to enter) without leave.
Overstayer	A person who had limited leave to enter or remain which has expired.
Right of Abode	All British citizens have the right of abode in the UK, along with certain other Commonwealth citizens (those with a Certificate of Entitlement endorsed on their passport). Section 1(1) of the Immigration Act 1971 gives exemption from immigration control to persons with the right of abode in the UK, subject to proof on that right.

Chapter 10.9 Persons from Abroad**Issue Date: Revised 17 May 2009**

Sponsored Immigrant	Sponsored immigrants are given indefinite leave to enter or remain in the UK on the understanding that another person is prepared to support them by providing accommodation and day-to-day living expenses. There may occasionally be more than one sponsor. The home Office requires each sponsor to complete and sign a written maintenance undertaking.
United Kingdom Resident Permit (UKRP)	The UKRP is a passport endorsement which authorises an individual to stay in the UK. It is attached either to an individual's passport, or to their Immigration Status Document. The UKRP is issued in the UK for those seeking to further their stay here.
Work Permits	Work permit arrangements allow employers based in the UK to employ people from countries outside the EEA, if they have been unable to recruit an EEA national, or if the job is in a recognised shortage category.
Work Permits UK	This is part of the Immigration and Nationality Directorate of the Home Office. It administers work permit arrangements on behalf of the UK Government and also operates the Worker Registration Scheme (WRS).
Worker Registration Scheme	This is the scheme established by the Home Office to monitor the participation of A8 workers in the UK labour market.
Worker Authorisation Scheme	This is the scheme established by the Home Office to monitor the participation of A2 workers in the UK labour market.
European Union (EU) Countries	Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta and the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.
EEA Countries	All EU countries plus Iceland, Norway and Liechtenstein. In addition, Switzerland, although not a member of the EEA, has signed an agreement allowing its citizens the same rights as EEA nationals.
Family members	Spouse or civil partner, direct descendants under 21 years (including those over 21), ascendant relatives (grandparents/parents), and descendent relatives (grandchildren). Partners who are not married or in a registered civil partnership and who separate or divorce.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

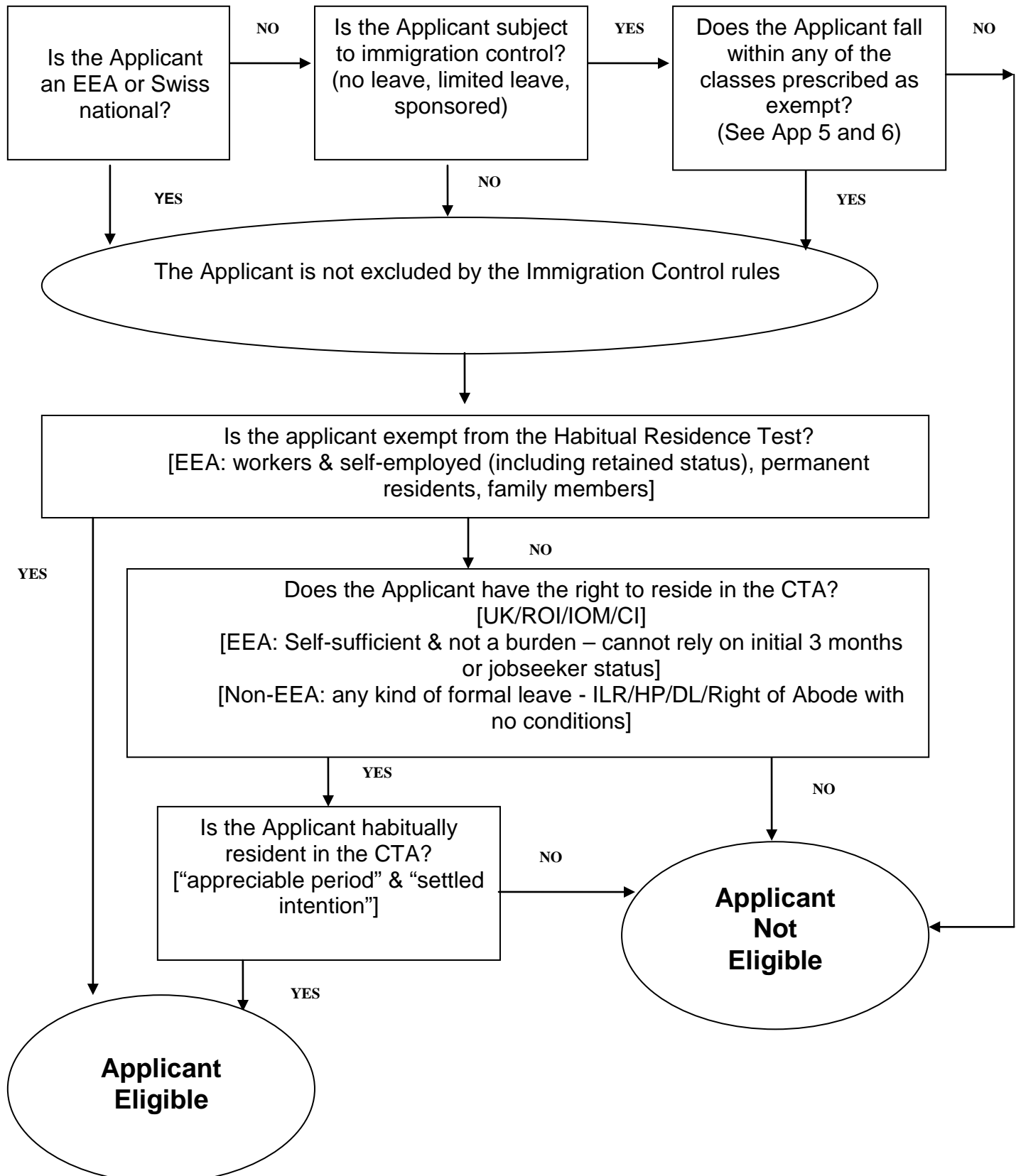
EEA Family Permit

A document given to non-EEA family members before they travel to allow them to enter the UK.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 3 Flowchart



Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 4 Summary: Classes of Applicant Eligible for Housing Assistance

Class of Applicant	Conditions of eligibility	How to identify / verify
British citizen; Irish Citizen; Commonwealth Country national	Must have a right to reside/right of abode and be habitually resident in the CTA	Passport
EEA citizen	Must be habitually resident in CTA, unless:	Passport or national identity card
A-8 Citizen	Must have a right to reside or family member of a person with a right to reside.	Employment details or details of self-employment or seeking work;
A-2 Citizen	- applicant is a “worker”, or - applicant has a right to reside in the UK - applicant has a right to reside conditional on being self-sufficient	Workers Registration Card and Certificate(s) Worker Authorisation Card and Certificate(s)
Person subject to immigration control granted refugee status	None	Home Office Papers and Immigration Status Document
Person subject to immigration control granted Humanitarian Protection or Discretionary leave to remain	Must not be subject to a condition requiring him/her to maintain him/herself and dependants	Stamp in passports; Home Office Papers and Immigration status Document
Person subject to immigration control granted indefinite leave to remain (ILR)	Must be habitually resident in CTA, and And, if ILR was granted on undertaking that a sponsor(s) would be responsible for maintenance & accommodation and 5 years has not elapsed since date of entry to UK or the undertaking – then at least one sponsor must have died	Stamp in passport or Home Office letter These sponsored people are likely to have a visa/entry clearance stating “Settlement/to join..... [nephew, son, daughter]”. The name of the person they are coming to join will generally be written in the passport next to the visa. The word “Sponsor” may or may not be used.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 5 Persons Subject to Immigration Control Prescribed as Eligible for an Allocation of Accommodation

Class of Applicant	Conditions of Eligibility	Reference
Person subject to immigration control granted refugee status	None	Class A
Person subject to immigration control granted exceptional leave to remain (ELR)	ELR must not be subject to a condition requiring him/her to maintain him/herself and any dependants without recourse to public funds.	Class B
Person subject to immigration control granted indefinite leave to remain (ILR)	Must be habitually resident in CTA And, if ILR was granted on undertaking that a sponsor(s) would be responsible for maintenance & accommodation and 5 years has not elapsed since date of entry to the UK or the undertaking – then at least one sponsor must have died	Class C
Person who left territory of Montserrat after 1 November 1995	None	Class D
An overseas student, where the accommodation has been let by the Executive to an education institution	None	Class F
A person who is already a secure tenant of the Executive or a registered housing association	None	Class M
A person who is owed a duty under Articles 8, 10(2), 10(3) or 11(2) of the Housing (NI) Order 1988	None	Class N

Notes

CTA The Common Travel Area includes the UK, the Channel Islands; the Isle of Man and the Republic of Ireland
See Appendix 8 for EEA countries.

Persons subject to immigration control are not **lawfully present** in the UK unless they have leave to enter or remain in the UK. Asylum seekers are granted “temporary admission” and do not have leave to enter or remain

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 6 Persons Subject to Immigration Control Prescribed as Eligible for Homelessness Assistance

Class of Applicant	Conditions of Eligibility	Reference
Person subject to immigration control granted refugee status	None	Class A
Person subject to immigration control granted Discretionary Leave (or previously exceptional leave to remain (ELR) or Humanitarian protection	Must not be subject to a condition requiring him/her to maintain him/herself and any dependants without recourse to public funds.	Class B
Person subject to immigration control granted indefinite leave to remain (ILR) (i.e. not subject to any time limit or condition)	Must be habitually resident in CTA And, if ILR was granted on undertaking that a sponsor(s) would be responsible for maintenance & accommodation and 5 years has not elapsed since date of entry to the UK or the undertaking – then at least one sponsor must have died	Class C
Person who left territory of Montserrat after 1 November 1995	None	Class D
An asylum seeker who claimed asylum on arrival (other than on re-entry) in the UK from a country outside the CTA on or before 2 April 2000 and whose claim has not been decided other than on appeal) or abandoned.	None	Class Q
An asylum seeker who made a claim for asylum on or before 4 February 1996 and was entitled to HB on that date	None	Class R
An asylum seeker who was in NI when Home Sec made a declaration that the country of which he is a national was subject to fundamental change in circumstances, who claimed asylum within 3 months of that declaration and whose claim has not been decided (other than on appeal) or abandoned.		Class T

Notes

CTA The Common Travel Area includes the UK, the Channel Islands; the Isle of Man and the Republic of Ireland See Appendix 8 for EEA countries.

Persons subject to immigration control are not **lawfully present** in the UK unless they have leave to enter or remain in the UK. Asylum seekers are granted “temporary admission” and do not have leave to enter or remain

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 7 Classes of Person Who are Not Eligible for Accommodation and Homelessness Assistance

Classes of Person Who are Subject to immigration Control and who are NOT eligible for an Allocation of Accommodation

- (i) asylum seekers who claimed asylum on or after 3 April 2000;
- (ii) visitors to this country (including overseas students) who have limited leave to enter or remain in the UK granted on the basis that they will not have recourse to public funds;
- (iii) persons who have leave to enter or remain in the UK which carries some form of limitation or condition (except where there is no prohibition on recourse to public funds);
- (iv) persons who have leave to enter or to remain in the UK which carries no form of limitation or condition but are not habitually resident in the Common Travel Area;
- (v) sponsored immigrants who have been in this country less than 5 years (from the date of entry or the date of the sponsorship agreement, whichever is the later) and whose sponsor(s) is still alive; and
- (vi) persons who are in the UK illegally, or who have overstayed their leave.

Classes of Person Who are Subject to immigration Control and who are NOT eligible for Homelessness Assistance

All of the above and also including:

Persons with limited leave to enter or remain in the United Kingdom who are in receipt of income support only because their remittances from abroad have been disrupted.

Classes of Person Who are NOT Subject to immigration Control and who are NOT eligible for an Allocation of Accommodation or for assistance under the Homelessness Legislation

With certain exceptions, persons not habitually resident in the Common Travel Area (Note both the allocation and homelessness regulations provide that a person shall not be treated as habitually resident in the CTA if he does not have a right to reside in the CTA; and

Persons whose right to reside in the CTA is derived solely from certain European directives (in broad terms these Directives apply to people who are not economically active and whose right to reside is conditional on them being self-sufficient and not placing an unreasonable burden on the social assistance system of the host State).

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 8 European Groupings (EU and EEA)

COUNTRIES WITHIN THE EUROPEAN UNION (EU)*

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

Note: Nationals of the eight Eastern European states which joined the EU on 1 May 2004 (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia) and the two states which joined the EU on 1 January 2007 (Bulgaria and Romania) have restricted access to benefits and social housing.

COUNTRIES WITHIN THE EUROPEAN ECONOMIC AREA (EEA)

All EU countries, plus Iceland, Norway and Liechtenstein.

SWITZERLAND

Although not an EEA country, Switzerland should be treated as such for the purposes of this guidance (see the *Immigration (European Economic Area) Regulations 2006* (S.I. 2006 No. 1003, regulation 2(1))).

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 9 How to Identify the Main Classes of Person Subject to Immigration Control Eligible for Homelessness Assistance / Housing Allocation

REFUGEE STATUS

1. A person granted refugee status has been recognised as a refugee in accordance with the criteria set out in the 1951 United Nations Convention relating to the status of refugees and granted asylum in the UK.
2. A person granted refugee status will normally have been issued by the Home Office with an Immigration Status Document and/or a letter (marked either GEN 22 or GEN 23 in the top right-hand corner) validated by an Immigration and Nationality Directorate ("IND") , Border and Immigration Agency ("BIA") or UK Border Agency date stamp.

A PERSON WHO HAS EXCEPTIONAL (DISCRETIONARY) LEAVE TO ENTER OR REMAIN IN THE UK OR HUMANITARIAN PROTECTION

3. Until 1 April 2003 exceptional leave to enter or remain in the UK could be granted to asylum seekers who had been refused asylum (i.e. not given refugee status) and other persons where there were compelling, compassionate circumstances which justified granting leave to enter or remain on an exceptional basis outside the immigration rules. Since 1 April 2003 humanitarian protection status has replaced exceptional leave and, from 9 October 2006, humanitarian protection has been brought within the immigration rules.
4. Exceptional leave to enter or remain was sometimes granted initially for 12 months only, and the person had the opportunity of seeking renewal for a further three years, prior to full settled status being granted (i.e. indefinite leave to remain with no limitation or condition). Persons holding such leave to enter or remain (even where this may be time limited) will be eligible for homelessness assistance unless it is subject to a condition requiring them to maintain and accommodate themselves (and their dependants) without recourse to public funds.
5. Humanitarian protection is granted for periods of up to 3 years. Towards the end of this period, protected persons/leave holders will have the opportunity to apply for further leave to remain (if the application is made within relevant time limits, the original protection or leave will continue to apply until a decision is made).
6. Persons holding exceptional leave to enter or remain which is time-limited should not be treated as persons holding limited leave to enter or remain in the UK (who will not be eligible).
7. Former asylum seekers granted exceptional leave to enter or remain will have been issued with a letter (marked GEN 19 in the top right-hand corner) showing the date until which leave to enter or remain has been granted. This letter will have been validated by an IND, BIA or UK Border Agency date stamp.

Chapter 10.9 Persons from Abroad

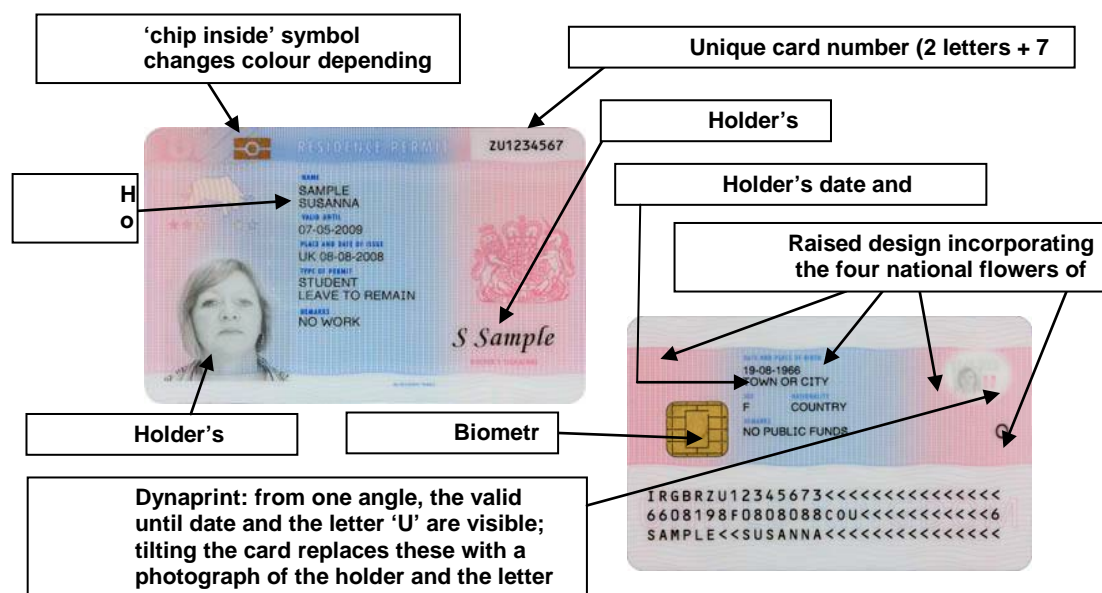
Issue Date: Revised 17 May 2009

A PERSON WHO HAS CURRENT LEAVE TO ENTER OR REMAIN IN THE UK, WHICH IS NOT SUBJECT TO ANY LIMITATION OR CONDITION

8. Persons subject to immigration control who have permission to remain in the UK for an indefinite period are regarded as having settled status within the meaning of the immigration rules. Such persons are granted indefinite leave to remain and this will be reflected by an endorsement to that effect in their passport, which will be accompanied by an authenticating date stamp issued by IND, BIA or the UK Border Agency.

