

TOOLKIT

MAKING HOMELESS APPLICATIONS

The right to make
a homeless application



October 2021

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WHO CAN MAKE A HOMELESS APPLICATION

Introduction

- Anyone over the age of 16 who is eligible to make a homeless application can do so
- If the person you work with is aged 16 or over and is [homeless](#), they should make a homeless application to their [local authority](#)
- If the person is under age 16, select [here](#)

Definition of homelessness

A person is homeless or is treated as homeless if:

they have no accommodation in the United Kingdom or elsewhere

For example, a person has no home

they have no accommodation which they are entitled to or have a right to occupy together with other members of their household

An example: – Person has no enforceable legal rights to the accommodation they are currently staying in

has accommodation, but it is not reasonable to continue to occupy it

Some examples: – Property is overcrowded
– Property is unsafe
– Property does not meet the needs of a disabled person
– Relationship has broken down

has accommodation but cannot secure entry to it

Some examples: – Person has been unlawfully evicted from their tenancy
This list of examples is not exhaustive. – Person cannot occupy accommodation for some practical reason

has accommodation, but occupation of it will probably lead to abuse or threats of abuse from someone who lives there

has accommodation, but it is probable that occupation will lead to abuse.

Continues overleaf

Abuse is defined as including “violence, harassment, threatening conduct, and any other conduct giving rise, or likely to give rise, to physical or mental injury, fear, alarm or distress”

has accommodation, but it is moveable (such as a caravan or houseboat) and there is nowhere to place it and live in it

has accommodation, but this is overcrowded and may endanger the health of the occupants

A person is threatened with homelessness if they are likely to become homeless within two months.

Even if someone has somewhere to stay, they may still be homeless in the eyes of the law.

Section 24 of the Housing (Scotland) Act 1987, as amended

Homeless persons and persons threatened with homelessness.

(1) A person is homeless if he has no accommodation in the United Kingdom or elsewhere.

(2) A person is to be treated as having no accommodation if there is no accommodation which he, together with any other person who normally resides with him as a member of his family or in circumstances in which the local authority consider it reasonable for that person to reside with him—

(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court, or

(b) has a right or permission, or an implied right or permission to occupy, or in England and Wales has an express or implied licence to occupy, or

(c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession.

(2A) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

(2B) Regard may be had, in determining whether it would be reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the area of the local authority to whom he has applied for accommodation or for assistance in obtaining accommodation.

(3) A person is also homeless if he has accommodation but—

(a) he cannot secure entry to it, or

(b) it is probable that occupation of it will lead to abuse (within the meaning of the Protection from Abuse (Scotland) Act 2001 (asp 14)), or

(bb) it is probable that occupation of it will lead to abuse (within the meaning of that Act) from some other person who previously resided with that person, whether in that accommodation or elsewhere, or

(c) it consists of a movable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it; or

(d) it is overcrowded within the meaning of section 135 and may endanger the health of the occupants; or

(e) it is not permanent accommodation, in circumstances where, immediately before the commencement of his occupation of it, a local authority had a duty under section 31(2) in relation to him.

(4) A person is threatened with homelessness if it is likely that he will become homeless within 2 months.

(5) For the purposes of subsection (3)(e), “permanent accommodation” includes accommodation—

(a) of which the person is the heritable proprietor,

(b) secured by a Scottish secure tenancy,

(c) secured by an assured tenancy that is not a short assured tenancy,

(d) where paragraph 1 or 2 of schedule 6 to the Housing (Scotland) Act 2001 (asp 10) is satisfied in relation to the person, secured by a short Scottish secure tenancy.

(e) secured by a private residential tenancy.

The law is as stated as at 13 October 2021.

Get homeless help from the local authority

If the person you are supporting has nowhere safe to stay, they can [make a homeless application to the local authority](#). They should be given accommodation on the day they need it.

[The local authority must help](#) if someone is homeless or likely to become homeless in the next two months.

