

## **Explanatory Memorandum to the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2026**

This Explanatory Memorandum has been prepared by Climate Change and Rural Affairs Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Cabinet Secretary's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2026. I am satisfied that the benefits justify the likely costs.

**Jayne Bryant MS**

**Cabinet Secretary for Housing and Local Government**

17 March 2026

## **PART 1**

### **1. Description**

The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (“the 2014 Regulations”) provide for certain categories of persons from abroad to be eligible or ineligible for an allocation of housing accommodation and/or for housing assistance (essentially, support for homelessness).

The 2014 Regulations are to be amended by the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2026 (“the amending Regulations”) which make “general crisis” provision that will waive the habitual residence requirement for any person who would otherwise be eligible for housing accommodation or housing assistance in Wales, where they leave a country or territory when His Majesty’s Government (“HMG”) publishes advice to British nationals to leave that country or territory or arranges an evacuation of British nationals from that country or territory. An eligible person would need to make their application for assistance within the period of 6 months, beginning with the date that HMG first published that advice or the first day of an HMG evacuation operation, whichever is later. This is intended to respond to the current crisis in the Middle East and will prevent the Welsh Ministers needing to lay emergency regulations for future crises.

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

The Cabinet Secretary for Housing and Local Government wrote to the Chair of the Legislation, Justice and Constitution Committee on 13 March 2026 to seek the Committee’s assistance in expediting the scrutiny of the Regulations to enable an early debate, due to the urgency of making them.

The amending Regulations will come into force on 30 March 2026, and the “general crisis” provision will cease to have effect on 30 March 2027.

### **3. Legislative background**

Section 160A(3) and (5) of the Housing Act 1996 (“the 1996 Act”) gives the Welsh Ministers the power to make regulations to prescribe certain categories of persons from abroad as being eligible or ineligible for an allocation of housing accommodation. Similar provision is made in paragraph 1(2) and (4) of Schedule 2 to the Housing (Wales) Act 2014 (“the 2014 Act”) in relation to the Welsh Ministers’ ability to make regulations in relation to the eligibility or ineligibility of certain categories of persons for housing assistance. Regulations 3, 4, 5 and 6 of the 2014 Regulations are to be amended.

The amending Regulations are being made under the Senedd approval procedure, as is required by section 142(3)(b)(ii) of Housing (Wales) Act 2014, in relation to amendments made under that Act. Regulations made under section 160A of the Housing Act 1996 are subject to the Senedd annulment procedure.

Section 37G of the Legislation (Wales) Act 2019 provides that regulations subject to different procedures can be combined.

### **Purpose and intended effect of the legislation**

In response to the escalating conflict in the Middle East since 28 February 2026, the UK Government has advised British Nationals in several countries in the Middle East to register their presence, with further travel advice expected to change at pace.<sup>1</sup> At the time of publishing these countries included **Bahrain, Israel, Kuwait, Lebanon, Palestine, Qatar**, and the **United Arab Emirates**, with further travel advice expected to change at pace. It is likely that some or all of these countries will receive formal “leave now” advice, and UK Government may begin evacuation arrangements when it is safe to do so, however they have yet to issue this advice or start an evacuation.

The current situation does not relate to a single defined country but to a wider regional conflict. This creates uncertainty about who may be affected, how many people could be evacuated, and which countries may ultimately fall within scope.

The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 were amended on 18 July 2025<sup>2</sup> to provide for the future evacuation of persons not subject to immigration control (such as British Nationals) and certain other persons following crises abroad. Certain other persons in this context means persons subject to immigration control who have been given leave to enter or remain in the United Kingdom in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971 (c. 77), provided that their leave is not subject to the condition that there must be 'no recourse to public funds' and that their leave was not granted because of a maintenance undertaking which is still applicable. Amending the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (“the 2014 Regulations”) will bring Wales in line with the rest of the UK, allowing for consistency and clarity.

Amending the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (“the 2014 Regulations”) will:

- Mean the Regulations can be relied on in response to future crises, such as evacuations or “leave now” advisory notices, without requiring new legislation each time,
- Be consistent with the Welsh Government’s long-term ambition to ending homelessness, as set out in the Ending Homelessness Action Plan and the Programme for Government and,
- Promote Wales as a globally responsible nation and as a nation of sanctuary, through its International Strategy and by contributing to the well-being goals under the Well-being of Future Generations (Wales) Act 2015, particularly in supporting cohesive communities and reducing inequality.