NATIONAL IDENTITY SCHEME

- 8A The first phase of the National Identity Scheme has commenced with the introduction of identity cards for foreign nationals (non EEA) who have been granted leave to remain in the UK within certain categories, i.e. students and marriages / civil partnerships. These cards are issued in addition to the person's passport. It is anticipated that the scheme will be extended in the future.
- 8B Although it is not intended to be the only source of ID, the card can be presented as a primary form of ID to prove the holder's identity, nationality, and right to public funds and right to work (or otherwise).
- 8C The card can also be referred to as a 'Residence Permit' and will replace passport endorsements known as "vignettes" (although vignettes will remain in circulation alongside cards for the foreseeable future).



CONFIRMATION OF STATUS

9. If there is any doubt about an applicant's immigration status or the particular leave to enter or remain in the UK which they hold, housing authorities should contact the UK Border Agency using the procedures set out in Appendix 11.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

BRITISH SUBJECTS AND UK CITIZENS

10. Where this Guidance refers to “UK citizens” and “UK nationals” the terms are interchangeable. However, it should be noted that the British Nationality Act 1981 applies the term “British subject” to the following description of persons:
 - (a) Persons who derive this status from a connection with the Republic of Ireland before 1949 and have claimed the right to remain British subjects, and
 - (b) Certain persons closely connected with the former British India who have not acquired any alternative citizenship.
11. British subjects are entitled to be registered as UK citizens, subject to their meeting a number of residence requirements. While British subjects can hold a UK passport, only the following descriptions of British subjects have right of abode in the UK:
 - (a) those with a parent born in the UK, and
 - (b) those who were married before 1 January 1983 to a UK citizen.
12. For European Community purposes, only those British subjects with a right of abode are classed as UK nationals and are thus entitled to free movement rights.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 10 Asylum Seekers

Broadly speaking, an asylum seeker is a person claiming to have a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, and who is unable or unwilling to avail him or her self of the protection of the authorities in his or her own country. A person becomes an asylum seeker when his or her claim for asylum has been recorded by the Home Secretary, and he or she remains an asylum seeker until such time as that application has been finally resolved (including the resolution of any appeal). The recording, consideration and resolution of such claims is a matter for the Home Office's UK Border Agency ("the Agency").

Asylum seekers who are persons subject to immigration control and whose claim for asylum was made after 2 April 2000 are not eligible to be assisted under the homelessness assistance or to be allocated a social housing tenancy. The Home Office has arrangements in place for asylum seekers and such cases should be referred to the Housing Executive's Asylum Development Officer based in Belfast Area office.

However, certain asylum seekers whose claim for asylum was made before 3 April 2000 may be eligible for homelessness assistance. In such circumstances further advice should be sought from the Asylum Development Officer, Belfast Area. Alternatively, if there is any uncertainty about an applicant's immigration or asylum status, the designated officer should contact the Agency, using the procedures set out in Appendix 11. Before doing so, the applicant should be advised that an inquiry will be made: if at this stage the applicant prefers to withdraw his or her application, no further action will be required.

Chapter 10.9 Persons from Abroad

Issue Date: Revised 17 May 2009

Appendix 11 How to Contact the UK Border Agency

1. The Home Office's UK Border Agency (formerly the Border and Immigration Agency and before that known as the Immigration and Nationality Directorate) will exchange information with the Housing Executive subject to relevant data protection and disclosure policy requirements being met and properly managed, provided that the information is required to assist with the carrying out of statutory functions or the prevention and detection of fraud.
2. The Evidence and Enquiries Unit (EEU) will provide a service to the Housing Executive to confirm the immigration status of an applicant from abroad (non Asylum Seekers). Before doing so, the applicant should be advised that an inquiry will be made: if at this stage the applicant prefers to withdraw his or her application no further action will be required.
3. Staff throughout the Housing Executive have been identified as Designated Officers and registered with the Evidence and Enquiries Unit to make enquiries (See attached list). It is only these authorised staff who may make specific queries in relation to an Applicant. This can only be done by letter or by fax and replies will be returned by post. Address: Evidence and Enquiries Unit, UK Border Agency, 12th Floor, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY either by letter or fax (020 8196 3049).
4. Designated Officers can make individual enquiries by letter or fax, but replies will be returned by post.
5. The EEU will not usually indicate that someone is an asylum seeker unless the applicant has signed a disclaimer and it is attached to the enquiry or if the enquirer has specifically asked about asylum.
6. If a response indicates that an applicant has an outstanding asylum claim, or there are any queries regarding an ongoing asylum case, staff should contact the Housing Executive's Asylum Development Officer based in Belfast Area Office.
7. The UK Border Agency can only advise whether an EEA/foreign national has a right of residence in the UK. The Agency does not decide whether an EEA/foreign national qualifies for benefits or public housing.
8. Alternatively, District staff may wish to contact staff in Housing Policy, HQ who can assist in obtaining clarification for urgent or complicated queries.

Northern Ireland Housing Executive

The following nominated officers are registered with the UK Border Agency to make enquiries regarding the immigration status of an applicant.

Name	Title	Office
Ms Dolore Ferran	Assistant Director Housing and Regeneration	Housing and Regeneration 2 nd floor The Housing Centre 2 Adelaide Street BELFAST BT2 8PB Tel: 03448 920 900
Michael Conway	Principal Officer	Housing and Regeneration
Stephen Murphy	Principal Officer	Housing and Regeneration
John McManus	Assistant Principal Officer	Housing and Regeneration
Sean McGibbon	Principal Officer	
Fiona Neilan	Principal Officer	Housing and Regeneration
Gerry Tolan	Assistant Principal officer	Housing and Regeneration
Jackie O’Kane	Senior Officer	Housing and Regeneration
Rosemary Hodgen	Senior Admin Officer	Housing and Regeneration
John McManus	Assistant Principal Officer	Housing and Regeneration
Mrs. Frances Gallagher Mr Greg Quigg Mr David Fleming Mrs Sharon Kirk-Smyth	Head of Legal Services Solicitor Solicitor Solicitor	Legal Department 4 th floor The Housing Centre 2 Adelaide Street BELFAST BT2 8PB

Name	Title	Office
Ian Mc Crickard Liam Kinney Joe Donnelly	Regional Manager Principal Officer Asylum Development Officer	Belfast Area Office 32-36 Great Victoria Street BELFAST BT2 7BA 03448 920 900 03403448 920 900 48 920 900
Des Marley Joe Donnelly Susan Gilbride Samantha O'Neill Kenny Kerr Gareth McMeekin	Homelessness Services Mgr Assistant Manager, ADU Assistant Manager, HSU Senior Housing Officer Senior Housing Officer Senior Housing Officer Senior Housing Officer	Homelessness Services Unit 32-36 Great Victoria Street Belfast BT2 7BA Tel: 03448 920 900
Sharon Beattie Jean McKinney Margaret Marley	Area Manager West Belfast Senior Housing Officer Senior Housing Officer	32- 36 Great Victoria Street, Belfast BT2 7BA. Tel: 03448 920 900
Carole Johnston Francis Brown Brian Graham Pat Bates	Area Manager South& East Belfast Assistant Housing Services Mgr Senior Housing Officer Senior Housing Officer	South & East Belfast Area 32-36 Great Victoria Street Belfast, BT2 7BA Tel: 03448 920 900
Malachy McKinney Anne Cooke Tracey Mc Cullough Tommy Davidson Pauline Beattie	Area Manager Belfast North Belfast Assistant Housing Services Manager Assistant Housing Services Manager Senior Housing Officer Senior Housing Officer	32-36 Great Victoria Street Belfast BT2 7BA Tel: 03448 920 900
Gordon Reilly Sheila Mallon Karen Rankin	Housing Services Manager Senior Housing Officer Assist Dist Manager	The Shankill Wellbeing Centre 83 Shankill Road BELFAST BT13 1PD Tel: 03448 920 900

Name	Title	Office
Sharon Beattie Jean McKinney Margaret Marley	Area Manager West Belfast Senior Housing Officer Senior Housing Officer	32- 36 Great Victoria Street, Belfast BT2 7BA. Tel: 03448 920 900
Carole Johnston Francis Brown Brian Graham Pat Bates	Area Manager South& East Belfast Assistant Housing Services Mgr Senior Housing Officer Senior Housing Officer	South & East Belfast Area 32-36 Great Victoria Street Belfast, BT2 7BA Tel: 03448 920 900
Malachy McKinney Anne Cooke Tracey Mc Cullough Tommy Davidson Pauline Beattie	Area Manager Belfast North Belfast Assistant Housing Services Manager Assistant Housing Services Manager Senior Housing Officer Senior Housing Officer	32-36 Great Victoria Street Belfast BT2 7BA Tel: 03448 920 900
Gordon Reilly Sheila Mallon Karen Rankin	Housing Services Manager Senior Housing Officer Assist Dist Manager	The Shankill Wellbeing Centre 83 Shankill Road BELFAST BT13 1PD Tel: 03448 920 900
Lorraine Campbell John Nelson Stephen Mc Burney	Regional Manager South & South-East Principal Officer Homeless Officer	South East Area Office Strangford House 28 Court Street NEWTOWNARDS BT23 7NX
Owen Brady Tom Carroll Cathy Slavin	Area Manager North Down & Ards Manager Senior Housing Officer Homeless Officer	Newtownards District Office 2-32 Frederick Street NEWTOWNARDS BT23 4LR
Alison Methven Marion Crymble	Housing Services Manager Senior Housing Officer	Bangor District Office 2 Alfred Street BANGOR BT20 5HD
Aengus Hannaway Sharon Hazley Avril Shields Sam Purdy	Area Manager Lisburn/Castlereagh Assistant Housing Services Manager Senior Housing Officer Senior Homeless Officer	Lisburn Antrim Street District Office 29 Antrim Street LISBURN BT28 1AU
Paul Carland James McBratney Janet Lilburn	Housing Services Manager Assistant Housing Services Manager Senior Housing Officer	Castlereagh District Office 30 Church Road DUNDONALD BT16 0LN
Philip O Flaherty Maura Kerr Patricia Rice	Housing Services Manager Senior Housing Officer Senior Housing Officer	Lisburn Dairyfarm District Office Stewartstown Road BELFAST BT17 0SB

Name	Title	Office
Loma Wilson Jan Sweeney Joe Donnelly Aileen McGuinness	Area Manager South Down(Newry & Downpatrick) Housing Services Manager Senior Housing Officer Senior Housing Officer	Newry Office 35-45 Boat Street Newry BT34 2DB
Bernie Smyth Anne Millar	Senior Housing Officer Senior Housing Officer	Downpatrick Office Downshire Civic Centre DOWNPATRICK BT30 6RA
Lorraine Campbell Lawrence Peile Deirdre Wiggins	Regional Manager South& South East Principal Officer Regional Homeless Officer	South Regional Office Marlborough House Central Way Craigavon BT64 1AJ
Comghal McQuillan	Area Manager (Craigavon/Armagh/ Banbridge)	Lurgan District Office, 122 Hill St, Lurgan
John McAleavey Paula McQuillan	Assistant Housing Services Manager Senior Housing Officer	Lurgan District Office, 122 Hill Street, Lurgan BT66 6BH
Mark Ingham Melvin Spiers	Assistant Housing Services Manager Senior Housing Officer	Portadown D.O. 41 Thomas Street, Portadown BT62 3AF
Judith McNamee Siobhan Cunningham	Assistant Housing Services Manager Senior Housing Officer	Banbridge D.O. 56 Bridge St, Banbridge BT32 3JL
Owen McDonnell Janet Agnew	Assistant Housing Services Manager Senior Housing Officer	Armagh D.O. 48 Dobbin St, Armagh BT61 7BR

Name	Title	Office
Frank O'Connor Leslie Telford June Ross Mairead Myles Davey	Regional Manager North & West Principal Officer Area Homeless Officer Area Services Manager East (Ballymena.Magherafelt Larne Carrickfergus)	North Area Office Twickenham House Mount Street BALLYMENA BT43 6BP
Ivan Armstrong (Oonagh McAvinney)	South West Area Manager (Omagh/Fermanagh/Dungannon/Cookstown)	
Jackie O'Neill Catherine Friel	Senior Housing Officer Senior Housing Officer	Omagh District Office, MacAllister House Woodside Ave, Mountjoy Rd, Omagh BT79 7BP
Oonagh McAvinney Helen Hicks	Housing Services Manager Senior Housing Officer	Fermanagh D.O Riverview House, Head St, Enniskillen BT74 7DB
Denise McNally Jim Kennedy	Assistant Housing Services Manager Senior Housing Officer	Dungannon D.O Ballygawley Rd, Dungannon BT70 1AT
Margaret Bradley Deirdre McCaughey Siobhan McKeown	Assistant Housing Services Manager Senior Housing Officer Senior Housing Officer	Cookstown D.O 15 Morgan's Hill Road, Cookstown BT80 8HA

Name	Title	Office
Mairead Myles-Davey John McMaster Lorraine Wilson	Housing Services Manager East Assistant Housing Services Manager Senior Housing Officer	Ballymena District Office Twickenham House Mount Street BALLYMENA BT43 6BP
Mairead Myles-Davey	Area Services Manager East (Ballymena.Magherafelt Larne Carrickfergus)	
Eric Woods John McMaster Lorraine Wilson	Housing Services Manager East Assistant Housing Services Manager Senior Housing Officer	Ballymena District Office Twickenham House Mount Street BALLYMENA BT43 6BP
Eric Woods Margaret Kelly	Housing Services Manager East Senior Housing Officer	Magherafelt District Office 3 Ballyronan Road MAGHERAFELT BT45 6BP
Eric Woods Kim Cleland Letitia Edwards	Housing Services Manager Assist Housing Services Manager Senior Housing Officer	Larne District Office Sir Thomas Dixon Buildings 47 Victoria Road LARNE BT40 1RU
Philip Wightman Ann Glenn	Assistant Housing Services Manager Senior Housing Officer	Carrickfergus District Office 19 High Street CARRICKFERGUS BT38 7AN

Name	Title	Office
Mark Alexander	Area Manager Causeway (Coleraine, Ballymoney, Limavady Ballycastle)	
Michael Dallat Dominic Bennett Andree Tweed	Housing Services Manager Acting Assistant Housing Services Manager Senior Housing Officer	Causeway Area Coleraine Office 19 Abbey Street COLERAINE BT52 1DU
Brendan Doherty Fraser Cathcart	Assist Housing Services Manager Senior Housing Officer	Ballymoney District Office 50-54 Main Street BALLYMONEY BT53 6AL
Pamela Mullan, Martina Forrest, Hilary Canning.	Assistant Housing Services Manager Acting Senior Housing Officer Housing Officer	Limavady District Office 33 Catherine Street LIMAVADY BT49 9DA
Richard Starrs	Assist Housing Services Manager	Ballycastle District Office Fleming House, Coleraine Road BALLYCASTLE BT54 6EY
Sharon Crooks	Area Services Manager South Antrim (Antrim N'Abbey1&2)	
Sharon Crooks Sandra Garvey Sandra Denmark	Area Services Manager South Antrim (Antrim N'Abbey1&2) Assist Housing Services Manager Senior Housing Officer	Newtownabbey 1 District Office Rantalard House, Rathcoole Drive, Rathcoole NEWTOWNABBEY BT37
Brendan Adams Geraldine Haire Mark Spence	Housing Services Manager Assistant Housing Services Manager Senior Housing Officer	48 High Street ANTRIM BT41 4AN
Liz Cunningham Diane Greer	Assist Housing Services Manager Senior Housing Officer	Newtownabbey 2 District Office 2 Ballyearl Drive, New Mossley NEWTOWNABBEY BT36 5XJ

HOUSING SELECTION SCHEME GUIDANCE MANUAL

HOUSING
SELECTION
SCHEME

Issue Date Reviewed Oct 2013

Name	Title	Office
Frank O'Connor Eddie Doherty Eamon McGlinchey	Regional Manager North & West Housing Services Manager West Area Homeless Officer	West Area Office Richmond Chambers The Diamond LONDONDERRY BT48 6QP
Avril McAllister (Michael Dallat)	Area Manager West (Waterloo, Waterside Collon Tce & Strabane)	Waterside District Office 2 Glendermott Road, Waterside LONDONDERRY BT47 1AU
Joanna O'Boyce Marie Callan	Assistant Housing Services Manager Senior Housing Officer	Waterside District Office 2 Glendermott Road, Waterside LONDONDERRY BT47 1AU
Gerry McAuley Sheila Butler	Assist Housing Services Manager Senior Housing Manager	Waterloo Place District Office Ulster Bank Buildings, Waterloo Place LONDONDERRY BT48 6BS
Michael Doyle Paul Devine	Assistant Housing Services Manager Acting Senior Housing Officer	Collon Terrace District Office 14 Collon Terrace LONDONDERRY BT48 7QP
Noel McNulty Declan Graham	Assist Housing Services Manager Senior Housing Officer	Strabane District Office PO BOX 11, 48 Railway Road STRABANE BT82 8EH

Issue Date Reviewed Oct 2013

Appendix 12 Public Funds

A condition may be attached to limited leave to enter or remain given to a person from abroad that the person concerned must not have recourse to public funds. This phrase is specifically, and exhaustively, defined in para 6 of the Immigration Rules as amended. The practice has been introduced of placing an endorsement to that effect in a person's passport where appropriate.