The full legal definition of homelessness can be found in Section 24 of the Housing (Scotland) Act 1987.

In [Resources](#) you will find a link to the useful tool How to apply to the Council as homeless.

Under 16 and homeless

If someone is under 16 years of age, their parents have a legal responsibility to look after them and ensure they have somewhere safe to stay. However, this is not always the case or possible.

Section 25 of the Children (Scotland Act) 1995, gives local authorities duties to provide accommodation for children. For example, providing accommodation in situations where the person caring for the child is prevented (for whatever reason) from providing the child with suitable accommodation or care.

In addition, Article 8 of the European Court of Human Rights (ECHR) states that everyone has the right to respect for his private and family life, his home and his correspondence. In terms of the right to a private and family life, families should be accommodated together with their child/children. This is a basic right and freedom that belongs to everyone which can be challenged in a UK court.

This also means if a homeless household with children are ineligible for homeless assistance (because they are subject to immigration control) then as the local authority have a duty to promote the welfare of the children, the local social services department should be contacted and accommodation requested for the family.

If the person you work with is under 16 and homeless, advise them to:

- contact the local social services department at their local authority for assistance and advice
- call ChildLine on 0800 1111

Mediation

Depending on why the young person has left home or become homeless, some local authorities have a mediation service to help sort things out with the family. If not, the young person can contact a mediator directly by visiting the Scottish Mediation website for a service near them.

Fleeing home because of violence or abuse

If the young person has fled home because of violence or abuse towards them, they should:

- call the Police
- call the free 24-hour National Domestic Abuse and Forced Marriage Helpline Scotland on 0800 027 1234
- contact their local Scottish Women's Aid centre or call Childline on 0800 1111

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THE DUTY TO ACCEPT HOMELESS APPLICATIONS

Introduction

- The local authority has a duty to accept a homeless application where there is a 'reason to believe' someone is homeless
- The threshold for having a 'reason to believe' someone is homeless is low. Where there is doubt, the application should be taken and temporary accommodation provided whilst enquiries are made
- The only test a local authority should consider when someone wants to make a homeless application is that they have a 'reason to believe' the applicant may be homeless or threatened with homelessness

Definition of 'reason to believe'

It is for the local authority to decide whether they have a reason to believe that someone is homeless. The threshold is **may be homeless**, not is homeless.

The only test the local authority should consider when an application is made is whether they have a '*belief*' that the person falls into one of the homeless definitions. **No other test should be considered at that time.**

The threshold for having a belief that someone is homeless is low.

If the low threshold is met, an application should be taken and temporary accommodation must be provided whilst enquiries (sometimes called a homeless assessment) are carried out.

Some examples:

Mark presents to the Council's homeless service

He explains that he has left his private let because of substantial disrepair.

There is mould and dampness and it is now affecting his asthma.

He has tried to get the landlord to do repairs who has refused.

The 'reason to believe' threshold should be met.

The local authority should accept the homeless application and provide temporary accommodation whilst they carry out further enquiries.

Annette is 19

She goes to the Council's homeless service.

She lives with her mum and stepdad.

She has fallen out with them and wants her own accommodation.

The 'reason to believe' threshold should be met.

The local authority should accept the homeless application and provide temporary accommodation whilst they carry out further enquiries.

Patience lives in a private let

She goes to another area's local authority homeless service.

She explains that she needs accommodation as she has been subjected to threats and harassment in her neighbourhood.

She is unable to provide any police reference numbers or evidence to support her claims.

The 'reason to believe' threshold should be met.

The local authority should accept the homeless application and provide temporary accommodation whilst they carry out further enquiries.

Threatened with homelessness

Local authorities have a duty to accept all homeless applications if they have a 'reason to believe' that someone is homeless or threatened with homelessness.

A person is threatened with homelessness if it is likely that the person will become homeless within two months.

