

Appendix E

Letter of 21 February 2014 from [REDACTED] Barnet Homes to Mrs S

[REDACTED]

Barnet Homes  
Barnet House, 1255 High Road, Whetstone, London N20 0EJ.



APPENDIX E

Ms S [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

contact: [REDACTED] W [REDACTED]  
tel: 020 8359 4706  
e-mail: [REDACTED]@barnethomes.org  
fax: 020 8359 4188  
date: 21/02/14  
our reference: HAT/m96/109543

Dear Ms S [REDACTED]

**Re: Decision on your Homelessness Application: The Housing Act 1996, Part VII (as amended) – Section 184**

You approached Barnet Homes (acting for and on behalf of London Borough of Barnet) on 13<sup>th</sup> February, 2014, seeking accommodation or assistance in obtaining accommodation.

Barnet Homes has completed its enquiries into your application under the above legislation. After careful consideration, Barnet Homes has concluded that you are **not eligible for assistance**.

I have undertaken the following enquiries into your case:

- \* A personal interview and assessment of your circumstances
- \* Your immigration status in the UK
- \* Relevant legislation relating to your immigration status in the UK

I carried out a personal, face-to-face interview with you at our offices on 13<sup>th</sup> February, 2014. You attended the interview with a personal contact, who assisted with interpreting as required. At all stages of the interview you understood what I asked and she was able to translate your responses and comments throughout the interview.

It is evident that you, and all members of your household, are Swedish. You provided passports for yourself and all members of your household, which I accepted as proof of your nationality and status within the UK.

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In order to have a right to reside in the UK the following must apply to you:

1. *You are a jobseeker*
2. *You are a worker or a person who is self-employed or a person who retains the status of a worker or self employed person*
3. *You have a right to reside in the UK permanently by virtue of the immigrations and European Economic Area Regulations 2006 reg. 15*
4. *You are person who is self sufficient*
5. *You are a student who is self sufficient*
6. *you are a family member of a jobseeker, worker or a self employed person or a family who retains the right of residency*

You submitted a declaration of income, stating that you are currently in receipt of the following:

- Housing benefit at £375.35 p/w
- Child benefit at £47.00 p/w
- Child tax credit at £152 p/w
- Employment Support Allowance at £71.00 p/w

Given the above, I am satisfied that you have the right to reside in the UK. You provided recent bank statements as proof of your receipt of the above listed benefits.

You stated that you have lived in your current accommodation at the above address (managed by a Housing Association) since 2007. The rent you are liable to pay to reside in the property has until now been covered in full by the Housing Benefit of which you are in receipt. You have, however, been informed in writing by your Housing Association that the amount of Housing Benefit you are awarded will decrease in March 2014 when the 'benefit cap' is introduced. You were advised by your Housing Association to seek advice about how to avoid being affected by the 'benefit cap' or to make alternative arrangements for accommodation as you risk losing your current accommodation if unable to pay the full amount of rent for which you are liable.

You stated that you arrived in the UK in the summer of 2002. You said that you were unable to remember the exact date of your arrival. You claimed that you began working shortly after your arrival in the UK for 'a few months' until December 2002. You stated that you worked in a factory. You said that you could not remember the name of the temping agency who paid your wages or the company itself. You said that your employment was terminated in December 2002, although you could not remember the exact date when this happened, as your services were no longer required. Since this date you said that you have not worked in the UK, although you have lived here continuously since then.

You provided no proof of your employment in 2002. You claimed that you had destroyed your wageslips and bank statements and that you had not received a contract of employment from the agency or the company itself.

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I advised that you needed to provide proof of your employment from 2002 in order for me to have reason to believe you had worked in the UK since your arrival and that you are eligible for assistance. Since the interview on 13<sup>th</sup> February 2014, you have failed to provide any further information and have not contacted me.

According to the Allocation of Housing and Homelessness (Eligibility) Regulations 2006 if your only right to reside in the United Kingdom is derived from a status as a jobseeker or person temporarily unable to work for health reasons, you are ineligible for assistance.

As a result of the above, section 185 of the Housing Act applies to you. It provides that:-

- (1) A person is not eligible for (housing) assistance ... if he is a person from abroad who is ineligible for housing assistance*
- (2) A person who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is not eligible for housing assistance unless he is of a class prescribed by regulations made by the Secretary of State;*
- (4) A person from abroad who is not eligible for housing assistance shall be disregarded in determining for the purposes of this Part (of the Act) whether another person-*
  - (a) Is homeless;*
  - (b) Has a priority need for accommodation.*

Therefore, I must conclude that you are not eligible under S185 of the Housing Act 1996.

As you are not eligible for assistance with housing, Barnet Homes is not able to provide you with accommodation, even if you are homeless or become homeless in the future. However, under the Housing Act 1996 (Section 179), you are entitled to receive free advice and information about homelessness. You can receive free and independent advice by:

- Phoning Broadway Barnet Housing Aid Centre on 020 8446 2504
- Phoning Shelter on (freephone) 0808 800 4444 or visiting their website at [www.shelter.org.uk](http://www.shelter.org.uk)
- Phoning or visiting a local Citizen's Advice Bureau (0870 128 8080) or try their website at [www.barnetcab.org.uk](http://www.barnetcab.org.uk)
- Phoning a solicitor.

If you think this decision is wrong, you have the right (under Section 202 of the above named Act) to ask for a review. If you want to request a review you must do so within 21 days of the date of this decision. You should make your request by writing to the Appeals Manager at the address above.

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working together

Please contact me on the telephone number given at the top of this letter if you do not understand anything in the content of this letter.

Yours sincerely,

[Redacted signature]

[Redacted name]

Housing Needs Officer

[www.barnethomes.org](http://www.barnethomes.org)

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