A person can only be subject to the condition that they do not have recourse to public funds on their stay in the U.K. if they are subject to immigration control as this is a requirement imposed by regulations that have no application to people who have a right of abode or right to reside. A condition attached to a person's leave to enter or remain prohibiting recourse to public funds only applies if that leave is for a limited period. No immigration conditions can be attached to indefinite leave to enter or remain, although a person who has indefinite leave is not always eligible for housing.

Public funds' include a range of income-related benefits, together with housing and homelessness support. The full list is as follows:

- income-based jobseeker's allowance
- income support
- child tax credit
- working tax credit
- a social fund payment
- child benefit
- housing benefit
- council tax benefit
- state pension credit
- attendance allowance severe disablement allowance
- carer's allowance
- disability living allowance
- an allocation of local authority housing
- local authority homelessness assistance

Only the forms of support listed above count as public funds – and include non-contributory benefits, tax credits, and housing and homelessness assistance. Public funds do not include the benefits based on National Insurance contributions, such as:

- contribution-based jobseeker's allowance
- incapacity benefit
- retirement pension
- widows benefit and bereavement benefit
- guardian's allowance

Issue Date **Reviewed Oct 2013**

- statutory maternity pay

Note: Access to healthcare and education also do not count as public funds - although an applicant's immigration status may affect whether they are eligible for them.

Cases where money from public funds is being received by an individual's partner do not count as "recourse to public funds" - for example, where child benefit is being received by a British citizen married to an individual subject to immigration control. In such cases, the individual receiving the money is entitled to do so. Their partner's immigration status makes no difference to this.

Issue Date Reviewed Oct 2013

Appendix 13 Habitual Residence Test

WHO THE HABITUAL RESIDENCE TEST APPLIES TO

1. The regulations provide that some classes of applicant will be eligible for homelessness assistance subject to their being “habitually resident” in the Common Travel Area (CTA). However, in practice, when considering applications from persons who are subject to the habitual residence test (HRT) it is only necessary to investigate habitual residence if the applicant has arrived or returned to live in the UK during the two year period prior to making the application.
2. A person can satisfy the HRT if they are habitually resident in the CTA. The CTA comprises:
 - the UK,
 - the Channel Islands,
 - the Isle of Man, and
 - the Republic of Ireland.

WHO THE HABITUAL RESIDENCE TEST DOES NOT APPLY TO

3. The HRT does not apply to:
 - the applicant's partner
 - dependent children, or
 - young persons who are part of the applicant's family.

RESIDENTS FROM ZIMBABWE

The Allocation of Housing and Homelessness (Eligibility) Regulations (NI) 2006 have been amended with effect from 18 May 2009 to exempt persons returning from Zimbabwe under the UK Government's resettlement scheme from the HRT.

A person not subject to immigration control who is not habitually resident, and who:

- Arrived in the United Kingdom on or after 28th February 2009 but before 18th March 2011;
- Immediately before arriving in the United Kingdom had been resident in Zimbabwe; and
- Before leaving Zimbabwe had accepted an offer made by HM Government to assist that person to settle in the United Kingdom,

will be eligible for an allocation of housing accommodation or homelessness assistance in Northern Ireland.

Issue Date Reviewed Oct 2013

GENERAL PRINCIPLES

4. When deciding whether a person is habitually resident in a place, consideration must be given to all the facts of each case in a common sense way. It should be remembered that:
- the test focuses on the fact and nature of residence;
 - a person who is not resident somewhere cannot be habitually resident there. Residence is a more settled state than a mere physical presence in a country. To be “resident”, a person must be seen to be making a home. It need not be the person’s only home, or even a permanent home, but it must be a genuine home for the time being (for example, a person visiting the UK for the purpose of receiving short-term medical treatment is not resident);
 - the most important factors for habitual residence are length, continuity and general nature of actual residence rather than intention;
 - considering the practicality of a person’s arrangements for residence is a necessary part of deciding whether it can be described as “settled” and “habitual”;
 - established habitual residents who have periods of temporary or occasional absence of long or short duration may still be habitually resident during such absences.

ACTION ON RECEIPT OF AN APPLICATION

5. If it appears that the applicant came to live in the UK in the last two years, the Executive should make further enquiries to decide if the applicant is habitually resident, or can be treated as such.

Factors to consider

6. It is important to consider the applicant's stated reasons and intentions for coming to the UK. If the applicant's stated intention is to live in the UK, and not return to the country from which they came, that intention must be consistent with their actions.
7. To decide whether an applicant is habitually resident in the UK, the Executive should consider the factors set out below. However, these do not provide an exhaustive checklist of the questions or factors that need to be considered. Further enquiries may be needed. The circumstances of each case will dictate what information is needed, and all relevant factors should be taken into account.

Why has the applicant come to the UK?

8. If applicant is returning to the UK after a period spent abroad, and it can be established that the applicant was previously habitually resident in the UK and is returning to resume

Issue Date Reviewed Oct 2013

his or her former period of habitual residence, **he or she is will be immediately habitually resident.**

9. In determining whether an applicant is returning to resume a former period of habitual residence, the Executive should consider
 - when did the applicant leave the UK?
 - how long did the applicant live in the UK before leaving?
 - why did the applicant leave the UK?
 - how long did the applicant intend to remain abroad?
 - why did the applicant return?
 - did the applicant's partner and children, if any, also leave the UK?
 - did the applicant keep accommodation in the UK?
 - if the applicant owned property, was it let, and was the lease timed to coincide with the applicant's return to the UK?
 - what links did the applicant keep with the UK?
 - have there been other brief absences? (If yes, obtain details)
 - why has the applicant come to the UK?
10. If the applicant has arrived in the UK within the previous two years and is not resuming a period of habitual residence, consideration should be given to his reasons for coming to the UK, and in particular to the factors set out below.

Joining family or friends

11. If the applicant has come to the UK to join or rejoin family or friends, consider:
 - has the applicant sold or given up any property abroad?
 - has the applicant bought or rented accommodation or is he or she staying with friends?
 - is the move to the UK intended to be permanent?

Applicant's plans

Issue Date Reviewed Oct 2013

12. Consider the applicant's plans, i.e.:
 - if the applicant plans to remain in the UK, is the applicant's stated plan consistent with his or her actions?
 - were any arrangements made for employment and accommodation (even if unsuccessful) before the applicant arrived in the UK?
 - did the applicant buy a one-way ticket?
 - did the applicant bring all his or her belongings?
 - is there any evidence of links with the UK, e.g. membership of clubs?
13. The fact that a person may intend to live in the UK for the foreseeable future does not, of itself, mean that habitual residence has been established. However, the applicant's intentions along with other factors, for example the purchase of a home in the UK and the disposal of property abroad may indicate that the applicant is habitually resident in the UK.
14. An applicant who intends to reside in the UK for only a short period, for example on holiday, to visit friends or for medical treatment, is unlikely to be habitually resident in the UK.

Length of residence in another country

15. The Executive should consider the length and continuity of an applicant's residence in another country:
 - how long did the applicant live in the previous country?
 - does the applicant have any remaining ties with his or her former country of residence?
 - has the applicant stayed in different countries outside the UK?
16. It is possible that a person may own a property abroad but still be habitually resident in the UK. A person who has a home or close family in another country would normally retain habitual residence in that country. A person who has previously lived in several different countries but has now moved permanently to the UK may be habitually resident here.

Centre of interest

17. An applicant is likely to be habitually resident in the CTA, despite spending time abroad, if his or her centre of interest is located in the CTA.
18. People who maintain their centre of interest in the CTA, for example a home, a job, friends, membership of clubs, are likely to be habitually resident there. People who have retained their centre of interest in another country and have no particular ties with the CTA are

Issue Date **Reviewed Oct 2013**

unlikely to be habitually resident in the CTA.

19. The Executive should take the following into account when deciding the centre of interest:

- home;
- family ties;
- club memberships;
- finance accounts.

20. If the centre of interest appears to be in the CTA but the applicant has a home abroad, consider the applicant's intentions regarding the property.

21, In certain cultures, e.g. some Asian cultures, it is quite common for a person to have property abroad, which they do not intend to sell. Where such a person has lived in the CTA for many years, the fact that they have property elsewhere does not necessarily mean that they intend to leave, or that their centre of interest is elsewhere.

Issue Date Reviewed Oct 2013

Appendix 14 Workers Registration Scheme

Introduction

1. On 1 May 2004, 10 countries became Member States of the EU: Cyprus, Malta, Poland, Lithuania, Estonia, Latvia, Slovenia, Slovakia, Hungary and the Czech Republic.
2. Nationals of all these countries have the right to move freely among all member states. Nationals of 2 of the Accession countries-Malta and Cyprus-enjoyed full EU Treaty Rights from 1 May 2004. These include the right to seek work and take up employment in another Member State.
3. However, under the EU Accession Treaties that apply to the other 8 Accession States ("the A8 Member States"), existing Member States can impose limitations on the rights of nationals of the A8 Member States to access their labour markets (and the associated rights of residence), for a transitional period. (The EU Accession Treaties do not allow existing member States to restrict access to their labour markets by nationals of Malta or Cyprus.)
4. Under the Accession (Immigration and Worker Registration) regulations 2004 (SI 2004/1219) as amended ("the Accession regulations"), nationals of the A8 Member States (with certain exceptions) are required to register with the Home Office if they work in the UK during the transitional period. While looking for work (or between jobs) their right to reside will be conditional on them being self-sufficient and not imposing an unreasonable burden on the UK social assistance system. These conditions cease to apply once they have worked in the UK continuously for 12 months.

The Accession Registration

5. The Accession Regulations provide that, from 1 May 2004, nationals of the A8 Member States can take up employment in the UK provided they are authorised to work for their employer under the Worker Registration Scheme (see paragraph 7).
6. The Accession Regulations also give workers from the A8 Member States the right to reside in the UK. Workers from the A8 Member States who are working lawfully have the same right to equal treatment as other EEA workers while they are working.

Issue Date Reviewed Oct 2013

The Worker Registration Scheme (WRS)

7. The Worker Registration Scheme (WRS) applies only to nationals of Poland, Lithuania, Estonia, Latvia, Slovenia, Slovakia, Hungary and the Czech Republic (the A8 Member States). It is a transitional Scheme under which the UK Government allows nationals of the A8 Member States access to the UK labour market provided they comply with the terms of the Scheme.
8. The derogation from EU law allowed by the Treaties of Accession does not apply to nationals of existing EEA states. Workers from those states therefore have an EC right to work and reside in the UK.
9. As mentioned above, the WRS is a transitional measure. The Accession Regulations provide for the Registration Scheme to operate for up to five years from 1 May 2004 (i.e. until 30 April 2009). The Government reviewed the Scheme within its first two years of operation and decided that the Scheme would continue beyond 1 May 2006. The need to retain the Scheme during the whole of the second phase will be kept under review.
10. Nationals of the A8 Member States who are self-employed are not required to register. (Under the Accession Treaties, there is no derogation from the right of EU citizens to establish themselves in another Member State (including the UK) as self-employed persons.) However, nationals of A8 Member States who are self-employed cannot take paid employment unless they register (unless they are exempt from registration – see below).

Registration under the Scheme

11. Nationals of A8 Member States (except those who are exempt from registration – see below) must apply to register with the Home Office as soon as they start work in the UK, and within one month of taking up employment at the very latest. They will be issued with a **worker registration card** and a **worker registration certificate** authorising them to work for the employer concerned.
12. If they change employers they will have to apply to for a new registration certificate authorising them to work for their new employer. They will then be provided with a new worker registration certificate for that employer. If they change employer or have a break in employment and resume working for the same employer, they must apply for a new registration certificate.
13. Workers from the A8 Member States have the same right to equal treatment as other EEA workers while they are working.
14. After 12 months registered uninterrupted work in the UK, a worker from an A8 Member State will acquire full EU Treaty rights, and will be free from the requirement to register to work. At that stage, they will be able to apply to the Home Office for an EEA residence permit to confirm their right to equal treatment on the same basis as other EEA nationals.
15. The Worker Registration Team issues applicants with a secure **worker registration card** containing:

Issue Date **Reviewed Oct 2013**

- Name;
- Date of Birth;
- Nationality;
- Date of issue;
- Unique identification number;
- a facial identifier (photograph);
- and

a **certificate** (on secure paper), which states:

- Worker's name;
- Worker's date of birth;
- Nationality;
- Worker's unique identification number;
- Name and address (head or main office) of employer
- Job title;
- Start date;
- Date of issue.

16. The **registration card** is a secure document that provides applicants with a unique identification reference number. This is valid for as long as the applicant requires registration under the scheme.
17. The **registration certificate** is specific to a particular employer. The certificate expires as soon as the person stops working for that employer. If the person changes employers or has a break in employment and resumes working for the same employer, he or she must apply for a new registration certificate.
18. A worker from an A8 Member State (who is subject to the registration scheme) must not be out of work for more than a total of 30 days in a 12-month period, in order to establish 12 months uninterrupted work.
19. If a national of an A8 Member State has worked for a period of less than 12 months when the employment comes to an end, he will need to find another job within 30 days to be able to count the first period of work towards accruing a period of 12 months uninterrupted employment.
20. If the worker's second (or subsequent) employment comes to an end before he or she has accrued a period of 12 months uninterrupted employment, he must ensure that there has been no more than a total of 30 days between all the periods of employment. If more than 30 days between periods of employment occur before a 12 month period of uninterrupted employment is established, a fresh period of 12 months uninterrupted employment would need to commence from that point.

Issue Date **Reviewed Oct 2013**

21. The WRS is based on continuity of employment- there is no restriction on the number of different jobs (or employers) that a worker can have during a 12-month period of continuous employment.
22. When an A8 Member State worker has worked for 12 months without interruption he can apply to the Home Office for an EEA residence permit. Evidence of 12 months uninterrupted employment would include the worker registration card, worker registration certificates for each of the jobs they have undertaken, letters from employers and pay slips.

A8 nationals who must register

23. The WRS applies to nationals of the following accession states: Poland, Lithuania, Estonia, Latvia, Slovenia, Slovakia, Hungary and the Czech Republic.
24. Nationals of A8 Member States need to apply for a worker registration certificate under the worker registration scheme, if they are citizens of one of the countries listed above and they:
 - Start a new job on or after 1 May 2004;
 - Have been working in the UK before 1 May 2004 without authorisation or on breach of their immigration conditions;
 - Are working on a short-term or temporary basis; or
 - Are a student who is also working

A8 nationals exempt from registration

25. The following are categories of nationals of an A8 Member State who are not required to register under the WRS:
 - Those working in a self-employed capacity;
 - Those who are providing services in the UK on behalf of an employer who is not established in the UK;
 - Those who are a family member (spouse, civil partner, or child under the age of 21 or dependant) of a Swiss or EEA national (other than an A8 national) who is working in the UK;
 - Those who are a family member (spouse, civil partner, or dependant child) of a Swiss or EEA national who is in the UK and is a student, self-employed, retired or self-sufficient.