If an applicant is threatened with homelessness, the local authority do not have a duty to provide temporary accommodation. They have a duty to provide at a minimum,

advice and assistance to secure that accommodation does not cease to be available for occupation, i.e. to try and prevent homelessness.

If the local authority decide that the applicant is unintentionally threatened with homelessness, they have a duty to take reasonable steps to secure that accommodation does not cease to be available for occupation.

Section 28 of the Housing (Scotland) Act 1987, as amended

Inquiry into cases of possible homelessness or threatened homelessness.

(1) If a person (“an applicant”) applies to a local authority for accommodation, or for assistance in obtaining accommodation, and the authority have reason to believe that he may be homeless or

threatened with homelessness, they shall make such inquiries as are necessary to satisfy themselves as to whether he is homeless or threatened with homelessness.

(2) If the authority are so satisfied, they

(b) may, if they think fit, make any further inquiries necessary to satisfy themselves as to whether he became homeless or threatened with homelessness intentionally;

and if the authority think fit, they may also make inquiries as to whether he has a local connection with the district of another local authority in Scotland, England or Wales.

The law stated is correct as at 13 October 2021.

Multiple or repeat/fresh applications

- Multiple or repeat homeless applications can be made to the same local authority
- The local authority can only refuse the application if the facts are exactly the same as a previously decided application or new facts are trivial or fanciful
- A homeless application can be made to more than one local authority
- Where there is doubt, the application should be taken and temporary accommodation provided whilst enquiries are made

The law does not limit the number of applications that can be made to the same local authority. Nor does it limit the number of local authorities to whom an application can be made.

If a local authority refuses to accept a repeat homeless application, they must be able to demonstrate that the facts of a repeat application are based on exactly the same facts as the facts that existed when the previous application was decided upon, or that the new facts are trivial or fanciful.

If they can't or there is any doubt, the local authority should accept the application and provide temporary accommodation whilst enquiries are being made.

Gatekeeping

- 'Gatekeeping' are practices which local authorities use to either avoid, postpone or discourage homeless applications from being made, where legitimate grounds for refusal do not exist
- If a person applies to a local authority for accommodation, or assistance in obtaining accommodation, and the local authority has a reason to believe that the applicant is homeless, then an application should be taken
- Local authorities have a duty to accept all homeless applications if they have a 'reason to believe' that someone is homeless
- If a local authority has refused to accept a homeless application, the resources section has a template letter which you can adapt and use to make a challenge where appropriate
- If the local authority refused to accept a homeless application because the applicant is subject to immigration control (this is sometimes referred to by homeless services as "No Recourse to Public Funds"), please see section Applicants subject to immigration control

Local authorities must not first screen applicants who wish to make a homeless application. That's because informal first screening of applicants is a form of gatekeeping which is unlawful.

Examples of informal gatekeeping by a local authority

- Not accepting a homeless application because the person does not have a local connection to the area
- Not accepting a homeless application because the local authority states there is no temporary accommodation available
- Advising someone in advance that they are likely to be rehoused in a difficult to let area or in a location many miles from where they wish to stay, or require to pay a charge for the accommodation which appears to be unaffordable
- Not accepting an application because a previous homeless application has been made
- Assume that every individual who enters a local authority office is aware of their legal right to make a homeless application. Sometimes a Housing Options interview will be all that is offered. Prominently displayed notices should make it clear that applicants are entitled to an interview with a homeless officer

Local authorities have a legal duty to accept a homeless application except in circumstances where they have determined:

- That the applicant is ineligible for homeless assistance
- That a repeat/fresh application is on exactly the same facts as the facts that existed when the previous application was decided upon

They should not carry out any informal first screening of homeless applicants.

