



Rights of EU Citizens in Wales

The right to housing

This factsheet provides a brief summary of housing rights for EU citizens' in Wales. In this factsheet, 'EU citizens' includes citizens of the EU member states, as well as citizens of the EEA states (Norway, Iceland and Liechtenstein), and citizens of Switzerland.

This factsheet also covers the rights of **family members** who are not themselves EU citizens, and whose right to live in the UK is derived from their relationship with an EU citizen.*

Following the UK's exit from the European Union (**Brexit**), the rights of EU citizens in Wales have changed in some important ways.

EU citizens and their family members who were living in the UK on 31 December 2020 and who wished to stay in Wales, must have applied to the **EU Settlement Scheme (EUSS)** for either **Settled Status** (indefinite leave to remain) or **Pre-Settled Status** (limited leave to remain for 5 years) before

30 June 2021. Irish citizens and people with indefinite leave to remain did not have to apply. EU citizens and their family members who did not apply to the EUSS before the 30 June 2021 deadline, do not have the right to remain in the UK after 1 July 2021, and should seek urgent legal advice if they now wish to stay in Scotland.

EU citizens who arrived in the UK for the first time on or after 1 January 2021 cannot apply for **Settled Status** or **Pre-Settled Status**. They arrive as Short Term Visitors. If they wish to remain for more than a short visit of up to 6 months, they must apply for a **Long Term Visa** (for example, to study, or work, or join a family member).

Non-EU family members of EU citizens can only enter the UK after 1 January 2021 if they already have an EUSS family permit, a UK-issued EEA family permit or a UK-issued biometric residence card.

Do EU citizens' have the right to buy and own property in Wales?

All EU citizens

All people in Wales have the right to buy and own property.

EU citizens' rights to buy and own property are equal to that of a UK citizen, and property owners, banks and mortgage lenders must not discriminate against EU citizens' on the basis of their citizenship.

However, EU citizens' may face some barriers in arranging to buy and own property if they do not have leave to remain (like Settled Status or Pre-Settled

Status or a Long Term Visa). For example, EU citizens have the right to open a UK bank account but they may be asked to provide more information to support their application than a UK citizen.

If an EU citizen needs to obtain a mortgage to purchase a property, and they do not have leave to remain or they have limited leave to remain (like Pre-Settled Status or a Long Term Visa), they may not be eligible for some mortgages, or the mortgage lender may charge them a higher rate than a UK citizen.

* 'Family members' can include: your spouse or civil partner, your children, grandchildren and great-grandchildren under age 21, your dependent children over age 21, your dependent parents, grandparents and great-grandparents, and some unmarried partners and other dependent relatives (where the Home Office has issued an 'extended family member' registration certificate)

Do EU citizens' have the right to rent property in Wales?

All people in Wales have the right to rent property. EU citizens' rights to rent property from a private landlord or housing association are equal to that of a UK citizen, and landlords must not discriminate against EU citizens' on the basis of their citizenship, nor do they have the right to refuse to rent property to EU citizens' on the basis of their immigration status. If an EU citizen is subject to immigration control they cannot rent from a local authority landlord.

The UK Government's Right to Rent scheme does not apply in Wales. This scheme requires landlords of private accommodation in England to check the immigration status of all new tenants.

Do EU citizens' have the right to access homelessness assistance from a local authority in Wales?

Some EU citizens and their family members in Wales are eligible to make an application to their local authority for homelessness assistance. If an EU citizen is eligible and homeless, the local authority has a duty help them by (a) taking a homelessness application; (b) making inquiries into the circumstances of their application; and (c) providing them with temporary homelessness accommodation if they need it.

If a local authority refuses to provide an EU citizen with homelessness assistance, they should ask them to provide a written reason for their decision. They have a right to review that decision, and should do so within 21 days. You can get independent advice to help you request a review (see sources below). The local authority might ask you to pay towards the costs of your temporary homelessness accommodation. If you cannot afford these costs, you should get advice on challenging them. You do not need to be in receipt of benefits to access temporary homelessness accommodation.

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EU citizens' can get independent advice to help them request a review (see sources below).

The local authority might ask EU citizens' to pay towards the costs of their temporary homelessness accommodation. If they cannot afford these costs, they should get advice on challenging them. They do not need to be in receipt of benefits to access temporary homelessness accommodation.

The following EU citizens are eligible for homelessness assistance:

EU Citizens who have Settled Status

If an EU citizen holds Settled Status, they automatically satisfy the right to reside test. They are eligible for homelessness assistance in Wales, so long as they are habitually resident.

EU Citizens who have Pre-Settled Status

If an EU Citizen holds Pre-Settled Status, they must satisfy the right to reside test in order to establish their eligibility for homelessness assistance. In Wales, an EU citizen could be eligible if they are a jobseeker.

EU Citizens who were lawfully residing in the UK on 31 December 2020 and applied to the EUSS before the 30 June 2021 deadline

If an EU citizen applied to the EUSS before the 30 June 2021 deadline and is awaiting a decision, so long as they are still exercising treaty rights, they will be eligible for homelessness assistance until they are granted Settled Status or Pre-Settled Status (or until they are no longer able to appeal a refusal of their application).

The following EU citizens are not eligible for homelessness assistance:

EU Citizens who were lawfully residing in the UK on 31 December 2020 and did not apply to the EUSS before 30 June 2021

EU Citizens who arrived on or after 1 January 2021 for the first time

However, if an EU citizen is experiencing difficulty with accessing accommodation they should seek specialist advice (see sources of information below). If they are unsure about their right to own or rent property or to access homelessness assistance, they should seek advice and support.

Further advice and support**Tenants' rights and responsibilities and how to apply for housing:**

www.gov.wales/housing

Shelter Cymru

08000 495 495 (phone lines operate between 9.30am – 4.00pm, Monday to Friday)

www.sheltercymru.org.uk

EU Citizens Rights Service at Citizens Advice Wales

0300 3309 059 between 9am to 5pm, Monday to Friday

<https://www.citizensadvice.org.uk>

Live Fear Free – Wales' domestic abuse helpline

0808 80 10 800 available 24 hours a day 7 days a week.

<https://www.citizensadvice.org.uk>

Frequently Asked Questions Regarding the Right to Housing

Who is eligible to apply for a council or housing association home?

Eligibility for a council or housing association home depends on your nationality, immigration status and if you've recently lived abroad. In Wales, it can also depend on your past behaviour.

What does 'being eligible' mean?

The council or housing association can't allow you on to its waiting list if:

- you are not eligible, or
- you are treated as not eligible because of serious unacceptable behaviour.

Most people who are living in the UK permanently are eligible, but there are some exceptions.

Being eligible doesn't mean that you are guaranteed to be offered a place. It means that you are entitled to be considered for a home and to go on the waiting list. In many areas, there is very little housing available, so there is often a very long wait, and some people may never get an offer.

Will I be asked for proof of my Settled Status?

If you are granted pre-settled or settled status under the EUSS then you will be eligible to apply for social housing or homelessness assistance. You will need to show your digital status when you apply.

I have applied to the EUSS before the 30th June 2021 Deadline but have not yet received a decision

You should have received a certificate of application that proves you submitted a valid application, this evidence can be used until you receive a decision. (The certificate of application is a letter with a reference number on – usually sent to the email address you used for your application).