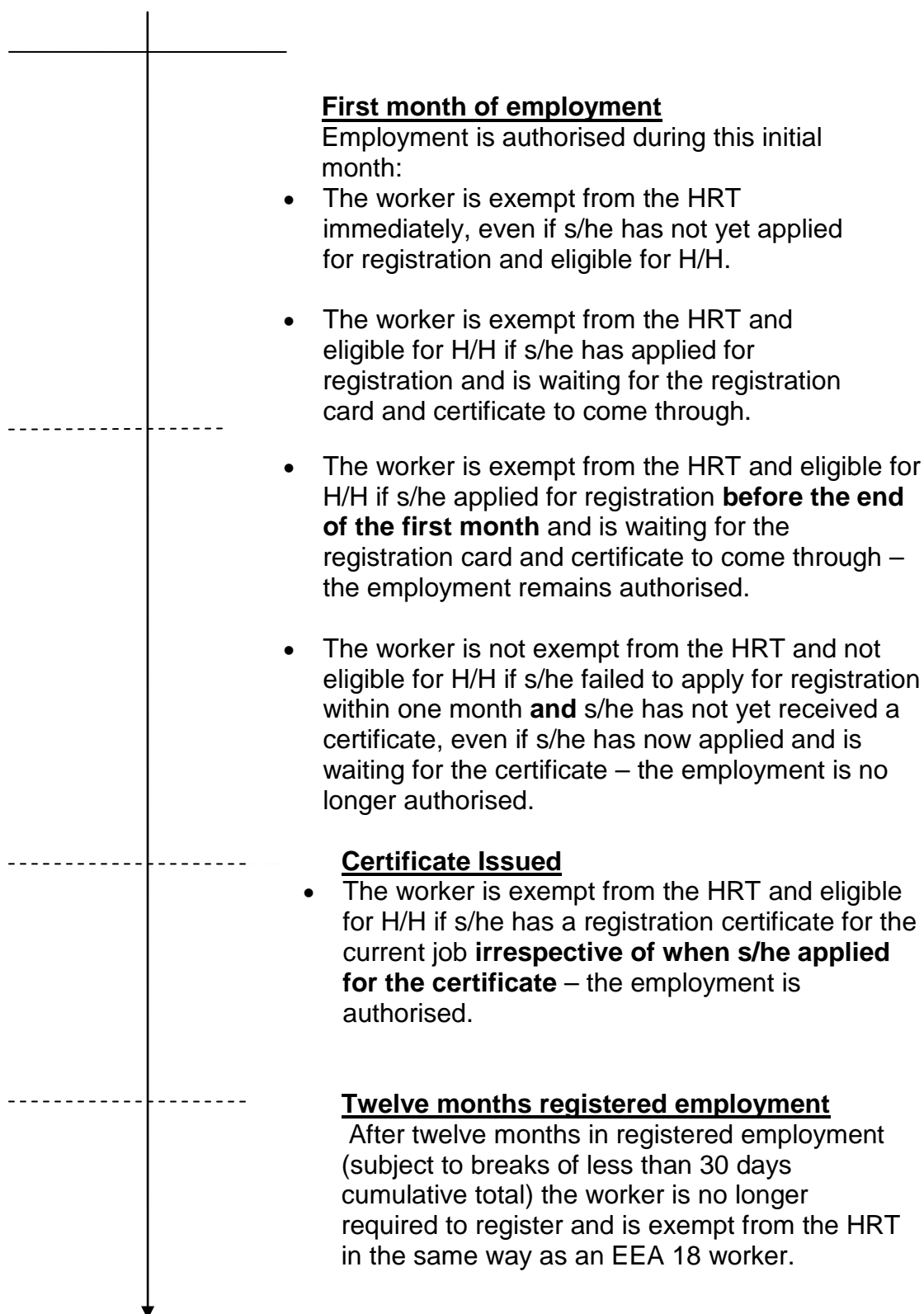
WORKER AUTHORISATION SCHEME

26. On 1 January 2007 a further 2 countries (Bulgaria and Romania - "the A2 countries") became Member States of the EU. Nationals of the A-2 countries have only restricted access to the UK labour market and to benefits and social housing.

Issue Date **Reviewed Oct 2013**

27. After 31 December 2006 Bulgarian and Romanian nationals can travel freely throughout the EU provided they are in possession of a valid EU travel document.
28. The *Accession (Immigration and Worker Authorisation) Regulations 2006* ("the Authorisation Regulations") provide that A-2 nationals can take up employment in the UK provided they are authorised to work for their employer under the new Workers Authorisation Scheme.
29. *Low-skilled workers* will be restricted to those sectors of the economy where the UK already has low-skilled schemes and will be subject to a strict quota which will not exceed 20,000 workers per year. A2 workers on these schemes will have rights to work limited to six months that will not give them access to benefits and public housing. There will be no net increase in these existing schemes and workers will be required to have an authorisation document.
30. *Skilled workers* with the right qualifications and experience will continue to be allowed to come to the UK on work permits to take up specific jobs where no suitable UK applicants can be found. Those with particularly high levels of skills and experience will continue to be admitted as they are now under the Highly Skilled Migrants Programme.
31. *Students* will continue to be allowed to study in the UK and to seek part-time employment during their stay but will need a work authorisation document to do so.
32. *The self-employed* will continue to be able to work here, but must be able to prove they are genuinely self-employed
33. These new arrangements will be reviewed within 12 months of their commencement and the Government's new Migration Advisory Committee will assist in this process, taking account of the needs of the labour market, the impact of the A8 accession and the positions adopted by other EU countries.
34. The Worker Registration Scheme (WRS) will continue to apply to nationals of the A8 countries. The WRS will not apply to Bulgarian and Romanian nationals.

Issue Date Reviewed Oct 2013

Appendix 15 A8 Worker Registration Eligibility Flowchart

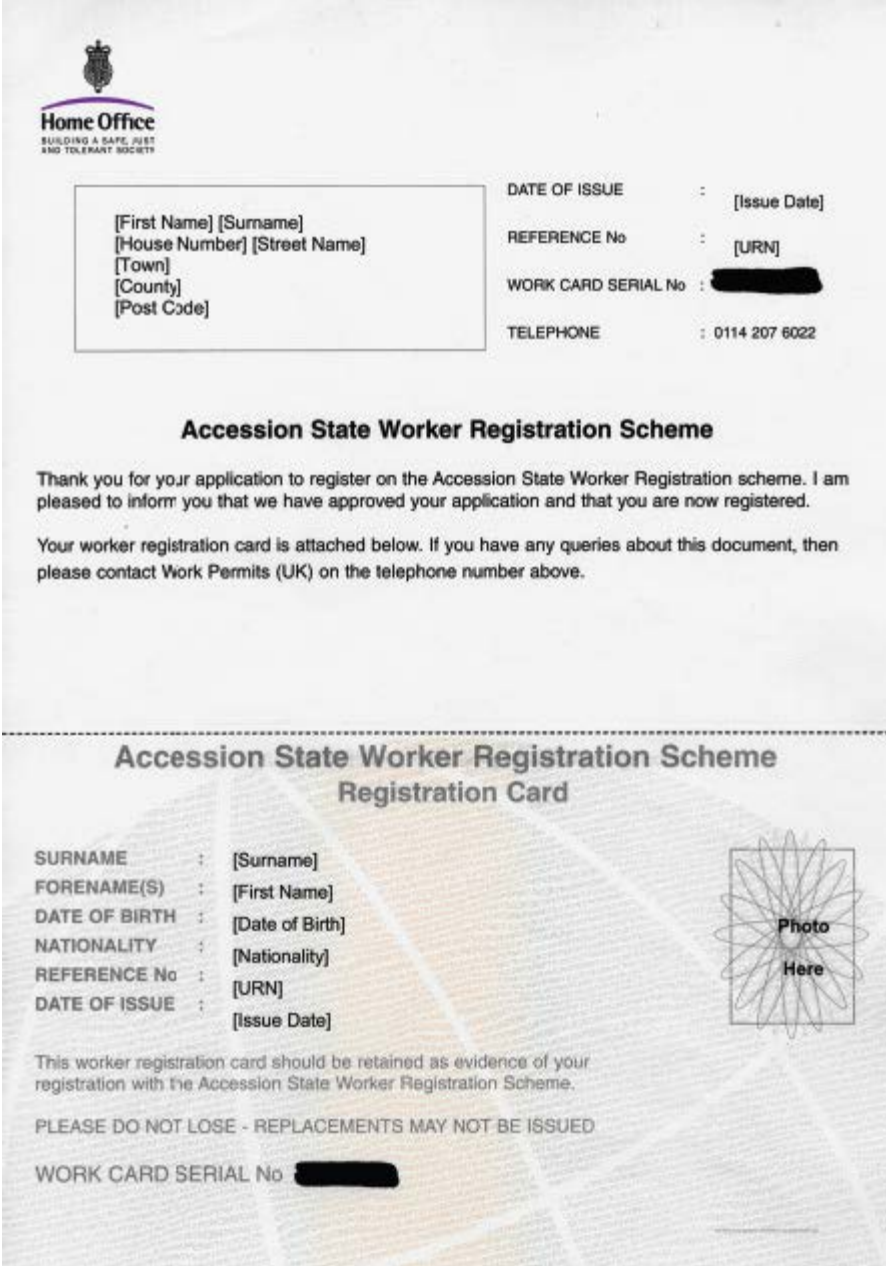
NOTE: If the worker failed to apply for registration within the first month of employment, s/he will only complete 12 months' **registered** employment 12 months after **becoming registered**.

HOUSING SELECTION SCHEME GUIDANCE MANUAL

HOUSING
SELECTION
SCHEME

Issue Date Reviewed Oct 2013

Appendix 16 Example of a Worker Registration Scheme Card



The image shows a sample of a Worker Registration Scheme Card. It is divided into two main sections. The top section is a letter from the Home Office, and the bottom section is the registration card itself.

Home Office
BUILDING A SAFE, JUST AND TOLERANT SOCIETY

[First Name] [Surname]
[House Number] [Street Name]
[Town]
[County]
[Post Code]

DATE OF ISSUE : [Issue Date]
REFERENCE No : [URN]
WORK CARD SERIAL No : [Redacted]
TELEPHONE : 0114 207 6022

Accession State Worker Registration Scheme

Thank you for your application to register on the Accession State Worker Registration scheme. I am pleased to inform you that we have approved your application and that you are now registered.

Your worker registration card is attached below. If you have any queries about this document, then please contact Work Permits (UK) on the telephone number above.

Accession State Worker Registration Scheme
Registration Card

SURNAME : [Surname]
FORENAME(S) : [First Name]
DATE OF BIRTH : [Date of Birth]
NATIONALITY : [Nationality]
REFERENCE No : [URN]
DATE OF ISSUE : [Issue Date]

Photo
Here

This worker registration card should be retained as evidence of your registration with the Accession State Worker Registration Scheme.

PLEASE DO NOT LOSE - REPLACEMENTS MAY NOT BE ISSUED

WORK CARD SERIAL No [Redacted]

D

Issue Date Reviewed Oct 2013

Appendix 17 Example of a Worker Registration Certificate



 **Home Office**
BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

Managed Migration
Home Office
PO Box 3468
Sheffield S3 8WA
www.workingintheuk.gov.uk

[First Name] [Surname]
[House Number] [Street]
[Town]
[County]
[Post Code]

Date of Issue: [Issue Date]

**ACCESSION STATE WORKER REGISTRATION SCHEME
REGISTRATION CERTIFICATE**

Thank you for your application to register on the Accession State Worker Registration Scheme. I am pleased to inform you that we have approved your application.

This is your worker registration certificate. It authorises you to work for the employer specified in this certificate.

This certificate ceases to be valid if you are no longer working for the employer specified in this certificate on the date on which it is issued.

This certificate expires on the date you cease working for the specified employer.

This certificate should be retained with your worker registration card.

Name : [First Name] [Surname]
Date of Birth : [Date of Birth]
Nationality : [Nationality]
Unique Reference Number: [URN]
Job start date : [Date Started Employment]
Employer's Name : [Employer Name]
Employer's Address : [Unit Number] [Street Name]
[Town]
[County]
[Post Code]

Issue Date Reviewed Oct 2013

Appendix 18 Eligibility - Bulgarian and Romanian Nationals**1. INTRODUCTION**

This guidance note outlines the rules relating to the eligibility of Romanian and Bulgarian nationals for an allocation of housing accommodation and homelessness assistance.

2. BACKGROUND

On 1 January 2007 a further 2 countries, Bulgaria and Romania- the “A2” countries, became Member States of the EU. As persons subject to immigration control, A2 nationals required visas to enter the UK up until midnight on 31 December 2006. Since 1st January 2007, as EEA citizens, they have the right to travel freely throughout the EU and to reside for up to 3 months following arrival.

If A2 nationals want to live in a member state for longer than 3 months, they need to exercise a treaty right as a student; as a self-employed person; as a self-sufficient person; or as a worker. However, nationals of the A2 countries have only restricted access to the UK labour market and to benefits and social housing. These special rules apply until 31st December 2011 and the new arrangements will be reviewed within 12 months of their commencement. The Government’s new Migration Advisory Committee will assist in this process, taking account of the needs of the labour market, the impact of the A8 accession and the positions adopted by other EU countries.

In Northern Ireland the Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations (Northern Ireland) 2007 came into operation on 1 March 2007. These Regulations take account of these transitional measures to enable the Housing Executive to allocate tenancies to nationals of Bulgaria and Romania who are “authorised workers”, and to assist such persons under the homelessness legislation where necessary.

3. WORKER AUTHORISATION SCHEME

The Home Office has introduced a new work permit scheme which limits the number of A2 nationals allowed to work in the UK. This scheme is known as the Worker Authorisation Scheme. Workers can take up employment in the UK provided they are authorised to work for their employer under the new Workers Authorisation Scheme (WAS) or that they are exempt from the need to have worker authorisation (these exempt categories are set out in section 4.).

The Workers Registration Scheme WRS will continue to apply to nationals of the A8 countries. The WRS will not apply to Bulgarian and Romanian nationals.

Broadly speaking, the restrictions on employed work for Bulgarian and Romanian nationals are as follows:

Issue Date Reviewed Oct 2013

- **Low-skilled workers** will be restricted to those sectors of the economy where the UK already has low-skilled schemes and will be subject to a strict quota which will not exceed 20,000 workers per year. A2 workers coming to undertake approved seasonal agricultural work and employment in the food processing sector on these schemes will be required to have an authorisation document.
- **Skilled and Highly skilled workers.** Skilled workers with the relevant qualifications and experience will continue to be allowed to come to the UK on work permits to take up specific jobs where no suitable UK applicants can be found. Those with particularly high levels of skills and experience will continue to be admitted as they are now under the Highly Skilled Migrants Programme.
- **Students** will continue to be allowed to study in the UK and to seek part-time employment during their stay but will need a work authorisation document to do so. However, a student working up to 20 hours a week may be regarded as in employment only ancillary to his or her main purpose of residence and not as such a worker. If a student can support himself or herself and any family members, (which includes a requirement to have comprehensive sickness insurance cover in the UK) he or she may be eligible for housing, having a right to reside as a student, provided he or she is habitually resident.

In all cases, the Home Office will decide who qualifies for a worker authorisation document.

4. PERSONS EXEMPT FROM A REQUIREMENT TO OBTAIN AN ACCESSION WORKER CARD

In most cases a Romanian or Bulgarian person will need authorisation before starting work in the UK. Some people are exempt from worker authorisation. The circumstances in which a Romanian and Bulgarian national working in the UK is exempt from authorisation are as follows:

- (1) Those with permission with leave to enter or remain in the UK under the 1971 Immigration Act and that leave is not subject to any condition restricting his employment.
- (2) Those legally working in the UK on 31st December 2006 who have been legally working in the UK without interruption throughout the period of 12 months ending on that date.
- (3) Those who are legally working in the UK without interruption for a period of 12 months falling partly or wholly after 31st December 2006 shall cease to be an accession state national subject to worker authorisation at the end of that period of 12 months.
- (4) Where he/she is also a national of-

Issue Date Reviewed Oct 2013

- a) The UK; or
 - b) An EEA state, other than Bulgaria or Romania.
- (5) Where he/she is the spouse or civil partner of a national of the UK or of a person settled in the UK.
- (6) Those who have a permanent right of residence under regulation 15 of the 2006 Regulations.
- (7) Those who are a family member of an EEA national who has a right to reside in the UK under the 2006 Regulations, unless that EEA national is-
- a) An accession state national subject to worker authorisation;
 - or
 - b) A student who is not an accession state national subject to worker authorisation solely by virtue of falling within paragraph (9).
- (8) Those who are a highly skilled person and hold a registration certificate that includes a statement that they have unconditional access to the UK labour market. (See section 8.)
- (9) Students who intend to work less than 20 hours a week and hold a registration certificate that includes a statement that he/she is a student who has access to the UK labour market for 20 hours a week. (See section 14.)
- (10) A national of Bulgaria or Romania is not subject to worker authorisation during any period in which he is a posted worker. A “posted worker” means a person whose employer is not established in the UK but in some other EEA state and who works for that employer in the UK for the purpose of providing services on his employer’s behalf.

Where a Romanian or Bulgarian national is working in the above circumstances, he or she is in most cases a qualifying person and eligible for housing and homelessness assistance. His or her family members would then also be eligible.

5. REGISTRATION CERTIFICATES

Those people who are exempt from the requirement to obtain an accession worker card if they intend to take up employment in the UK, will be able to obtain a blue registration certificate confirming their status post accession if required.

Persons working for twelve months or more lawfully can obtain a registration certificate confirming unrestricted right to access UK labour market.