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APPLICANTS SUBJECT TO IMMIGRATION CONTROL AND EEA NATIONALS

Introduction

- People from abroad who are subject to immigration control are not eligible for assistance unless they fall into a class set out in the Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000
- Because the UK has now left the EU, EEA nationals are now subject to immigration control. However, an EEA national may still be eligible for homeless assistance if they meet certain criteria. Specialist advice should be sought in these complex cases

- An EEA national who has been granted pre-settled or settled status, or who has applied to the EU Settlement Scheme (EUSS) before the 30 June 2021 and is awaiting a decision, may be eligible for homeless assistance provided they meet certain criteria outlined further below. If an EEA national has not applied to the EUSS they should seek urgent advice from the Citizens Rights Project or the EU Citizens Support Service run by Citizens Advice Scotland, or an immigration solicitor
- The local authority can only refuse to take an application if they are satisfied that a person is ineligible for assistance. Where there is doubt, temporary accommodation should be provided whilst enquiries are made
- Where an applicant is ineligible for homeless assistance, a local authority may still have duties (as it will depend on the individual's circumstances) to assist under other legislation such as mental health, social work or the Children (Scotland) Act 1995
- Local authorities who refuse to take a homeless application because they believe the applicant is subject to immigration control, must have fully investigated this issue and put this in writing to the applicant. If there is any doubt, the application should be taken

The [EEA nationals questionnaire](#) may help you to establish eligibility for EEA nationals.

Applicant subject to immigration control

A person who is subject to immigration control is ineligible for homeless assistance, unless they fall into a class set out in the Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000.

People are subject to immigration control where they fall into one of the following categories:

- They need permission to enter or remain in the UK but do not have it. For example, they are an asylum seeker with temporary admission, or they have overstayed their leave to enter or remain
- They have permission to enter or remain in the UK on condition that they have no recourse to public funds (NRPF)
- They have permission to enter or remain in the UK as a result of someone providing a maintenance undertaking
 - a maintenance undertaking is a written pledge given by a friend or family member, under UK immigration rules, who is responsible for that person's financial support and accommodation

People who have no recourse to public funds cannot receive the following benefits. They are also ineligible for homelessness assistance and accommodation.

People with NRPf cannot receive the following benefits

Attendance Allowance	Disability Living Allowance	Pension Credit
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Carer's Allowance	Income-related Employment and Support Allowance	Personal Independence Payment
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Child Benefit	Housing Benefit	Severe Disablement Allowance
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Council Tax Support	Income Support	Social Fund payments
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Child Tax Credit	Income-based Jobseeker's Allowance	Universal Credit
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Council Tax Support	Local Welfare Assistance	Working Tax Credit
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Brexit and the EU Settlement Scheme

Because of Brexit, EEA nationals require to apply to the EU Settlement Scheme for the right to continue to live in the UK. They will be given either settled or pre-settled status. The deadline for most people to apply to the EU Settlement Scheme was 30 June 2021 however, a later deadline applies in certain circumstances. An application may also be made after the deadline where the individual has 'reasonable grounds' for not having applied by 30 June 2021. If this applies to the person you are supporting, advise them to seek urgent advice from an immigration lawyer or accredited adviser.

There are three categories where an EEA national is eligible for homeless assistance:

1. They have settled status (where the applicant has lived in the UK for a continuous five year period) and are habitually resident in the UK. Those with settled status have indefinite leave to remain.

Habitual residence means that the person must be seen to be making a home. It does not have to be the only or permanent home, but it must be a genuine home for the time being. Habitual residence generally requires residence to be for both an appreciable period of time and a settled purpose. Established habitual residents who have periods of temporary or occasional absence of long or short duration may still be habitually resident during such absences.

2. They have pre-settled status (where the applicant has not yet been continually resident in the UK for at least five years) and are exercising treaty rights. Those with pre-settled status have limited leave to remain in the UK.

Someone who is exercising EU Treaty Rights is sometimes referred to as a “qualified person”.

- Exercising treaty rights means that the person is:
 - a worker
 - a job-seeker
 - self-employed
 - self-sufficient
 - student
 - a family member of a person of any of the above categories

The Home Office have issued [EEA nationals qualified persons guidance](#) which provides assistance in establishing whether someone is a qualified person. The question of whether a person is exercising treaty rights can be complicated and independent specialist advice should be sought.

