

# Immigration and residence restrictions

Immigration and residence restrictions can affect the help you get from Southwark Council if you're homeless or facing homelessness.

**Contact a Shelter adviser.**

Get advice from Shelter if you are from Europe (the EU or EEA) and are homeless or will be homeless soon.

Contact a Shelter adviser online or phone

Emergency helpline [0808 302 6115](tel:08083026115)

[www.shelter.org.uk](http://www.shelter.org.uk)

Shelter's expert advisers will:

- check if you qualify for emergency housing from Southwark Council
- look for hostels or night shelters for you
- tell you about local services that could provide practical help

## Get help from Southwark Council

Anyone can ask Southwark Council for help when homeless or facing homelessness.

You can apply as homeless to Southwark Council if you're homeless or at risk of losing your home within 56 days. Southwark Council will check if you meet immigration and residence conditions. Southwark Council call this being 'eligible for assistance'.

Many EU nationals qualify for help but the help you get depends on your situation. If you're in a priority need group, you may qualify for emergency housing and longer-term housing when homeless.

If you don't meet immigration and residence conditions, Southwark Council only has to give you general advice and information.

## If Southwark Council decides you do not qualify

Southwark Council must give you a letter with reasons if we decide you don't qualify because of immigration or residence restrictions.

You can ask for a review within 21 days if you think the decision is wrong.

You may qualify for free legal help if you're on a low income:

**Contact Civil Legal Advice on 0345 345 4 345**

If you need immigration advice: **[Find a registered immigration adviser on GOV.UK](#)**

## British and Irish citizens

You qualify for Southwark Council help when homeless if you've lived in the UK, Ireland, Channel Islands or Isle of Man for the last 2 years.

### **If you've returned from abroad within the last 2 years**

Southwark Council decide if you're 'habitually resident'. This means you're settled in the UK for the foreseeable future.

You can be habitually resident when you arrive if:

- you were previously resident and have returned to resettle
- you've been deported back to the UK from another country

You can show an intention to resettle by, for example, looking for work, arranging school places and registering with a GP.

Most British citizens are accepted as habitually resident within 3 months of arrival but not everyone qualifies for emergency or longer term housing.

## EU and EEA citizens

Many EU citizens and their family members qualify for council help when homeless but it depends on your residence status.

### Permanent residence

You qualify for help if you're an EU citizen with permanent residence status.

You might have permanent residence if you've:

- lived in the UK for at least 5 years
- retired or stopped work permanently due to illness or disability and lived in UK for at least 2 years

### Working or self-employed

You qualify for help if you have EU worker status or EU self employed status..

Southwark Council decides if you have this status by looking at:

- how much you earn
- the number of hours you work

Southwark Council should accept that you count as a worker or self-employed if you earn at least £155 a week. You could qualify if you earn less than this.

### Pregnant or recently given birth

You qualify for help if you're on maternity leave from your job or self-employment.

You usually qualify for help if you stop working in the late stages of pregnancy or after having a baby, providing you return to work (or start looking for work) within 12 months.

### Looking for work

You won't qualify for help if you've never worked in the UK.

You will qualify for help if you've worked in the UK and still have your worker or self-employed status.

You usually keep your worker or self employed status for at least 6 months if you stop work, providing you register with Jobcentre Plus and look for a new job.

### Can't work due to illness or accident

You usually qualify for help if you've worked in the UK but can't work temporarily because of illness or an accident.

If your illness means you're unlikely to work again it won't be seen as temporary. You could have permanent residence and qualify for help if you lived in the UK for at least 2 years before giving up work.

## **Children in school**

You might qualify for help if you have a child who lives with you and is in school in the UK, providing your child has lived in the UK while you or their other parent was an EU worker. Only one of you needs to have been an EU worker.

## **If Southwark Council can't help you**

You'll need to find your own accommodation if Southwark Council can't help you with housing.

Find out more about:

- finding a private rented home
- getting a place to stay if you're on the streets

## **Help to pay rent**

If you find somewhere to live, you may be able to claim one of the following benefits to help with your rent:

- housing benefit
- universal credit

Your residence status in the UK affects if you qualify.

Find out more from Citizens Advice about claiming benefits if you're an EU national via [www.citizensadvice.org.uk/benefits/coming-from-abroad-and-claiming-benefits-the-habitual-residence-test/eea-nationals-and-the-habitual-residence-test/](http://www.citizensadvice.org.uk/benefits/coming-from-abroad-and-claiming-benefits-the-habitual-residence-test/eea-nationals-and-the-habitual-residence-test/)

## **People from outside the EU**

Some people from outside the EU qualify for council help when homeless or facing homelessness. Your leave to remain must allow you to have 'recourse to public funds'.

## **Settled status or indefinite leave to remain**

You usually qualify for help if you've been granted indefinite leave to remain (ILR), also known as settled status.

You won't usually qualify for help if you were granted ILR within the last 5 years because a relative sponsored you. The Home Office expects your relative to provide you with a home for your first 5 years in the UK unless they have died.

## Refugees

You usually qualify for help if you've been granted:

- refugee status
- humanitarian protection

You won't qualify for help if your leave to remain in the UK has ended.

If you apply to extend your leave before it expires, you continue to qualify for help until the Home Office makes a decision.

## Asylum seekers

You won't qualify for homeless help from the council if you're seeking asylum.

You can apply for asylum support instead if you have nowhere to live while the Home Office looks at your asylum claim.

If you're under 18 and on your own, children/social services will provide you with somewhere to live until you turn 18 or get a final decision on your asylum claim.

## Spouse or partner visas

You won't usually qualify for help if you're in the UK on a spouse or partner visa. Your partner is expected to provide you with a home for your first 5 years in the UK.

If you need to leave your home because of domestic violence you can ask the Home Office for permission to claim benefits and get homeless help for a 3-month period.

The [application form is on GOV.UK](#) but you should get immigration advice before you complete it.

[Rights of Women](#) [www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk) can provide free legal advice.

## No recourse to public funds

You can't get help with housing or benefits in the UK if your immigration status means you have 'no recourse to public funds'.

This restriction affects foreign students, work-permit holders, visitors and some other types of limited

## Get immigration and housing advice

You may need specialist immigration advice if you're unsure of your residence status.

The following organisations give specialist advice to Central and East European migrants:

**Barka UK free helpline - 0800 171 2926**

**East European Resource Centre - 0800 121 4226**

**Ramfel - 020 8478 4513**

## Contact us

If you need advice, assistance and support with your housing needs, please contact Southwark Council's Housing Solutions service.

Housing Solutions service

25 Bournemouth Road, Peckham Rye, London, SE15 4UJ

**020 7525 4140**

Out of hours phone:

**020 7505 5000**

[housing.options@southwark.gov.uk](mailto:housing.options@southwark.gov.uk)

Call Southwark Advocacy and Support Services (SASS) for further information on 020 7593 1290 or for more information on the council's work in this area please access information on the Southwark Council web site at [www.southwark.gov.uk](http://www.southwark.gov.uk)