6. WORKER AUTHORISATION DOCUMENT

Issue Date **Reviewed Oct 2013**

Workers who are not exempt from the requirement to seek permission to work will need to hold an Accession Work Card or a Seasonal Agricultural Workers Scheme (SAWS) work card in order to be legally employed in the UK.

An accession work card will be issued in respect of a specific job with a specific employer, provided that relevant qualifying criteria are met. Employment cannot commence prior to the accession work card being issued. If the holder of an accession work card wishes to change employment, they will need to obtain a new accession work card for that employment.

Accession worker cards will also be issued for:

- Skilled jobs that meet the criteria that had been used for the issue of a work permit; and
- Lower skilled jobs in the food processing sector.

7. A2 WORK SEEKERS

A Bulgarian or Romanian national who does not fall within any of the exemptions and who is currently subject to the requirement of worker authorisation does not have an extended right to reside as a work seeker.

A2 nationals who have come to the UK to look for work will not have work seeker status unless they have unrestricted access to the UK labour market as highly skilled migrants or A2 nationals not subject to restrictions. This means that economically inactive A2 nationals must be self-sufficient while they look for work and are unlikely to be eligible for housing or homelessness assistance or entitled to income-based Jobseeker's Allowance or Housing Benefit.

A Bulgarian or Romanian national who is not exempt from worker authorisation is only entitled to reside in the UK as a worker during the periods in which he or she holds an accession worker authorisation document and is working in accordance with the conditions set out in that document. He or she will then be a qualifying person with the right to reside. This means that he or she (and his or her family) will be eligible for housing on that basis. However, it is important to note that such a person does not continue to be treated as a worker during periods of unemployment.

8. HIGHLY SKILLED WORKERS

A2 nationals who are highly skilled migrants have unrestricted access to the UK labour market. Highly skilled migrants are treated as full EEA nationals. If they are job seekers looking for work they will have a right to reside but will need to show that they are habitually resident.

Highly skilled A2 nationals will need to provide the following documents to confirm their status:

Issue Date Reviewed Oct 2013

- valid passport, or
- ID card, and
- a blue registration certificate annotated to state that they have full access to the UK labour market.

9. SKILLED WORKERS

Skilled workers who are not exempt from the WAS are allowed to work in the UK once they have been authorised by the Home Office to work for a particular employer. The employer will have to show that there is a skill shortage and that there is nobody else to do the job. While they are working they are exempt from the habitual residence test. If they stop working before completing 12 months authorised employment they will no longer have a right to reside as a worker.

If skilled migrants are temporarily sick or incapacitated they will retain their worker status if they are still employed, so are exempt from the habitual residence test. However, if they leave their job as a result of sickness or incapacity they will lose their right to reside as a worker and will be unlikely to be eligible for housing or homelessness assistance or any income-related benefits.

Skilled migrants will need to produce the following documents to prove that they are working legally in the UK

- valid passport, or
- ID card, and
- a purple accession work card

10. SKILLED WORKERS – POST 12 MONTHS

Once a skilled worker has accessed the labour market for 12 months they will gain full EEA worker status and will no longer need permission to work in the UK. They will, on request, be issued with a blue registration certificate annotated to show that they have unrestricted access to the UK labour market. If they become unemployed they will retain their worker status in circumstances in which other full EEA workers can retain that status. They may be entitled to income-based Jobseeker's Allowance and Housing Benefit. They are exempt from the habitual residence test if they have retained their worker status.

Skilled migrants will need to produce the following documents to prove that they have legally worked in the UK for 12 months

- valid passport, or
- ID card, and
- Blue registration certificate

11. LOW SKILLED WORKERS

Issue Date Reviewed Oct 2013

A2 nationals who are not exempt from the WAS and who wish to work under the sector based scheme in food processing or under SAWS (see Annex A for a list of the nine SAWS operatives) will need to apply for permission to work before starting work.

A2 nationals employed under SAWS will only be allowed to work for six months at a time and must have a break of three months between employment spells under SAWS. During this break they will be allowed to stay in the UK if they are self-sufficient but will not be eligible for housing and homelessness assistance or entitled to claim any income-related benefits as they will lose their EEA worker status.

A2 nationals who are not exempt from the WAS and who are employed in food processing will be allowed to work for up to 12 months for one employer. They can also change employers subject to Home Office approval during this period but are not required to have a break between employment spells.

While they are working legally, low skilled A2 nationals will be eligible for housing and homelessness assistance. They are exempt from the habitual residence test while they are working and must produce the following documents to confirm their status:

- valid passport, or
- ID Card, and
- a purple accession work card for the sector based scheme, or
- a SAWS card which states the dates of employment and name of the farm employing the A2 national

12. SPOUSE / CIVIL PARTNERS OF ROMANIAN AND BULGARIAN NATIONALS

Where a person is a national of Bulgaria and Romania and is the spouse of a person holding a work authorisation document or a registration certificate restricting their access to the labour market (for example, the spouse of a student or a self-employed person), they too will be required to obtain an accession work card in order to take employment in the UK.

13. SELF-EMPLOYED PERSONS

A2 nationals are entitled to be *self-employed* in the U.K. and they and their family members will then have the right to reside and may be eligible for housing assistance. They are treated in the same way as other EEA nationals who are self-employed. Any person engaged in self-employment should have registered their business activities with Her Majesty's Revenue and Customs (HMRC) and be able to show they are paying appropriate national insurance contributions and provide a copy of their business accounts. However, if they subsequently wish to take employment with an employer, they must comply with the requirements for

Issue Date **Reviewed Oct 2013**

workers set out in The Accession (Immigration and Worker Authorisation) Regulations 2006.

Self-employed nationals will need to supply the following documents to confirm their status:

- valid passport, or
- ID Card, and
- a current CIS card (if employed in the construction industry), or
- a letter from HMRC showing their tax reference, and (if available)
- a copy of their business accounts

14. STUDENTS

Bulgarian and Romanian nationals who come to the UK to study are allowed to work for up to 20 hours a week and if so, will be issued with a yellow registration certificate. They are, however, treated in the same way as students from other EEA countries. Their right to reside requires them to be self-sufficient, which includes having comprehensive sickness insurance in the UK and they are unlikely to be entitled to JSA (IB), Income Support (IS) or Housing Benefit.

Issue Date Reviewed Oct 2013

Appendix 18 Annex A

SEASONAL AGRICULTURAL WORKERS SCHEME

Only Home Office appointed SAWS operators – of which there are nine listed below – can recruit workers. All applications for SAWS are made to the operator direct:

- Concordia Ltd (YSV) – recruits on behalf of farmers throughout the UK
- HOPS Labour Solutions - recruits on behalf of farmers throughout the UK
- Friday Bridge International Farm Camp – recruits on behalf of farmers in the North Cambridgeshire area only
- Sastk Ltd – recruits on behalf of farmers in the Shropshire and Staffordshire area only
- Barway Services Ltd – recruits to meet their own demand for seasonal labour in Cambridgeshire
- Haygrove Ltd - recruits to meet their own demand for seasonal labour only in Herefordshire
- R&J M Place Ltd (International Farm Camp) - recruits to meet their own demand for seasonal labour in Norfolk
- S&A Produce (UK) Ltd - recruits to meet their own demand for seasonal labour only in Herefordshire
- Wilkins & Sons Ltd (International Farm Camp) – recruits to meet their demand for seasonal labour only in Essex.

Issue Date Reviewed Oct 2013

Appendix 19 Keying and Deletion of Ineligible Decisions

These are the Admin / Computer keying Arrangements to be followed **after** an Ineligible decision has been made. Ineligible Decisions are in 2 parts – Homeless and Housing Homeless Ineligibility must be keyed before Housing deletion.

RECORDING INELIGIBLE HOMELESS DECISION (WHERE APPROPRIATE)

Use the e203 Modify Event - Screen 5 - Homeless

HOMELESSNESS DETAILS POPUP	
Homelessness Ref : i_____	FINAL DECISION
Presentation Date : c_____	Date : c_____
Given Reason : i_____	Threatened Homeless : c
Date Keyed : c_____	Homeless : c
TEMPORARY ACCOM. DETAILS	Assessed Reason : c_____
	Priority Need : c
Presenting Applicant : c_____	Priority Category : c_____
Homeless Composition : C_____	Intentionality : c
Length stay in Temp Acc : I_____	Eligible : c
Time in Current Plcmnt : i_____	Ineligible Reason : c
Placement Type : C_____	Appeal 1 : c 2 : c
Furniture storage : c	
Date stored : c_____	FINAL ACTION
Correspondence Address : c_____ c_____	Date : c_____
Phone No. : _____	Application Withdrawn : c
	Priority Withdrawn : c
	Rehoused By : c_____
	Temp.Accom.End : c_____
	Furniture Storage End : c_____

- Use the e203 Modify Event - Screen 5 – Homeless
- Under the Final Decision complete the input as normal for the Homeless, Threatened Homeless, Priority Need, and Priority Category fields
- ***For Intentional set the field to Y, even if the decision would normally be N***
- Set the Eligible field to N and enter the appropriate ineligible reason.
- Select the system generated ineligible homeless letter and complete the freehand insert as necessary.

REMOVING INELIGIBLE APPLICANT FROM WAITING LIST (WITH OR WITHOUT HOMELESS CASE)

- Use the e205 Withdraw Application Event to delete case from computer
- Select one of the two new Ineligible codes
- 30 “Asylum / Immigration” or 31 “Unacceptable Behaviour”
- On Save select the APPLIC INELIGIBLE letter
- If the housing case includes a Homeless case, a system generated homeless ineligible letter (Appendix 19(a)) should be completed freehand as necessary to explain the basis of the decision and issued to the Applicant.

Issue Date Reviewed Oct 2013

Homeless (Ineligible) Letter

Appendix 19(a)

Housing Executive

2 ADELAIDE STREET
BELFAST
BT2 8PB
028 90240588 (Minicom: 0845 6504381)

MR JOE SOAP
1 ORCHARD GROVE
ANYTOWN
ANYWHERE
BT1 1AB

Ref. No. 101 /12345

Date 1-mar-2001

Dear MR SOAP,

NOTICE OF DECISION - HOUSING (NI) ORDER 1988

I am writing to you concerning your request for accommodation for you as a person who is either homeless or threatened with homelessness.

The Executive has considered whether or not it has a duty to secure that accommodation becomes available for you under the terms of the above Order. It has concluded that no such duty is owed towards you, because it is satisfied that you are ineligible, as defined in the above Order.

Reasons

General

Issue Date **Reviewed Oct 2013**

A leaflet explaining how the Executive assesses homelessness, and the Advice and Assistance available from the Executive are enclosed.

If you wish to avail of these services or discuss this notice further, you should contact _____ at this office.

If you wish to appeal this decision, you should write (quoting your name, address and reference number) to
MR J BLOGGS Area Manager, at BELFAST Area office.

Should you require any assistance in making your appeal you can contact Housing Rights Service ('phone 028 90245640) or your local Advice Centre.

I am sorry I cannot be more helpful on this occasion.

This decision is not in respect of your application for housing which is considered separately under the rules of the Housing Selection Scheme.

Yours sincerely,

MR A SMTYH
DISTRICT MANAGER

Issue Date Reviewed Oct 2013

Housing Executive

Housing Application – Ineligible Letter

Appendix 19(b)

2 ADELAIDE STREET
BELFAST
BT2 8PB
028 90240588 (Minicom: 0845 6504381)

MR JOE SOAP
1 ORCHARD GROVE
ANYTOWN
ANYWHERE
BT1 1AB

Ref. No. 101 /12345

Date 1-mar-2001

Dear MR SOAP,

Your application for housing was received on 1-mar-2001.

However, I am unable to accept your application as you are ineligible to apply for housing under the rules of the Housing Selection Scheme.

If you have any queries on this matter please contact this office.

Yours sincerely,

MR A SMTYH
DISTRICT MANAGER

H205(1)

Issue Date Reviewed Oct 2013

Homeless Decision Letter (Restricted Case)

Appendix 19(c)

Housing Executive

2 ADELAIDE STREET
BELFAST
BT2 8PB
028 90240588 (Minicom: 0845 6504381)

MR JOE SOAP
1 ORCHARD GROVE
ANYTOWN
ANYWHERE
BT1 1AB

Ref. No. 101 /12345

Date 2-Mar-2009

Dear MR SOAP,

NOTICE OF DECISION - HOUSING (NI) ORDER 1988

I am writing to you concerning your request for accommodation for you as a person who is either homeless or threatened with homelessness.

I wish to notify you that the Housing Executive has considered whether or not it has a duty to secure that accommodation becomes available for you under the terms of the above Order. It has decided that you are eligible for assistance and you are homeless / threatened with homelessness, in priority need and that you have not become homeless intentionally; however, it is satisfied you would not have been so without having regard to a restricted person in your household and therefore your case is a restricted case.

A restricted person is a person who is not eligible for assistance under the homelessness legislation as a person who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and either does not have leave to enter or remain in the United Kingdom, or whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds.

The restricted person in your household is:

Reasons

Issue Date **Reviewed Oct 2013**

This person is a restricted person because:

As a restricted case, the Housing Executive must bring its duty to secure accommodation to you to an end by arranging for an offer of a tenancy in suitable private accommodation to last for at least 12 months. If the Housing Executive cannot find suitable accommodation in the private sector, you will be made one offer of accommodation under the Housing Selection Scheme.

You should be advised that the Housing Executive will no longer owe a duty to you as a person found to be homeless under the above Order if you accept this offer or if you refuse this offer.

A leaflet explaining how the Housing Executive assesses homelessness, and the Advice and Assistance available from the Housing Executive are enclosed.

If you wish to avail of these services or discuss this notice further, you should contact _____ at this office.

This decision is not in respect of your application for social housing which is considered separately under the rules of the Housing Selection Scheme. Your application will be placed on the waiting list for housing, however, as a restricted case you will not be entitled to any Insecurity of Tenure points under the Scheme.

I trust this is of assistance to you.

Yours sincerely,

MR A SMTYH
DISTRICT MANAGER

Issue Date Reviewed Oct 2013

Restricted Case – Refusal of PRS Offer - Discharge of Duty

Appendix 19(d)

Housing Executive

2 ADELAIDE STREET
BELFAST
BT2 8PB
028 90240588 (Minicom: 0845 6504381)

MR JOE SOAP
1 ORCHARD GROVE
ANYTOWN
ANYWHERE
BT1 1AB

Ref. No. 101 /12345

Date 2-Mar-2009

NOTICE OF DECISION - HOUSING (NI) ORDER 1988

Dear MR SOAP,

I am writing to you regarding the offer of a tenancy made by a landlord to you in private accommodation. That offer was made to you as a restricted case under the above Order.

As you have refused that offer, the Housing Executive is no longer under any duty to you under the above Order.

If you have any queries on this matter please contact this office.

Yours sincerely,

MR A SMTYH
DISTRICT MANAGER

H205(1)

Issue Date Reviewed Oct 2013

Restricted Case – Acceptance of PRS Offer - Discharge of Duty

Appendix 19(e)

Housing Executive

2 ADELAIDE STREET
BELFAST
BT2 8PB
028 90240588 (Minicom: 0845 6504381)

MR JOE SOAP
1 ORCHARD GROVE
ANYTOWN
ANYWHERE
BT1 1AB

Ref. No. 101 /12345

Date 2-Mar-2009

Dear MR SOAP,

NOTICE OF DECISION - HOUSING (NI) ORDER 1988

Dear MR SOAP,

I am writing to you regarding the offer of a tenancy made by a landlord to you in private accommodation. That offer was made to you as a restricted case under the above Order.

As you have accepted that offer, the Housing Executive is no longer under any duty to you under the above Order.

If you have any queries on this matter please contact this office.

Yours sincerely,

MR A SMTYH
DISTRICT MANAGER

H205(1)

Issue Date Reviewed December 2006

10.10 RELATIONSHIP BREAKDOWN

10.10.1 PROOF OF RELATIONSHIP BREAKDOWN

Where an applicant has indicated that he / she has separated from their partner, the Designated Officer will require proof that the relationship breakdown is genuine. Listed below are guidelines that may be followed to confirm the relationship breakdown. These are equally applicable to married couples, civil partners, co-habiting couples or same sex couples.

1. Where a Decree Absolute, Decree Nisi of divorce or judicial separation or Dissolution Order is available, no further documentation is required as this is evidence that a marriage/civil partnership has broken down irretrievably. This is obviously only applicable to married couples or civil partners.
2. In the absence of any substantive evidence of a relationship breakdown, applicants should be asked if they are willing to provide a letter. The letter should be from one of the following who should be aware from their own professional involvement with the Applicant or their partner that the relationship has broken down and that it is not reasonably practicable for the couple to live together.
 - (a) Member of Clergy
 - (b) Doctor
 - (c) Police Officer
 - (d) Lawyer
 - (e) Teacher
 - (f) Social Worker
 - (g) Marriage Guidance Counsellor
 - (h) Women's Aid Official

The above list is not an exhaustive list. Where a letter by a person not named on the list is offered, the matter should be referred to Housing Policy. Where the applicant is unwilling or unable to provide any of the above information, it may be necessary to interview both parties and Housing Policy or Legal Services will advise in such circumstances.