EU Treaty Rights is a term used to describe the rights that EU citizens and their family members had pre-Brexit to exercise free movement within the territory of the Member States of the EU. Treaty rights were also granted to members of the European Economic Area (EEA) as well as Switzerland.

The UK Government's policy intention is that people with pre-settled status will continue to have the rights they had under EEA Regulations. Those with pre-settled status will have the right to homeless assistance provided that they are exercising treaty rights.

3. They have made an application to the EU Settlement Scheme before 30 June 2021 which has yet to be decided **and**
 - they are exercising treaty rights as at the date of the homeless application
 - they were lawfully resident in the UK on 31 December 2020; OR
 - they had a permanent right to reside on 31 December 2020. Having a permanent right to reside normally refers to someone having five years continuous lawful residence. However, the law allows for periods of absence from the UK during the qualifying five year period so if in doubt, seek advice.

EEA nationals are **ineligible** for homeless assistance if:

- They have pre-settled status but are not exercising treaty rights
- They have settled status but are not habitually resident in the UK
- They have applied to the EUSS before the 30 June 2021 but were not lawfully resident in the UK on 31 December 2020 by either (1) exercising treaty rights or (2) did not have the permanent right to reside as at 31 December 2020
- They have arrived in the UK after 31 December 2020 (and none of the eligibility criteria above apply). Such persons will have No Recourse to Public Funds
- They have made an application to the EU Settlement Scheme (EUSS) after 30 June 2021. If they applied after the 30 June 2021 deadline, they may then become eligible for homeless assistance if they are granted pre-settled or settled status

Homeless applications and eligibility

- The local authority have a duty to accept a homeless application where they have reason to believe the person may be homeless
- Only where a local authority is satisfied that a person is ineligible for assistance can they refuse to take an application

- In that case, the local authority should be prepared to provide a written decision with reasons for their decision, notifying the applicant of the right of review. If such a decision letter is not provided, this should be requested

Someone who is ineligible to make a homeless application because they are subject to immigration control (including ineligible EEA nationals), should still approach the local authority for assistance. This is because a local authority may still have a duty to assist those who are homeless under:

- Social Work (Scotland) Act 1968
- Mental Health (Care and Treatment) Scotland Act 2003
- Children (Scotland) Act 1995

Advice should be sought in these complex cases.

Provided that an EEA national has applied to the EUSS before 30 June 2021 and not been refused status, they should be eligible for homeless assistance provided they meet the criteria outlined above. If an EEA national has not applied to the EUSS they should seek urgent advice.

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EQUALITY ACT

Introduction

- Local authorities have a duty to comply with the Public Sector Equality Duty under the Equality Act 2010. It is a duty to consider equality in all of a public authority's functions, the policies that are made and how a service is delivered, including decision making. This means that in carrying out their homelessness functions, the local authority must have due regard to the three aims set out in the duty, detailed more fully in this section. The equality duty complements homelessness legislation
- If a local authority has not had due regard to the equality duty whilst carrying out their homeless functions, for example in a decision relating to the homeless application, or in the accommodation which is provided to the applicant, that decision may be unlawful, and subject to legal challenge by judicial review

Public Sector Equality Duty

The Public Sector Equality Duty is set out in Section 149 of the Equality Act 2010.

It applies to public authorities and other organisations when they are carrying out public functions for example, local authorities when carrying out their homelessness functions.

The general duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Local authorities must, in carrying out their homeless functions, have **due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010. This relates to any of the above protected characteristics
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not, and
- foster good relations between people who share a relevant protected characteristic and those who do not

For the second and third needs above, a relevant protected characteristic means any of the above protected characteristics except marriage and civil partnership.

