

Housing Benefit and Council Tax Benefit

Urgent Bulletin

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Action	For information
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Habitual Residence Test - amendment for the Lebanon armed conflict

Background

- 1 As a result of the current armed conflict in the Lebanon many British citizens and British passport holders plus their families have been evacuated from the country. Some citizens have already arrived in Cyprus and are expected to come to the UK. As they may require financial support on their return to the UK it has been decided to make an amendment to the Habitual Residence Test (HRT) regulations so that they can have immediate access to Housing Benefit and Council Tax Benefit (HB/CTB). See *HB/CTB Circular A9/2006* for more information about the normal HRT rules.
- 2 The new regulations come into effect on 25 July 2006 and remain in force for approximately six months ending on 31 January 2007. The change in regulations mean that anyone who has left the Lebanon on or after 12 July 2006 as a result of the armed conflict will be exempt from the HRT until 31 January 2007. This will include British Citizens, British Overseas citizens, EEA Nationals (including A8 Nationals) and third country nationals.

British passport holders

UK Nationals

- 3 UK Nationals who were on a short holiday in the Lebanon or who have been living and/or working in the Lebanon are able to claim HB/CTB subject to the normal conditions of entitlement. As they have a right to reside in the UK and are likely to be habitually resident at the end of the special measures no further action is required for this group. However, you should set a review date for 31 January 2007 to check the customer's circumstances.
- 4 UK Nationals must produce their passport as evidence that they were in the Lebanon before 12 July 2006 and left on or after 12 July 2006.

Other British passport holders, eg British Overseas citizens

- 5 Some British passport holders require permission to enter the UK as they don't have a right of abode, for example people who are British Overseas citizens. As a result of the crisis they have been granted leave to enter the UK exceptionally outside the immigration rules for six months with recourse to public funds. They can claim HB/CTB subject to meeting the normal conditions of entitlement. However, they will lose their entitlement from 31 January 2007 unless their leave is extended. A review date must be set to ensure that the claim is reviewed as some people may no longer have a right to reside or leave to remain in the UK from that date. They will also be required to pass the HRT under the normal rules.
- 6 They must produce their passport as evidence that they were in the Lebanon before 12 July 2006 and left on or after 12 July 2006.

EEA Nationals

EEA 16 & A2 Nationals

- 7 EEA 16 and A2 Nationals and their families who have come to the UK directly from the Lebanon will be exempted from the HRT until 31 January 2007 regardless of their economic status. They will be able to claim HB/CTB subject to meeting the normal conditions of entitlement. A case control must be set to review the claim from 1 February 2007 as they will then be subject to the normal HRT regulations and will only be able to continue claiming if they have a right to reside as a jobseeker or worker. See *HB/CTB Circular A9/2006* for more information about the normal HRT rules.
- 8 They must produce their passport as evidence that they were in the Lebanon before 12 July 2006 and left on or after 12 July 2006.

A8 Nationals

- 9 A8 Nationals and their families who have come to the UK from the Lebanon will be exempted from the HRT for six months regardless of their economic status. They will be able to claim HB/CTB subject to meeting the normal conditions of entitlement. A review date must be set to suspend the claim from 31 January 2007 as they will then be subject to the normal HRT regulations. See *HB/CTB Circular A9/2006* for more information about the normal HRT rules.
- 10 They must produce their passport as evidence that they were in the Lebanon before 12 July 2006 and left on or after 12 July 2006.

Non-UK or non-EEA Nationals (Third Country Nationals)

- 11 Some non-UK/non-EEA Nationals (Third Country Nationals) have also been allowed to come to the UK. They have been granted leave to enter the UK exceptionally outside the immigration rules for six months with recourse to public funds. They can claim HB/CTB subject to meeting the normal conditions of entitlement. Their entitlement ends at the expiry of their limited leave unless they are granted further leave. A review date must be set to review the claim from 1 February 2007. If granted further leave after 31 January 2007 they will be required to pass the HRT under the normal rules. See *HB/CTB Circular A9/2006* for more information about the normal HRT rules.
- 12 They must produce their
- Home Office letter stating that they have been granted leave exceptionally outside the immigration rules (Code 1A) with recourse to public funds
 - passport containing a stamp showing that they have been granted leave, or
 - their Home Office status document confirming they have been granted leave to enter the UK

Transitional Protection

- 13 These regulations cease on 31 January 2007. From 1 February 2007 all groups are required to show that they have a right to reside and are habitually resident in the UK, Channel Islands, Isle of Man or Republic of Ireland, or fit into one of the other exceptions to the test, they wish to continue receiving HB/CTB. See *HB/CTB Circular A9/2006* for more information about the normal HRT rules.

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