See Chapter 8.6 for procedures in cases of relationship breakdown.

10.10.2 COURT ORDERS: GENERAL

Details / evidence of some Court Orders may be produced by applicants / tenants where they have been asked to prove that a relationship has broken down. In other instances he / she may be asked to provide evidence of the arrangements, made by the court, regarding the dependent children from a

Issue Date **Reviewed December 2006**

relationship that has broken down. The following is not an exhaustive list but merely recounts the more commonly used Orders: -

Residence Order

This sets out the arrangements about where a child will live and with whom.

A Residence Order is similar to the old "Custody Order" but is more flexible as a wider range of circumstances can be accommodated. It can be made in favour of one or more persons, even if they do not live together. It automatically confers parental responsibility on the person with residence for the duration of the order. There is a facility to provide joint residence in favour of two or more people. The court order may specify the periods during which the child is to live in the different households concerned. While it is more usual that those who obtain a Residence Order are the parents of the child, this is not always the case and the legislation provides for it to be granted to other people e.g. grandparents.

As the Court usually wants one parent only to have responsibility for dependent children, a Residence Order will not normally be granted jointly to both parents. Where there is a joint Residence Order, however, advice should be sought from Legal services.

Contact Order

This sets out the arrangements for the children to visit or stay with the person named in the Order.

A Contact Order is similar to the old "Access Order" but focuses on allowing the child to visit or stay with the person (not necessarily a parent) named on the order. The emphasis is very much on the child's interests and wishes, rather than on the parent's rights. The court can attach conditions to it regarding matters such as duration, supervision etc. Where a child is in care of an authority, there is a statutory duty on the authority to allow the child to have contact with its parents, guardians etc. No limits / guidelines have been given as to what length a stay or visit should be as every case is considered individually on the needs of the child. It is important to note that the person having contact with a child does not necessarily have to be financially responsible for that child either by way of maintenance or any other way.

Prohibited Steps Order

This has the effect of restraining in some way the actions of a person in relation to the child.

Issue Date Reviewed December 2006

Specific Issue Orders

These Orders can be made in conjunction with Residence or Contact Orders or on their own. This is where the Court has decided a particular question about the exercise of parental responsibility upon the application of one of the parents.

Decree Nisi (on Divorce or Judicial Separation)

This is the first step on divorce or judicial separation and is made by the Court when it is satisfied that the marriage has irretrievably broken down. This is not the final decree and the marriage has not formally ended until the issue of the Decree Absolute (see below).

Conditional Dissolution Order

This is the first step to the dissolution of a Civil Partnership– s172 of the 2004 Act and can be made by either civil partner on the ground that the civil partnership has broken down irretrievably.

Decree Absolute (on Divorce or Judicial Separation)

This is the final decree, made six weeks after the Decree Nisi once the Court is satisfied that all arrangements in respect of children are satisfactory. This is the formal end of the marriage.

Final Dissolution Order

This is the final dissolution of a civil partnership on the ground that the civil partnership has broken down irretrievably – s168 of the 2004 Act.

Non-Molestation Order

This is an Order which prohibits particular behaviour or molestation generally and can be made for a specified period or under further notice.

Occupation Order

This can be either "declaratory" where the rights of occupation to the home are declared or "regulatory" where the occupation of the home is regulated to provide protection for the applicant and/or any child. This is probably similar to the old exclusion order.

Issue Date Reviewed December 2006

10.10.3 GUIDANCE NOTES / INFORMATION / ENQUIRIES

DEPENDENT CHILDREN

For the purposes of the Selection scheme an applicant has dependent children either if he / she has **dependent** children **residing** with him / her or if such children might **reasonably be expected to reside** with him/her

A **Dependent**

The first issue to be decided is whether or not the child is dependent. A dependent child is one who is under 16 years of age, or who is under 19 years and is in full time education or in a Government Training Scheme. However, all the facts need to be looked at to ascertain if there is any dependence on the applicant i.e. emotional, physical or financial. For instance, although parents may be separated and the children live with the mother, such children could be dependent on their father for childcare if the mother was working. In cases where parents live apart, a check should always be made as to whom child benefit is paid. If the child benefit is paid to the mother and the child resides with the mother, then the children would be deemed to be dependent on the mother for the purposes of the Selection Scheme.

However, while the children might be dependent on the father in terms of childcare, the father would only meet the Selection Scheme criteria if the children **reside** with him or might reasonably be expected to reside with him.

B **Resides**

Again, in the case of parents who live apart, the first enquiry to be made is to ascertain whether or not a Residence / Contact Order has been made. Each case must be considered fully based on its own facts.

Information should be sought from solicitors, social services, parents, grandparents etc. where necessary.

NOTE: Regular overnight staying access does **not** equate to residence. As a general rule, dependent children should be treated as residing with the person with whom they actually reside for the greater part of the week, and it is that parent who should be treated as having dependent children for the purposes of the Selection Scheme. Where it is determined that the children stay 5 or more nights per week at one particular property, they can be considered as residing at that property. If the children divide their time more equally between two properties (e.g. 4 nights / 3 nights) or if

Issue Date **Reviewed December 2006**

residence arrangements vary from week to week, a determination will have to be made as to whom the children are dependent on. For example who is Child Benefit paid to, is there a Residence Order in favour of one parent, the address on the child's medical card, what school does the child attend etc.

C MIGHT REASONABLY BE EXPECTED TO RESIDE

The Executive needs to ask about future intentions also, in order ascertain whether or not the child might reasonably be expected to reside with the applicant.

- **children in care**

Where children are in care, information should be sought from Social Services as to their intentions i.e. is it their intention to work towards releasing the children within a reasonable period of time (e.g. 6 months) or that, by not accepting the applicant as a full duty applicant, this would hinder Social Services in their efforts to re-unite the family.

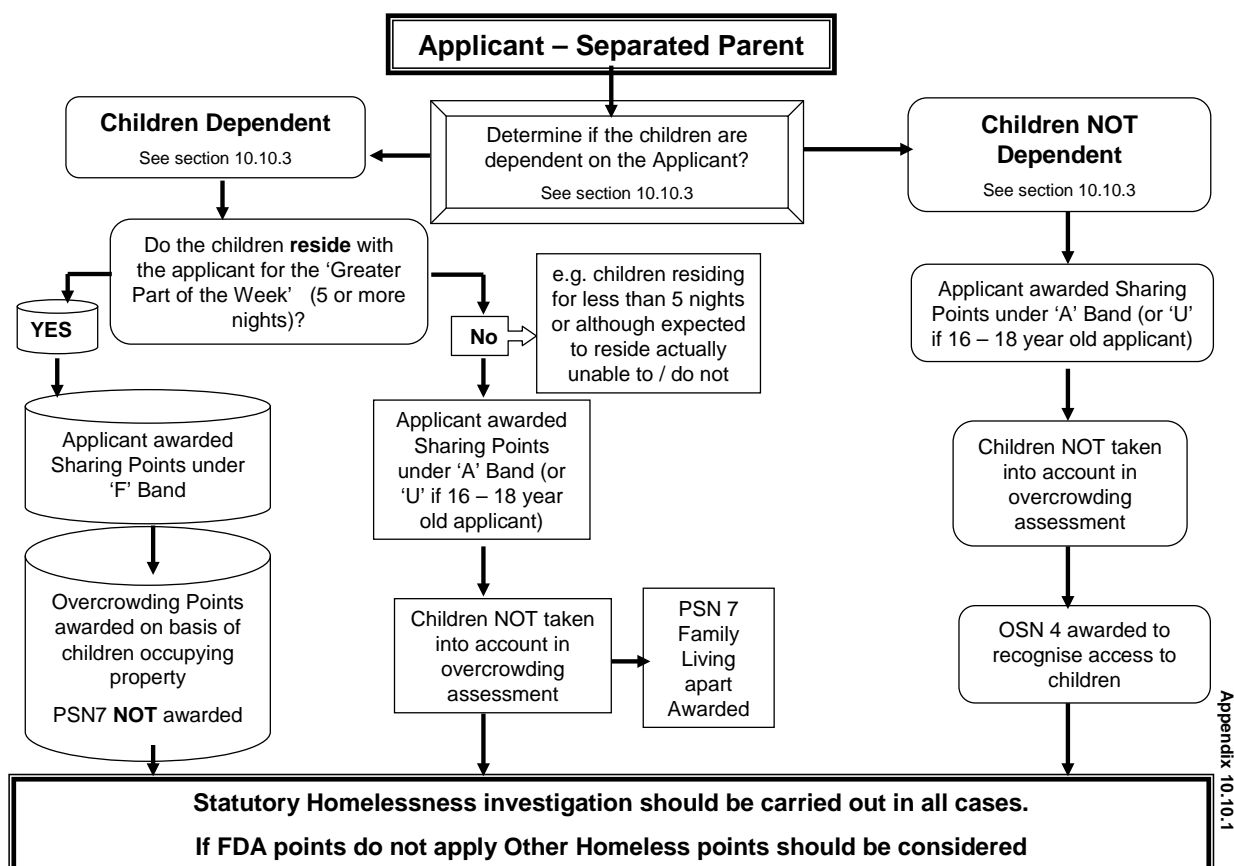
Note: Dependent children need not necessarily be children of the applicant but may be related in some other way (e.g. grandchildren) or be adopted or foster children.

HOUSING SELECTION SCHEME GUIDANCE MANUAL

HOUSING
SELECTION
SCHEME

Issue Date **Reviewed December 2006**

Reviewed Oct 2013



Reviewed Oct 2013

10.11. LATENT DEMAND

10.11.1 RURAL 'LATENT DEMAND' QUESTION

As part of the visit / assessment process, Designated Officers are reminded of the importance of asking both housing and transfer applicants the above question and recording responses on the visit report forms for subsequent keying onto the Waiting List system.

This latent demand question allows all applicants to identify up to two rural areas where they would wish to live but where there is little prospect of re-housing due to lack of available accommodation at present. The resultant choice(s) is in addition to the 'normal' 'areas of preference' and will be used solely to plan where housing may be required.

This information will then be recorded on the on line **HMS** system

While the latent demand question has been on application forms for some time, the absence of a facility to key any responses has meant that such information was not usually sought during housing visits in the past. The issue of latent demand is fundamental to the Executive's Rural Housing Strategy and so all Designated Officers should be made aware of the necessity to seek this information from now on.

Two points in particular should be highlighted:

- It is anticipated that any responses may involve small settlements or hamlets/crossroads outside existing villages. The revised system will allow any of these small settlements etc. to be keyed as latent choices. Designated Officers should therefore record such responses as given and not try to link them in with for example, an existing estate code for a neighbouring village.
- There may be applicants currently residing in towns or villages who would wish to live in smaller rural settlements. The latent demand question should not therefore be confined to those applicants/transfers currently living in isolated or more rural locations.

Should you have any queries regarding this matter, do not hesitate to contact the Housing Executive's Rural Housing Strategy at the address below:

N.I.H.E
Corporate Planning
Housing Centre
2, Adelaide Street
BELFAST BT2 8PB

Reviewed Oct 2013

10.11.2 NEW LATENT DEMAND AREAS

During the visit / assessment process, applicants may identify areas where they may wish to live which are not already included in the Latent Demand screen in the PRAWL system. Similarly, additional areas may be identified by the Executive / Housing Associations to test for latent demand.

In such circumstances, Designated Officers should complete the attached pro forma (see Appendix 10.11.1) so that the new latent demand locations are added to the PRAWL system. Instructions on how to complete the pro forma are detailed below:

10.11.3 INSTRUCTION TO COMPLETE PRO FORMA FOR INCLUSION OF ADDITIONAL CHOICES ON PRAWL LATENT DEMAND SCREENS

1. Area Code
2. District Code
3. Location Name – name known locally of the rural area/settlement. For latent demand purposes this may also include settlements/villages which already have an existing waiting list code but due to either low turnover of accommodation, or no public sector housing, applicants do not normally select these areas.
4. Waiting List Name – if there is a waiting list estate code exclusive to this area, enter 'Y', if not enter 'N' and record the waiting list name the rural area is included under.
5. Village/Settlement – record whether the rural area is a village or smaller settlement.
6. Rural – for the purpose of this exercise should always be 'Y'.
7. CLA Code and Name – name and code of Common Landlord Area which covers the rural area.
8. To avoid duplication, housing associations should refer any requests for areas to be included on the latent demand screen to the District Office which covers the small settlement (latent demand area).
9. The attached form should be signed and dated by a member of the District Office Management Team and forwarded to: Michael Conway, Rural Housing Co-ordinator, Housing Centre.

10.12 LIST OF PARTICIPATING LANDLORDS

HOUSING SELECTION SCHEME GUIDANCE MANUAL

Reviewed Oct 2013

HOUSING
SELECTION
SCHEME

Name & Address	Tel No	Fax No
Abbeyfield and Wesley Society 21 Glassillan Grove Greenisland BT38 8TE e-mail: abbeyfield@societyni.fsnet.co.uk	Tel. 028 90365081	Fax. 028 90859951
Apex Housing Association Ltd 110 Butcher St, Derry/ Londonderry BT48 6HH e-mail: info@nwh-group.com Website www.apexhousing.org	71304800	7126 3362
Ark Housing Association Unit 17- 18 North Belfast Business Centre, Duncairn Gardens, Belfast BT15 2GG e-mail: info@arkhousing.co.uk T: 02890752310 F: 02890754180 E: info@arkhousing.co.uk W: www.arkhousing.co.uk	9075 2310	9075 4180
Clanmil Housing Association Ltd Northern Whig House, 3 Waring St, Belfast BT1 2DX e-mail: housing@clanmilha.org.uk web: www.clanmil.org	9087 6000	9087 6001
Connswater Housing Association Ltd 157 upper Newtownards Rd, Belfast BT4 3HX e-mail: housing@connswater.org.uk info@connswater.org.uk	9065 6155	9065 6388
Craigowen Housing Association Ltd Muir Building, 427 Holywood Rd, Belfast BT4 2LT e-mail: office@glenraig.org.uk	9076 8029	9076 9309
Filor Housing Association Ltd 282-290 Crumlin Road, Belfast BT14 7EE e-mail: filorhousing@btconnect.com	9035 1131	9074 1755

HOUSING SELECTION SCHEME GUIDANCE MANUAL

Reviewed Oct 2013

HOUSING
SELECTION
SCHEME

Name & Address	Tel No	Fax No
Flax Housing Association Ltd Gate Lodge 8 Flax Street Belfast BT14 7DA e-mail: admin@flaxhousing.com	9059 2110	9059 4440
Fold Housing Association Ltd Fold House, 3 Redburn Sq, Holywood BT18 9HZ e-mail: info@foldgroup.co.uk	9042 8314	9042 8167
Grove Housing Association Ltd 171 York Road, Belfast BT15 3HB e-mail: info@groveha.org.uk	9077 3330	9077 6661
Habinteg Housing Association (Ulster) Ltd Alex Moira House, 22 Hibernia Street, Holywood BT18 9JE e-mail: info@habinteg-ulster.co.uk	9042 7211	9042 8069
Hearth Housing Association Ltd 66 Donegall Pass, Belfast BT7 1BU e-mail: info@hearth-housing.org.uk Web www.hearth-housing.org.uk	9053 0121	9053 0122
Helm Housing, Helm House, 38-52 Lisburn Road, Belfast BT9 6AA e-mail: office@helmhousing.org	028 9032 0485	9033 0402
Newington Housing Association (1975) Ltd 300-302 Limestone Road, Belfast BT15 3AR e-mail: Newington@btconnect.com Web www.newingtonha.co.uk	9074 4055	9074 7624

HOUSING SELECTION SCHEME GUIDANCE MANUAL

Reviewed Oct 2013

HOUSING
SELECTION
SCHEME

Name & Address	Tel No	Fax No
<p>Oaklee Housing Association Ltd Leslie Morrell House, 37-41 May Street, Belfast BT1 4DN e-mail: servicescentre@oaklee.org.uk Website www.oakleehomes.org.uk</p>	<p>Service Centre Head Office 0845 073 3335</p>	<p>Fax, 028 9044 1346</p>
<p>Trinity Housing Association (NI) Ltd Beechhill Business Park 96 Beechhill Rd Belfast BT8 7QN e-mail: info@trinityha.org</p>	<p>02890690250</p>	<p>02890690251</p>
<p>Rural Housing Association Ltd Tollgate House Killyclogher Rd Omagh BT79 OAX e-mail: info@ruralhousing.co.uk</p>	<p>0288224 6118</p>	<p>0288224 6120</p>
<p>St Matthew's Housing Association Ltd 58 Harper Street, Belfast BT5 4EN e-mail: smha@btclick.com</p>	<p>9045 1070</p>	<p>9045 4205</p>
<p>South Ulster Housing Association Ltd 20-22 Carleton Street, Portadown, Craigavon BT62 3EN e-mail: info@southulsterhousing.com Web www.suha.co.uk</p>	<p>3833 9795</p>	<p>3835 0944</p>
<p>Triangle Housing Association Ltd 60 Eastermeade Gardens, Ballymoney BT53 6BD e-mail: info@trianglehousing.org.uk www.trianglehousing.org.uk</p>	<p>2766 6880</p>	<p>2766 2994</p>
<p>Harmony Homes Housing Association Ltd 93 Woodvale Road, Belfast BT13 3PB e-mail: woodvaleandshank@btconnect.com</p>	<p>9074 1618</p>	<p>9035 1922</p>