Having 'due regard' means that the local authority should consciously consider the need to eliminate discrimination, advance equality of opportunity and foster good relations when carrying out their homelessness functions. The equality duty should be kept well in mind in the local authority's decision-making process. Some examples of where the equality duty may apply to homelessness functions and decision making include:

- are homeless services accessible?
- is the temporary accommodation provided to the applicant suitable for their occupation taking into account their needs, such as a disability
- if a local authority has decided to investigate whether an applicant is intentionally homeless, have the local authority taken into account the existence of a protected characteristic and whether that is relevant to why the person became homeless?
 - e.g. a homeless applicant may have applied as homeless because of racial harassment from a neighbour, or
 - an applicant may apply as homeless because they are unable to continue to live in their previous accommodation due to a disability

RESOURCES

Template Letters

If the local authority do not take a homeless application when they should, this is a breach of statutory duty which can be challenged.

Instruction

You may find the following templates useful to make a challenge. You can download each template and adapt the text where required.

Template Letter 1

[Use when Applicant has no accommodation / application not taken \[Select here to download this letter template\]](#)

[X] has contacted our organisation for assistance with their current homeless situation.

[X] presented to your homeless service [when] however a homeless application was not taken because [why, e.g. no local connection to the area / would be found intentionally homeless / would not be able to afford temporary accommodation]

[X] is homeless and has nowhere to stay. Their situation is [explain]. [X] wishes to apply as homeless and urgently requires accommodation.

Where the local authority have reason to believe that the applicant is homeless, an application should be taken and inquiries made.

Please can you urgently confirm by close of business today that a homeless application will now be taken and temporary accommodation provided from tonight onwards. If you are not taking a homeless application or providing accommodation, please confirm this in writing and the reasons for this.

If I do not hear from you, I will advise [X] to seek further advice on their rights.

Template Letter 2

[Use when Applicant has accommodation which is unreasonable to occupy / application not taken \[Select here to download this letter template\]](#)

[X] has contacted our organisation for assistance with their current homeless situation.

[X] presented to your homeless service [when] however a homeless application was not taken because

[These three examples explain the person's circumstances which are necessary to be included in the letter. They should be adapted according to the individual circumstances to show the argument why the person's accommodation is no longer reasonable to occupy and why a homeless application should be taken]

- X's circumstances are that he has a tenancy however he is being threatened with violence in the area. X has contacted the police who have advised him that it is not

safe to stay in the area. The police station involved is [provide any details]

