

**Fife Council**

**Habitual Residence Test for returning UK Nationals**

**Declaration for eligibility for Housing and Homelessness Assistance**

Council housing is regarded as a form of public assistance therefore in certain circumstances applicants are requested to confirm their eligibility to access council housing and homelessness assistance.

You are being asked to complete this declaration as within your application for housing, you have advised that you have lived outside the UK (the Channel Islands, the Isle of Man or the Republic of Ireland) within the last two years. In these circumstances Fife Council is required to confirm habitual residence. To support your application can you please answer the questions below.

**PRINT**  **FHR Application No:**

**NAMES**

Question	Applicant	Joint Applicant
<b>Leaving the UK</b>		
When did you/joint applicant leave the UK?		
How long did you/joint applicant live in the UK before leaving? (in which countries, for how long?)		
Why did you/joint applicant decide to leave the UK?		
How long did you/joint applicant intend to live abroad?		
<b>Returning to the UK</b>		
Why did you/joint applicant decide to return to the UK?		
Did you/joint applicant keep accommodation in the UK when you were abroad?		
What links have you/joint applicant kept with the UK - a home - family - club memberships - finance/bank accounts		
Do you/joint applicant intend to remain in the UK as your permanent home?		

<p>Did you/joint applicant plan your return to the UK</p> <ul style="list-style-type: none"> <li>- Did you/joint applicant arrange employment for your return?</li> <li>- Did you/joint applicant sell property before your return to the UK?</li> <li>- Did you/joint applicant buy a one way ticket?</li> <li>- Did you/joint applicant bring all your belongings to the UK?</li> <li>- What steps have you taken to secure accommodation before your return to the UK?</li> </ul>		
	<b>Tick what has been provided/attached</b>	
<p>Can you/joint applicant provide proof to support your application? Examples include:</p> <p>Current UK passport</p> <p>Notification of benefits e.g</p> <ul style="list-style-type: none"> <li>- Child benefit</li> <li>- Child Tax Credit/Working Tax Credit</li> <li>- Income Support</li> <li>- Income based Jobseekers Allowance</li> <li>- Housing/Council Tax Benefit</li> <li>- Carer's Allowance</li> <li>- Disability Living Allowance</li> <li>- Universal credit</li> </ul>		
<p>Tax notifications or other official documentation provided by a relevant authority (e.g. Department of Work and Pensions, HM Revenue and Customs, the Home Office)</p>		

**Signature**

Main Applicant

Joint Applicant

**Date**

## **Application Assessment Guidance – Returning UK Nationals**

Any person who is a British National and is habitually resident in the Common Travel Area (CTA) is eligible to apply for council housing. Anyone who has entered the UK in the last two years following a settled\* period of living abroad is subject to the habitual residency test. Eligibility to access public assistance is determined by whether the person/household is habitually resident in the UK (or the wider CTA).

\*settled is defined as having accommodation abroad and normally resident in that country but does not cover extended holiday. Service with armed forces or other living abroad circumstances which is not voluntary.

### **What is the Habitual Residence Test?**

The Habitual Residence Test (HRT) is the means of confirming that an individual or household is habitually resident in the UK and have the right to reside.

### **When is the Habitual residence Test applied?**

In some circumstances, applicants will be applying for housing but will also be accessing the welfare benefits system. In these circumstances, applicants will be able to confirm “habitual residence” by the fact that they have “passed” the HRT and accessing one or more of the following benefits;

- Child benefit
- Child Tax Credit/Working Tax Credit
- Income Support
- Income based Jobseekers Allowance
- Housing/Council Tax Benefit
- Carer’s Allowance
- Disability Living Allowance
- Universal credit

In all circumstances Fife Council will accept decisions made by DWP, HM Revenue & Customs or other authority which confirms recourse to public assistance including local authority housing and homelessness assistance. These organisations processes are independent from Fife Council.

In other circumstances, applicants will not be eligible to access welfare benefits (either due to income or savings) but have made an application for housing. These applicants would be regarded as self-sufficient but it is the local authority’s responsibility to carry out the habitual residence test. There is no national model of HRT to cover these situations.

In these circumstances, the applicant requires to complete the attached pro-forma as confirmation of habitual residence and therefore entitled to access Fife Council through Fife Housing register as well as the right to access homelessness assistance. By completing the form, the information gives an overall picture of whether the person/household is habitually resident in the UK. Proof of habitual residence is sufficient to confirm that a British National has recourse to public assistance. More information may be requested if a determination can’t be assessed with what is provided.

Other nationalities also need to confirm Right to Reside and this is covered in the FHR Foreign Nationals Guidance. British citizens returning to the UK from outside the CTA that are able to confirm habitual residence automatically pass the right to reside test.

November 2016