Reviewed Oct 2013

10.13 GUIDE TO AREAS COVERED BY NIHE DISTRICT OFFICES

Belfast Area – District Offices

10.13 GUIDE TO AREAS COVERED BY NIHE DISTRICT OFFICES

Belfast Areas

Belfast Area West

Office

32-36 Gt Victoria St
Belfast BT2 7BA

Estates covered: Andersonstown Area, Brooke Park, Donegall Road, Glencolin, Hannahstown, Ladybrook, Lenadoon, Rossnareen, St James Area, Suffolk, Tullymore

Estates covered: Ardmoulin, Ballymurphy, Beechmount, Cavendish Street, Clonard Crescent, Dermott Hill, Divis, Downfine, Falls Court, Gransha, Grosvenor Road, Hamill Street, John Street, Moyard, New Barnsley, Rockmount, Springfield Park, Springfield Road (Lower), Springhill, Turf Lodge, Westrock, Whiterock

Belfast Shankill District

83-87 Shankill Road
BELFAST BT13 1FO

Estates covered: Ainsworth, Ballygomartin, Glencairn, Highfield, Lawnbrook, Shankill Road, Springmartin, Tudor Place, Upper Shankill, West Circular Road, Woodvale

Belfast Area South & East Belfast

Office

32-36 Gt Victoria St
Belfast BT2 7BA

Reviewed Oct 2013

Estates covered: Albertbridge Road, Ardcar, Ashfield, Bloomfield, Bridge End, Castlereagh Road, Cherryvalley, Clarawood, Dundela, Edenvale, Garnerville, Inverary, Knocknagoney, Lisavon, Newtownards Road, Sandbrook, Short Strand, Summerhill, Sydenham, Wandsworth

Estates covered: Annadale, Cromac, Donegall Pass, Donegall Road, Finaghy, Flush Park, Mount Street, Ormeau, Ravenhill, Roseberry, Sandy Row, Stranmillis, Taughmonagh, Ulsterville, Woodstock Road

Reviewed Oct 2013

Belfast Area North Belfast

Office
32-36 Gt Victoria St
Belfast BT2 7BA

Estates covered: Ardavon Park, Ashfield, Carlisle, Duncairn Gardens, Dunmore, Fairhill, Fairyknowe, Fortwilliam, Gainsborough Area, Glandore, Graymount, Grays Lane, Mount Vernon, New Lodge Area, Parkmount Flats, Ross House Flats, Shore Crescent, Shore Road, Skegoneill, Carrick Hill, Whitewell

Estates covered: Antrim Road, Ardoyne, Ballysillan, Benview, Cavehill, Cliftondene, Glenbank, Glenbryn, Hesketh, Ligoniel, Oldpark, Silverstream, Sunningdale, Torrens, Tyndale, Westland, Wheatfield

North Down & Ards Area

Bangor Office

Bangor District
2. Alfred St
Bangor.

Estates covered: Bangor Estates, Conlig, Crawfordsburn, Groomsport, Helen's Bay, Hollywood

Newtownards District

Newtownards District Office
2-32 Frederick St
Newtownards

Estates covered: Annacloy, Annsborough, Annadorn, Ardglass, Ballyhornan, Ballykinlar, Ballymacarn, Ballynahinch, Burrenreagh, Castlewellan, Clonvaraghan, Clough, Crossgar, Derryboye, Downpatrick Estates, Drumaness, Drumree, Drumaroad, Dundrum, Dunmore, Dunsford, Kilclief, Kilcoo, Killough, Kilmore, Killyleagh, Loughlinisland, Newcastle, Rafferty, Saintfield, Seaforde, Shrigley, Spa, Strangford, Tyconnaught, Tyrella

Reviewed Oct 2013

South Down Area

Newry

35-45 Boat Street
NEWRY BT34 2DB
Telephone 03448 920 900
Fax 028 3831 892

Estates covered: Annalong, Attical, Ballymaderphy, Ballymartin, Barnmeen, Belleek, Bessbrook, Burren, Camlough, Creggan, Crossmaglen, Cullyhanna, Cullaville, Derramore, Drumintee, Dunaman, Forkhill, Glassdrumman, Hilltown, Jonesboro, Kilkeel Estates, Killen, Longstone, Lurganare, Mayobridge, Meigh, Mullaghbawn, mullaghglass, Newry Rural, Newry Town, Newtowncloughoge, Newtownhamilton, Rostrevor, Shinn, Silverbridge, The Commons, Warrenpoint, Whitecross

Downpatrick

51 John Street
DOWNPATRICK BT30 6HS

Estates covered: Annacloy, Annsborough, Annadorn, Ardglass, Ballyhornan, Ballykinlar, Ballymacarn, Ballynahinch, Burrenreagh, Castlewellan, Clonvaraghan, Clough, Crossgar, Derryboye, Downpatrick Estates, Drumaness, Drumee, Drumaroad, Dundrum, Dunmore, Dunsford, Kilclief, Kilcoo, Killough, Kilmore, Killyleagh, Loughlinisland, Newcastle, Rafferty, Saintfield, Seaforde, Shrigley, Spa, Strangford, Tyconnaught, Tyrella

Lisburn & Castlereagh Area

Lisburn

29 Antrim Street
LISBURN BT28 1AU

Estates covered: Aghalee, Ballinderry, Ballycrune, Ballynadolly, Ballymacash, Ballymacoss, Beattie Park, Conway, Culcavey, Derriaghy, Dromara, Drumbo, Dunmurry Rural Cottages, Feymore, Glenavy, Hilden, Hillhall, Hillsborough, Islandkelly, Knockmore, Lambeg, Lisburn Estates, Long Kesh, Maghaberry, Magheragall, Maze, Milltown, Moira, Purdysburn, Ravarnette, Rockview, Seymour Hill, Upper Dunmurry Lane, Warren/Old Warren

Reviewed Oct 2013

Dairy Farm

Dairy Farm Centre
Stewartstown Road
BELFAST BT17 0SB

Estates covered: Poleglass, Twinbrook

South Area

Armagh

48 Dobbin Street
ARMAGH BT61 7BR

Estates covered: Ahorey, Annaghmore, Annahugh, Armagh Estates, Ballards, Ballymacnab, Benburb, Blackwatertown, Carrickaness, Charlemont, Clady, Darkley, Derrynoose, Drumhillery, Drumnahuncheon, Edenaveys, Eglish, Glenanne, Hamiltonsbawn, Keady, Killylea, Loughgall, Loughgilly, Madden, Markethill, Middletown, Milford, Mountnorris, Poyntzpass, Richhill, Tandragee, Tynan

Banbridge

56 Bridge Street
BANBRIDGE BT32 3JL

Estates covered: Annaclone, Ashfield, Ballyvarley, Ballyward, Banbridge Estates, Closkelt, Corbet, Dromore Town, Gilford, Katesbridge, Kinallen, Laurencetown, Lisnagade, Loughbrickland, Rathfriland, Scarva, Seapatrick, Tullyhennan, Tullylish

Lurgan/Brownlow

16 Legahory Centre
CRAIGAVON BT65 5BE

Estates covered: Aldervale, Altmore, Ardowen, Burnside, Carn, Clonmeen, Derrymacash, Derrytrasna, Drumbeg North/South, Drumgor Heights,

Reviewed Oct 2013

Drumnacanvey, Edenbeg, Enniskeen, Kinnego, Legahory Green, Meadowbrook, Moyraverty Centre, Parkmore, Rosmoyle, Westacres

South West Area Office

Cookstown

15 Morgan's Hill Road
COOKSTOWN BT80 8HA

Estates covered: Annaghmore, Auglish, Ballylifford, Ballyronan, Blackhill, Broughderg, Carnan, Coagh, Clare, Cluntoerichardson, Coagh Street, Cooke Crescent, Cookstown Estate, Coolreaghs, Derrychrin, Donaghy, Drum, Drumallen, Dunamore, Dunman, Gortacladdy, Keenaghan, Kildress, Pomeroy, Kilmoon, Killygonland, Lisnahall, Lissan, Lourp, Maloon, Moneymore, Monrush, Moortown, Orriter, Rock, Sandholes, Sherrygroom, Stewartstown, Tullyhogue, Tullyreavy, Tullywiggan

Dungannon

Ballygawley Road
DUNGANNON BT70 1AT

Estates covered: Ackiduff, Augher, Aughnacloy, Ballygawley, Benburb, Brantry, Bush, Caledon, Cappagh, Castlecaulfield, Clogher, Coalisland, Derrylee, Donaghmore, Drumkee, Dungannon Estates, Fivemiletown, Galbally, Granville, Killyman, Laghey, Mountjoy, Moy, Moygashel, Mullenakill, Newmills

Fermanagh

Riverview House
Head Street
ENNISKILLEN BT74 7DA

Estates covered: Arney, Ballinamallard, Belcoo, Bellanaleck, Belleek, Brookeborough, Clabby, Derrygonnelly, Derrylin, Donagh, Ederney, Enniskillen Estates, Florencecourt, Garrison, Irvinestown, Kesh, Killadeas, Kinawley, Lack, Letterbreen, Lisbellaw, Lisnaskea, Magheraveely, Maguiresbridge, Monea, Newtownbutler, Roslea, Springfield, Tamlaght, Tempo, Trory

Reviewed Oct 2013

Omagh

Riverston House
7 Holmview Terrace
Omagh BT79 0AH

Estates covered: Beragh, Cannondale, Carrickmore, Castleview, Dromore, Drumnakilly, Drumquin, Fintona, Glenhull, Gortin, Greencastle, Kilskeery, Knockmoyle, Lammy, Lisanelly, Loughmacrory, Mountfield, Mountjoy, Mullaghmore, Omagh Estates, Rouskey, Seskinore, Shandon Park, Sixmilecross, Strathroy, Tattysallagh, Trillick

Magherafelt, Mayogall, Moneyneaney, Moneysallin, Portglenone, Ritchies Villas, Rocktown, St Treas, Swatragh, Tamlaght, Tobermore, Tullyherron, Upperlands

South Antrim Area Antrim

48 High Street
ANTRIM BT41 4AN

Estates covered: Antrim Town, Ballycraigy, Crumlin, Dublin Road, Firfields, Glenburn, Greystone, Menin Road, Moylena Grove, Muckamore, Newpark, Parkgate, Parkhall, Randalstown, Rathenraw, Rathglynn, Rathkyle, Springfarm, Steeple, Stiles, Templepatrick, Toomebridge, Townparks Nr & St

Newtownabbey 1

Rantalard House
Rathcoole Drive
Rathcoole
NEWTOWNABBEY BT37 9GL

Estates covered: Abbeyville, Bawnmore, Bleachgreen, Glenville, Hightown, Longlands, Rathcoole, Rathfern, Rushpark, Whiteabbey

Newtownabbey 2

Ballyearl Drive
New Mossley
NEWTOWNABBEY BT36 5XJ
Tel: 9084 3711 Fax 9083 8819

Estates covered: Ballyclare, Ballyduff, Ballynure, Doagh, Glengormley, Glenvarna, Hyde Park, Jennings Estate, Kelburn Park, Monkstown, New Mossley, Oakview, Old Mossley, Parkmount, Queen's Avenue, Queen's Park, Roughfort

Reviewed Oct 2013

East Area

Ballymena

Twickenham House
Mount Street
BALLYMENA BT54 6EY

Estates covered: Adair, Ahogill, Aughafatten, Ballee, Ballykeel, Ballymarlow, Ballymena Town, Broughshane, Cargan, Carninney, Clough, Craigwarren, Cullybackey, Doury Road, Dunclug, Dunvale, Fisherwick Crescent, Galgorm, Glarryford, Glenwherry, Gracehill, Harryville, Herbison Park, Kells, Loughloughan, Martinstown, Millfield, Moorfields, Moorlands, Newtowncrommelin, Portglenone, Procklis, Rectory, Slatt, Straid, Taylorstown, Tullgarley

Carrickfergus

19 High Street
CARRICKFERGUS BT53 6AL
Tel: 03448 920 900
Fax: 02825 666 133

Estates covered: Agnes Street/McKeen's Ave, Carrickfergus Town, Castlemara, Davy's Street, Drumhoy/Salia/Ederny, Eden, Glenfield, Greenisland, Sunnylands, Taylor's Avenue, Victoria, Whitehead, Windmill Hill

Larne

Sir Thomas Dixon Buildings
Victoria Road
LARNE BT 40 1RU

Estates covered: Antiville, Ballycarry, Carnlough, Craigyhill, Ferris Park, Glenarm, Gleno, Glynn, Islandmagee, Larne Town, Magheramorne, Millbrook, Mount Hill, Old Glenarm Road, Riverdale

Magherafelt

3 Ballyronan Road
MAGHERAFELT BT45 BP

Estates covered: Ballinahone, Ballymaguigan, Ballynease, Beagh, Bellaghy, Broagh, Carmean, Castledawson, Clady, Creagh, Culnady, Curran, Destmartin, Draperstown, Drumderg, Fallahogey, Gulladuff, Innisrush, Kilross, Knockloughrim, Lislea, Lisamorrow, Lisnamuck, Longfield, Luney, Maghera, Magherafelt, Mayogall, Moneyneaney, Moneysallin, Portglenone, Ritchies Villas, Rocktown, St Treas, Swatragh, Tamlaght, Tobermore, Tullyherron, Upperlands

Reviewed Oct 2013

Causeway Area

Limavady

33 Catherine Street
LIMAVADY BT49 9DA

Estates covered: Aghanloo, Alexander Road, Ardgarvan, Aughill, Ballycrim, Ballykeen, Ballykelly, Ballymacallion, Ballymonie, Ballyquin, Bellaeena, Bonnanboigh, Caman Park, Carnabane, Carrowclare, Carrydoo, Church Street, Connell Street, Crawford Square, Crebarkey, Dernaflaw, Dromore, Drumachose Park, Drumavalley, Drumneechy, Drumsurn, Dungiven, Dungiven Road, Feeny, Glack, Gortar, Gortnaghey, Greysteel, Greystone, Josephine Avenue, Killylane, King's Lane, Largy, Magherabuoy, Massey Avenue, Muldonagh, Myroe, Owenbeg, Protestant Street, Rathbeg Crescent, Rathbrady Road, Roemill Gardens, Roeview Park, Sistrokeel, William Street, Windsor Avenue

Ballycastle

Fleming House
Coleraine Road
BALLYCASTLE BT54 6BP

Tel: 03448 920 900
Fax: 028 2566 6373

Estates covered: Armoy, Ballintoy, Ballycastle Town, Cushendun, Ballyvoy, Bushmills, Cushendall, Liscolman, Mosside, Rathlin, Waterfoot

Ballymoney

50-54 Main Street
BALLYMONEY BT53 6AL
Tel: 2766 3442 Fax 2766 6533

Estates covered: Ballybogey, Balnamore, Bendooragh, Carnany, Clintyfinnan, Cloughmills, Corkey, Dervock, Druckendult, Dunaghy, Dunloy, Eastermeade, Glebeside, Killyrammer, Loughgiel, Macfin, Margaret Avenue, Rasharkin, Seacon, Stranocum, Townparks, Trinity Drive, Westgate

Reviewed Oct 2013

Coleraine

19 Abbey Street
COLERAINE BT52 1DU
Tel: 7035 8111 Fax 7032 0961

Estates covered: Aghadowey, Articlave, Ballyrashane, Ballysally, Ballywoodock, Boveedy, Brook Green, Burnside Park, Castlerock, Castleroe, Cherry Place, Coleraine Town, Criagmore, Curraghmore Park, Drumadraw, Dunluce, Farrenlester, Garvagh, Glenkeen, Glenleary, Glenmanus, Grove, harpurs Hill, The Heights, Killowen, Kilrea, Macosquin, Maybuoy, Millburn, Newmills, Portballintrae, Portrush, Portstewart, Society Street, The Crescent, Windyhall

West Area

Collon Terrace

14 Collon Terrace
LONDONDERRY BT48 7QP
Tel: 7137 3683 Fax 7126 0335

Estates covered: Ballymagroaty, Ballynagard, Belmont, Bloomfield, Bradley Park, Bracken Park, Brookdale, Capal Court, Cashelhill Park, Carnhill, Culmore Road, Coshquin, Earhart Park, Ederowen Park, Elaghmore Park, Fuglemen Park, Fern Park, Gallin Park, Glen caw, Knuckle Park, Hazel bank, Livermore Park, Leaf air, Moss Park, Shan tallow, Woodlands

Waterloo Place

Ulster Bank Buildings
Waterloo Place
LONDONDERRY BT48 6BS
Tel: 7126 6227 Fax 7126 9073

Estates covered: Academy Road, Bishop Street, Brandy well, Cloughglass, Creggan, Elmwood, Fountain, Foyle Road, Ivy Terrace, Lower Crescent, Maureen Avenue, Meenan Park, Nixon's Corner, Northland Road, Orchard Row, Rosemount, Rossville

Waterside

2 Glendermott Road
Waterside

HOUSING SELECTION SCHEME GUIDANCE MANUAL

HOUSING
SELECTION
SCHEME

Reviewed Oct 2013

LONDONDERRY BT47 1AU
Tel: 7131 1490 Fax 7134 3651

Estates covered: Altnagelvin, Ard nab rocky, Ardmore, Caw, Claudy, Clooney, Currynierin, Fountain Hill, Drumhoe, Eglinton, Gobnascale, Hollymount Park, Irish Street (Lisnagelvin), Kilfennan, Kincullbrack, Knockdara, Lerrshandoney, Maydown, Melvin Court, New Buildings Park, Rosstowney, Strathfoyle, Tullyalley, Waterside Triangle

Strabane

48 Railway Road
STRABANE BT28 3ET
Tel: 7138 2637 Fax Ext 200

Estates covered: Alexander Place Lower, Ardmore, Ardstraw, Artigarvan, Ballycolman, Ballymagorry, Burdennett, Carlton Drive, Castlederg, Castletown, Churchtown, Clady, Cullion, Donemana, Douglas Bridge, Dublin Road, Erganagh, Fountain, Glebe, Killen, Killeter, Lisnafin Park, Magheramason, Main Street, Melmount Road, Millbrook Gardens, Newtown Place, Newtownkenedy, Newtownstewart, Plumbridge, Sion Mills, Spamount, Springhill Park, Urney Roa

Reviewed December 2006

10.14 PROCEDURES FOR DEALING WITH APPLICANTS WHO HAVE FAILED TO PROVIDE IDENTIFICATION

10.14.1 INTRODUCTION

In most cases it is relatively straightforward that we do not process an application if the Applicant refuses to supply Identification. However, if the Applicant is being processed and accepted for Complex Needs accommodation only through the Housing Support Officer I.D. will not be required as identification would have already been established through the health professional.