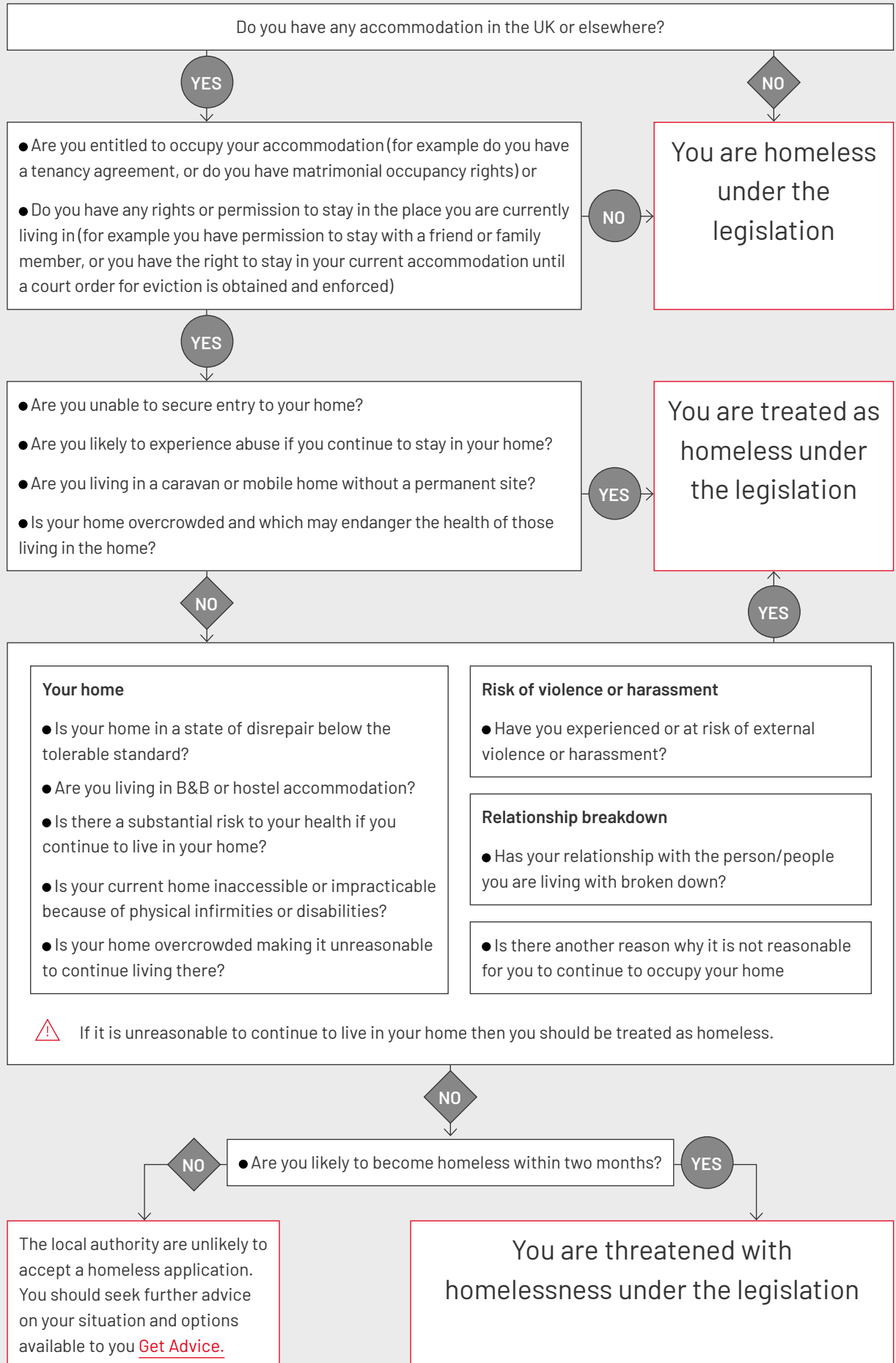
- X has been subjected to abuse and harassment from their former partner [detail circumstances]
- X has endured repeated and ongoing antisocial behaviour which is having a detrimental impact to her mental health

In the circumstances it is not reasonable for X to continue to live in their home. X is homeless.

Please can you urgently confirm by close of business today that a homeless application will now be taken and temporary accommodation provided from tonight onwards. If you are not taking a homeless application or providing accommodation, please confirm this in writing and the reasons for this.

If I do not hear from you, I will advise [X] to seek further advice on their rights.

Are you homeless or threatened with homelessness and should a homeless application be taken?



Support notes

If you are **threatened with homelessness** then the local authority do not have a duty to provide you with temporary accommodation. If the local authority decide that you are unintentionally threatened with homelessness they have a duty to take reasonable steps to secure that accommodation does not cease to be available for your occupation, and in all other cases to provide you with advice and assistance in any attempts you may make to secure that accommodation does not cease to be available for your occupation.

See [threatened with homelessness](#) section.

In assessing a homeless application, the Council **may** assess whether you have become homeless intentionally and whether you have a local connection to the area.

These assessments should only take place **after** a homeless application has been accepted and temporary accommodation provided.

It is **unlawful** for a local authority to **refuse** to take an application because they say you will be considered to be intentionally homeless or that you should apply to another local authority because you have no local connection.

See [gatekeeping](#) section.

Where the local authority have **reason to believe** that you are homeless (or that you should be treated as homeless) or threatened with homelessness they have a duty to accept a homeless application. [Subject to eligibility](#).

