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IMMIGRATION

HOUSING, ENGLAND

HOUSING, SCOTLAND

HOUSING, NORTHERN IRELAND

**The Persons Subject to Immigration Control (Housing Authority
Accommodation and Homelessness) (Amendment) Order 2006**

<i>Made</i>	- - - -	<i>13th September 2006</i>
<i>Laid before Parliament</i>		<i>18th September 2006</i>
<i>Coming into force</i>	- -	<i>9th October 2006</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 118, 119 and 166(3) of the Immigration and Asylum Act 1999(a), makes the following Order:

Citation and Commencement

1. This Order may be cited as the Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Order 2006 and shall come into force on 9th October 2006.

**Amendment of the Persons subject to Immigration Control (Housing Authority
Accommodation and Homelessness) Order 2000**

2.—(1) The Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000(b) is amended as follows.

(2) In article 3 (Housing authority accommodation—England, Scotland and Northern Ireland)—

(a) for sub-paragraph (b)(i) there shall be substituted the following—

“(b) (i) who has leave to enter or remain in the United Kingdom granted outside the provisions of the immigration rules; and”;

(a) 1999 c.33. Section 118(1)(b) was amended by section 43(3) of the Immigration, Asylum and Nationality Act 2006. The Secretary of State can exercise the power under section 118 in relation to England, Scotland and Northern Ireland but not Wales: see article 2 of and the entry for section 9 of the Asylum and Immigration Act 1996 (c.49) in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). See also section 17 of the Interpretation Act 1978 (c.30) (sections 118 and 119 re-enact, with modifications, section 9 of the 1996 Act). Section 9 of the 1996 Act, in so far as it extended to England and Wales, was amended by paragraph 3 of Schedule 16, and Parts VII and VIII of Schedule 19, to the Housing Act 1996 (c.52).

(b) S.I. 2000/706, relevant amending regulations are S.I. 2005/1379.

(b) after paragraph (b) there shall be inserted the following—

“(bb) Class BA—a person who has humanitarian protection granted under the immigration rules;”.

(3) In article 7 (Homelessness—Scotland and Northern Ireland) for sub-paragraph (1)(a) there shall be substituted the following—

“(a) the classes specified in article 3(a) to (e) (Class A, Class B, Class BA, Class C, Class D and Class E);”.

Home Office
13th September 2006

Gerry Sutcliffe
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000.

This Order replaces one of the limbs of Class B to reflect changes to the process of and language used in the granting of leave outside the immigration rules. What was formerly known as “exceptional leave” has been replaced with “leave outside the immigration rules”.

It also inserts a new class (Class BA) that covers persons who have humanitarian protection granted under the immigration rules. Before 9th October 2006 persons qualifying for humanitarian protection were granted leave outside the immigration rules. From 9th October 2006 the status of humanitarian protection will be included within the immigration rules.

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