



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 or British Citizen who has exercised free movement rights as a worker, self-employed person, self-sufficient person or student in an EEA host country immediately before returning to the UK.¹

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 five years). Irish citizens and people with indefinite leave to remain did not have to apply. EU citizens and their family members who have not submitted an application, or have an expired pre-settled status, no longer have the right to remain in the UK and should seek urgent legal advice if they now wish to stay in Wales.

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 six months, they must apply for a **Long Term Visa** (for example, to study, or work, or join a family member). Further information on Long Term Visas can be found at: Browse: Work in the UK – GOV.UK (www.gov.uk).

Non-EU family members of EU citizens can now only enter the UK after 1 January 2021 if they already have an EUSS family permit. EEA family permits and UK biometric residence cards are no longer valid in the UK.

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

All EU citizens

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.

¹ '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)

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.

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

EU citizens' rights to rent property from a private landlord 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 social housing from a local authority or housing association landlord.

EU citizens' who wish to apply for social housing will need to do so via the application process of their local authority area (often described as a common housing register). Applicants will be required to demonstrate they are eligible to apply by providing proof of status or proof of their right to reside that qualifies an EU citizen for housing.

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, the local authority has a duty to prevent that person from becoming homeless, and if appropriate secure accommodation if they become homeless. A local authority is

also required to assess an applicant's risk of homelessness and has a duty to provide interim accommodation if someone is homeless or threatened with homelessness within 56 days.

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.

The following EU citizens are eligible for social housing and homelessness assistance:

EU Citizens who have Settled Status

If an EU citizen holds Settled Status, they automatically satisfy the right to reside test². They are eligible for social housing or homelessness assistance in Wales, so long as they are habitually resident³.

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 social housing or homelessness assistance. In Wales, an EU citizen could be eligible if they are a jobseeker.

Pre-settled status holders who do not apply for settled status before the expiration of their pre-settled status will lose access to the benefits and entitlements, including access to housing.

² Right to reside - GOV.UK (www.gov.uk) www.gov.uk/right-to-reside

³ This means having a settled intention to remain in the UK – www.llyw.cymru/sites/default/files/publications/2019-03/allocation-of-accommodation-and-homelessness-guidance-for-local-authorities_1.pdf (paragraphs 2.18-2.24)

EU Citizens who were lawfully residing in the UK on 31 December 2020 and applied to the EUSS

If an EU citizen applied to the EUSS (even after the deadline and is awaiting a decision, so long as they are still exercising treaty rights, they will be eligible for social housing or 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).

Following an application to the EUSS, individuals are issued with a Certificate of Application (CoA) to prove their protected status as they await the outcome of their application.

The following EU citizens are not eligible for social housing or homelessness assistance:

EU Citizens who were lawfully residing in the UK on 31 December 2020 and have not applied to the EUSS.

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

EU Citizens who's pre-settled status has expired and they have not applied for settle status.

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.

Changes to the EUSS

On 17 July 2023 the Home Office announced changes to the EU Settlement Scheme. Citizens with pre-settled status will now automatically have their status extended by 2 years. The Home Office will notify citizens when their status has been extended and their digital status on the View and Prove system will be updated automatically.

The Home Office will also automatically upgrade pre-settled status holders to settled status if they are eligible. Citizens will only be eligible for this automatic upgrade if the Home Office can evidence they have lived in the UK for the last 5 years. The Home Office will contact those who are automatically upgraded to settled status.

EU citizens do not have to wait to be automatically upgraded to settled status following the end of the 2 year extension. They can apply to upgrade as soon as they are eligible.

Those who do not have 5 years continued residence will not be eligible for the automatic upgrade but can apply as soon as they qualify for settled status.

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
www.citizensadvice.org.uk

Live Fear Free – Wales' domestic abuse helpline

0808 80 10 800 available 24 hours a day 7 days a week.
www.citizensadvice.org.uk

Frequently Asked Questions regarding the Right to Housing

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

Eligibility for a local authority 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 local authority or housing association cannot 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 does not 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 often a 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 30 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).