See [definition of reason to believe](#) section.

The legal test of 'reason to believe' is a **low threshold**.

An application should be taken, and if the local authority have reason to believe that you may be homeless, they should provide temporary accommodation, and **then** the local authority should carry out an assessment of your application.

Although it is a low threshold, if you have evidence that helps to show why you are homeless or should be treated as homeless or are threatened with homelessness then this should be provided to the Council (i.e. photos of substantial disrepair, police reference number where you have experienced violence, abuse or harassment).

After assessing your application, the Council will make a decision as to whether or not you are homeless or threatened with homelessness.

This decision is one which you are entitled to seek a review/appeal.

EEA national clients questionnaire

You may find the EEA nationals questionnaire helpful to establish the eligibility of an EEA national. [Please download the questionnaire to use when required.](#)

1. Your nationality – do you have any form of ID?

2. Have you applied to the EU Settlement Scheme (EUSS)?

- If so, what is the status of that application?
When did you apply?
- If you are still waiting on a decision, when did you make your application, and do you have confirmation from the Home Office that the application has been made?
- If you have not yet made an application, we would advise that you seek immigration advice as a matter of priority (unfortunately you will be ineligible for homeless assistance, unless you are part of another person's household who is eligible for homeless assistance – we would still advise you to get immigration advice on your right to reside in the UK).

3. When did you first arrive in the UK?

Do you have any proof of how long you have been in the UK? (Ask and take note if there have been any absences from the UK and ask how long for and why).

4. What were you doing workwise as at the end of December 2020?

- *If working:* note details of employer / hours worked / pay / was there a contract (it doesn't necessarily matter if it was zero hours) / how long were they in that job / were wages paid into a bank account
- *If jobseeking:* ask if they have any evidence such as job applications; interviews; registering with recruitment agency; claim for Universal Credit (UC)
- What skills and qualification do they have – and does this correspond to the jobs being applied for?

Covid-19 seriously affected most job markets. Ask if there was a change in opportunities available as a result of covid and over what period of time. Is there evidence of this?

- Have they retained worker status?

This will be the case where they have lost their work, through no fault of their own – and have registered as unemployed with DWP or with a recruitment agency

If their job lasted less than six months, they can retain worker status for a period of six months

If they worked for more than one year, they retain worker status for six months and longer so long as they can provide evidence that they are continuing to seek employment

If now unemployed, what was their most recent employment or self employment, how long were they working for? Have they registered with the jobcentre or a recruitment agency?

- Are you the family member of someone who is exercising treaty rights?
- What's your relationship to them?
- What's their situation (work / job seeking / student etc.)
- Do any of your family members have pre-settled or settled status?

5. What are you doing now?

Take notes as above.

6. Have you made a homeless application?

Do you know if the Council have taken a homeless application? (Have you been asked questions like this before by the Council?)

7. Have you had a decision from the Council on a homeless application – what was that decision? (Ineligible / Not homeless / Unintentionally homeless / No local connection?)

Did you obtain that decision in writing? Do you have a copy of the letter?

8. What were your living arrangements in your home country?

9. Is there a reason why you couldn't live in that accommodation in your home country?

Useful links

[How to apply to the council as homeless](#)

[Scottish Women's Aid](#)

[Childline](#)

[Scottish Mediation Service](#)

[National Domestic Abuse and Forced Marriage Helpline in Scotland](#)

[Shelter Scotland Get Advice for more information on multiple and repeat applications](#)

[EEA nationals qualified persons: Guidance on European Economic Area \(EEA\) national qualified persons.](#)

[Public Sector Equality Duty](#)

<https://www.cas.org.uk/brexit>

[Code of Guidance on Homelessness](#)

**We exist to defend the right to a safe home
and fight the devastating impact the housing
emergency has on people and society.**

We do this with campaigns, advice
and support – and we never give up.
We believe that home is everything.



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