The Application must be registered with basic details listed in Appendix 10.14.1³⁷.

The Applicant must be visited and a full assessment carried out – this is for two main reasons:

- a. to draw attention to the fact that the applicant has not provided I.D. (most failures may simply be a case of the applicant preferring to provide the I.D. verification during the visit). Therefore, it is very important that the visiting officer explains that identification must be supplied in order to comply with the Application Requirements necessary to be eligible under the Housing Selection Scheme. They should advise the Applicant that their application form cannot be processed unless they provide I.D. The appropriate information should be recorded on the first page of the Visit Report that this has been discussed with the Applicant and to confirm that the Applicant still refuses to supply Identification.
- b. there may be issues around homelessness which we would have a statutory duty to investigate. The NIHE must discharge its homelessness obligations regardless of whether the Applicant has supplied Identification

³⁷ When dealing with Applicants from outside NI who has not provided I.D, you should then move on to Step 10.14.3. **N.B. Eligibility in Relation to People From Abroad also apply refer to 10.9**

Reviewed December 2006

or not. If an Applicant who has refused to supply Identification however, claims to be homeless / threatened with homelessness, or there would appear from the visit / assessment to be issues which may suggest that a homelessness investigation should be carried out, then it will be necessary to open a homelessness investigation. [See below if issues around homelessness are involved.]

10.14.2 NON-HOMELESS CASES

If the Applicant refuses to supply I.D. during the visit, then the Housing Officer must issue Letter 1a (Appendix 10.14.2) upon return to the office and allow 14 (calendar) days for a reply. The Preferences or Answers to the Questions should not be keyed at this stage. See 10.14.8.

In relation to Applicants from outside NI who have not provided ID with their Application the Housing Officer must follow the above procedure.

10.14.3 POTENTIAL HOMELESS CASES

Alternatively, if there are any issues regarding homelessness, then the Housing Officer should issue Letter 1b (Appendix 10.14.3) and commence homelessness investigations.

10.14.4 MAKING ENQUIRIES

Provided that the applicant has signed the declaration on the application form, the designated officer should proceed with their enquiries in relation to homelessness in the normal way.

Normal rules in relation to temporary accommodation placements apply, regardless of providing Identification.

10.14.5 OUTCOME - POSITIVE DECISION

An Applicant who meets the statutory homeless criteria can be awarded 70 points as an FDA, in recognition of the full housing duty and can therefore be placed on the Waiting List (Only the Preferences and the 70 FDA points should be keyed). It will be necessary in such circumstances to issue a manual decision letter notifying the Applicants of the outcome of the homelessness investigation and the award of points (attached at Appendix 10.14.5). The letter is worded to deal with both Homeless / threatened with homelessness and should be deleted as applicable. The system generated points notification letter should not be issued for such cases.

These Applicants are not entitled to any other housing need points from the Selection Scheme, with the exception of Interim Accommodation Points

Reviewed December 2006

(awarded if the applicant remains in temporary accommodation after 6 months, having been placed under the homelessness legislation) and Time in Housing Need Points (commencing after 2 years), if applicable. Both awards are system generated. If these points are subsequently awarded by the system for FDAs who have not supplied I.D. then the system generated points amendment letters should not be issued. A manual point's amendment letter (attached at Appendix 10.14.6) should be issued instead.

Apart from the system generated points mentioned above, no points other than FDA Points can be awarded to applicants who do not supply identification. Where the reason for the Homelessness is intimidation / civil disturbance, Intimidation Points cannot be awarded (Ensure that the answer to this question is set to 'N'). Therefore because of system validation, the Homelessness Reason Code 16: 'Other Action' should be used in such circumstances.

The Selection Scheme rules that if an Applicant has been on the Waiting List as an FDA for 6 months or more, then the system will apply the GHA policy by automatically setting the GHA indicator to 'Y' and generating a GHA imposed letter. Offices are notified through the Critical Date Report. This letter should not be issued to such applicants who have not supplied identification. An alternative manual letter, included at Appendix 10.14.7, should be issued instead. All estates / projects within 'real' and 'associated' CLAs within the GHA may need to be reviewed at this stage.

Note: The files for applicants who have been found to be FDA and have not provided Identification should be clearly marked to avoid any inadvertent award of points and to ensure that the correct letters are issued.

10.14.6 OUTCOME -NEGATIVE DECISION

If there is a negative outcome to the homelessness investigations then the appropriate Homeless Decision letter should be selected from e203 and issued and the steps regarding Letter 2 should be followed. (See 10.14.8).

Note: If a FDA Applicant agrees to provide I.D. at a later stage, then all other relevant points must be awarded.

If, after the 14 days have elapsed, the Applicant has failed to provide I.D. then Letter 2 (Appendix 10.14.4) should be issued. The date on which the first letter was issued should be inserted in the blank space provided. 7 (calendar) days should be allowed for a reply. In some cases it may take longer than 14 days to carry out the homelessness investigation (up to 30 days are permitted as the performance objective) and therefore, it will not be possible to issue Letter 2 until the investigations are complete and a decision on homelessness reached.

Reviewed December 2006

If the Applicant has not supplied I.D. within 7 days of the issue of Letter 2, then the Application should be deleted using Deletion Code 13 – Application Withdrawn.

Reviewed December 2006

Appendix 10.14.1

Mandatory Information Required for Registration of Applicants

3. Initial Registration Stage (PRAWL Event 201 Create Application/Transfer)
The minimum information that needs to be recorded onto the computer system from the Application/Transfer and Visit Report form is;
 - Address details
 - Date of application
 - Applicant's Title e.g. Mr/Mrs/etc
 - Forename
 - Surname
 - Date of birth
 - Sex
 - Position in family e.g. head of household
 - Ethnic origin e.g. white, Irish Traveller etc
 - Religion
 - Household composition
 - Country of origin i.e. the Country from where the applicant is applying
 - 1st time application (Y or N)
 - Tenure

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 : Fax 028 9031 8000

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015

Dear

SAMPLE LETTER 1a

I refer to your housing application.

As you have failed to provide Identification, the Housing Executive is unable to adequately assess your application.

I regret to inform you that unless you are willing to provide Identification within the next 14 days, the Executive is likely to conclude that you have failed to comply with the necessary requirements of the Housing Selection Scheme Rules and therefore you would not be eligible to be considered under the Housing Selection Scheme.

Please contact me so that arrangements can be made for you to supply identification.

Yours sincerely

District Manager

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 Fax 028 9031 8008

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015

Dear

SAMPLE LETTER 1b (POTENTIAL FDA)

As you have failed to provide identification, the Housing Executive is unable to adequately assess your application.

I regret to inform you that unless you are willing to supply the necessary documentation **within the next 14 days**, the Executive is likely to conclude that you have failed to comply with the necessary requirement of the Housing Selection Scheme Rules.

Please contact me so that arrangements can be made for you to provide Identification.

In the meantime, we will continue to consider your application under the homelessness legislation, with a view to ascertain if you are owed the "full duty" under that legislation, however we would strongly advise you to supply I.D. to ensure that you are awarded all housing need points which you may be entitled to.

Yours sincerely

District Manager

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB



Telephone: 028 9024 0588 : Fax 028 9031 8000

INVESTOR IN PEOPLE

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A. Anybody
3, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015

Dear

SAMPLE LETTER 2

I refer to my previous correspondence dated _____ in which I
advised that the Housing Executive is unable to adequately assess your
application as you have failed to provide Identification.

Failure to supply I.D. effectively means that the Executive will not be able to take
further action under the Housing Selection Scheme arrangements.

Please contact me within the next 7 days, otherwise, it will be assumed that you
are no longer interested in housing and your application will be cancelled.

Yours sincerely

District Manager

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 : Fax 028 9031 8000

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A. Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015 **SAMPLE HOMELESS DECISION LETTER**

Dear

NOTICE OF DECISION – HOUSING (NI) ORDER 1988

I am writing to you concerning your request for accommodation for you as a homeless person / person threatened with homelessness. *

Under the terms of the above Order, the Executive has accepted you as a person who is unintentionally homeless and in priority need. As you have refused to supply Identification, you will be registered on the waiting list with 70 Insecurity of Tenure – Full Duty Applicant points only.

If you remain on the Waiting List as a Full Duty Applicant after six months, you will be considered for accommodation within the general catchment area of your preferred choice, in line with the General Housing Area policy.

A leaflet explaining how the Executive assesses homelessness, and the advice and assistance available from the Executive is enclosed. If you wish to avail of these services or discuss this notice further, you should contact _____ at this office.

Once again, I would strongly urge you to provide Identification, so that you can obtain all the housing need points you may be entitled to.
I trust this is of assistance to you.
Yours sincerely,

District Manager

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB

Telephone: 028 9024 0588 : Fax 028 9031 8000

Textphone: 0845 6504381

www.nihe.gov.uk



INVESTOR IN PEOPLE

Mr A. Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015

Dear

SAMPLE POINTS AMENDMENT LETTER

Your application for housing / a transfer was registered on

_____.

Your points total has been amended to _____ from _____ for your area of choice_____.

Your points total has been amended to _____ from _____ for your area of choice_____.

It is important that you let us know at once of any change in your address or in your circumstances.

Once again, I would strongly urge you to supply Identification, so that you can obtain all the housing need points you may be entitled to.

Should you require any information or advice about your application or housing prospects, please contact this office.

Yours sincerely,

District Manager

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB



INVESTOR IN PEOPLE

Telephone: 028 9024 0588 : Fax 028 9031 8000

Textphone: 0845 6504381

www.nihe.gov.uk

Mr A Anybody
23, Any Street,
Anywhere,
BT2 8PB

Your Ref:
Our Ref:

5 November, 2015

Dear

SAMPLE GH A IMPOSED LETTER

Further to your application for housing / a transfer, I am writing to confirm that you person to whom the Housing Executive has a duty under the Housing (N.I.) Order 1988 and awarded 'Homelessness / Threatened with Homelessness – Full Duty Applicant' points. As you have not been allocated accommodation on a permanent basis after six months, in accordance with the rules of the Housing Selection Scheme, your area(s) of choice are now being widened out and you will now be considered for accommodation in the General Housing Area surrounding your area(s) of choice:

Area x

Area y

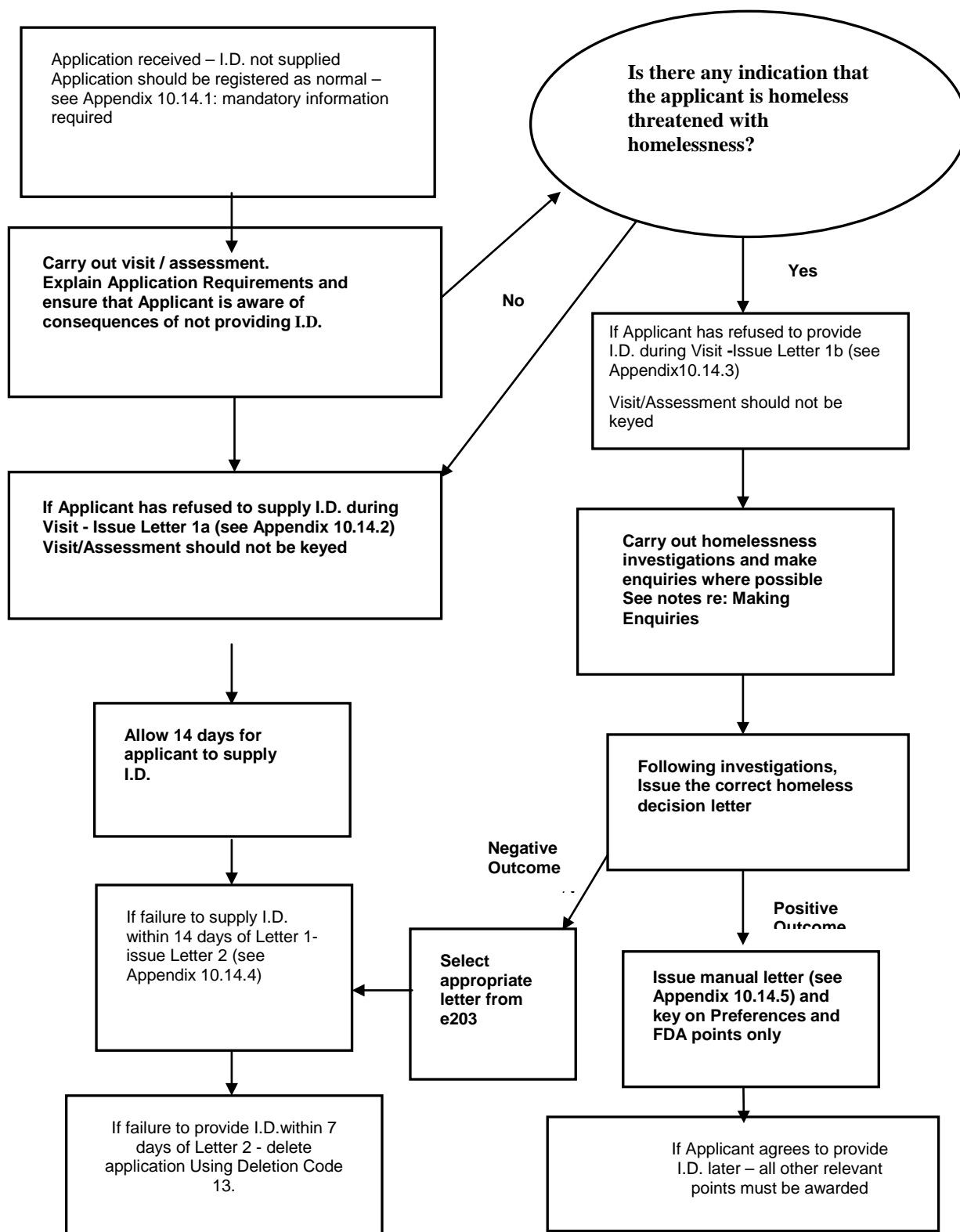
This means that you may be offered accommodation by either the Housing Executive or housing associations in both the area(s) of choice listed and the surrounding areas. You will be placed on the Common waiting List to be considered by all such providers unless you have indicated otherwise. Details of the estates / projects included in the General Housing Area are included.

It is important that you let us know at once of any changes in your address. Should you require any information or advice about your application, or housing prospects, please contact this office.

Yours sincerely,
District Manager

Appendix 10.14.8

Procedures for Dealing With Applicants Who Have Failed To Provide I.D.



HOUSING SELECTION SCHEME GUIDANCE MANUAL

Reviewed December 2006

HOUSING
SELECTION
SCHEME