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<sup>1</sup> [Foreign Office travel advice updates - GOV.UK](#)

<sup>2</sup> [The Allocation of Housing and Homelessness \(Eligibility\) \(England\) and Persons Subject to Immigration Control \(Housing Authority Accommodation and Homelessness\) \(Amendment\) Regulations 2025](#)

Failing to offer this support would mean that eligibility in Wales does not match the commitment being made by the UK and other devolved governments.

The amending Regulations amend the 2014 Regulations, which determine which people from abroad are eligible for an allocation of housing accommodation under Part 6 of the 1996 Act, or for housing assistance under Chapter 2 of Part 2 of the 2014 Act.

Regulations 4 and 6 of the amending Regulations concern persons subject to immigration control and amends regulations 3 and 5(1) respectively of the 2014 Regulations. They provide that a person is eligible for an allocation of housing accommodation or housing assistance whether or not they satisfy the habitual residence test (HRT), who:

- a) was residing in a country or territory,
- b) left that country or territory when His Majesty's Government ("HMG") provided public information to advise British nationals to leave that country or territory, or arranged an evacuation of British nationals from that country or territory,
- c) has been granted leave in accordance with the immigration rules under section 3(2) of the Immigration Act 1971, and that leave is not subject to the condition that there must be 'no recourse to public funds' and was not granted because of a maintenance undertaking which is still applicable, and
- d) made an application for housing accommodation (under Part 6 of the 1996 Act) or for housing assistance (under Chapter 2 of Part 2 of the 2014 Act), within the period of 6 months beginning with the date HMG first provided public information to advise British nationals to leave that country or territory or the first day of an HMG evacuation operation of British nationals, whichever is later.

Regulations 5 and 7 of the amending Regulations concern persons not subject to immigration control and amends regulations 4(2) and 6(2) respectively of the 2014 Regulations. They make British nationals and other persons not subject to immigration control who:

- a) were residing in a country or territory,
- b) left that country or territory when HMG provided public information to advise British nationals to leave that country or territory or arranged an evacuation of British nationals from that country or territory, and
- c) made an application for housing accommodation (under Part 6 of the 1996 Act) or housing assistance (under Chapter 2 of Part 2 of the 2014 Act) within the 6 month period beginning with the day HMG first provided public information to advise British nationals to leave that country or territory or the first day of an HMG evacuation operation of British nationals, whichever is later, are eligible for allocation of housing accommodation and housing assistance without application of the HRT.

Regulation 8 provides for the amendments made by regulations 3 to 7 to cease to have effect on 30 March 2027, but this would not affect an applicant who has

made an application for housing accommodation or housing assistance prior to that date.

The amending Regulations are a reflection of the Welsh Government's commitment to promote Wales as a globally responsible nation and that of a nation of sanctuary, through its International Strategy. Natural disasters or conflict anywhere in the world could harm the human rights and individual freedoms of people returning to the UK if Wales did not match the commitment being made by the UK and other devolved governments.

The Welsh Government's firm commitment to end homelessness in Wales strengthens the justification for this proposal, as any barrier which prevents help from getting to people seeking housing or housing assistance would contradict current homelessness policy.

#### **4. Consultation**

The Amendments to the Regulations will include a sunset clause, one year after they come into force. This will limit their duration and overall impact. To provide assurance that, although the provisions are not geographically specific, they would be strictly time-limited. A sunset clause will also allow the general approach to operate only for a defined period, after which a future Senedd would be able to undertake full scrutiny of any wider, permanent Regulations, which would be developed in consultation with the sector, before they take effect.

Local authorities will be informed of the legislative change, along with an addendum to the Code of Guidance, to ensure local authorities are aware of how to apply the new legislation.

## PART 2 – REGULATORY IMPACT ASSESSMENT

### 6. Options

The Welsh Government has considered two legislative approaches have been considered: a limited, crisis-specific amendment and a broader, generalised provision (general crisis amendment) to cover future international emergencies.

**Option 1:** Make a targeted amendment to the 2014 Regulations to apply only to eligible evacuees from specific countries identified in the current Middle East conflict. To waive the Habitual Residence Test for British Nationals and other persons not subject to immigration control, and certain other persons<sup>3</sup> if they are returning from one or any of those countries where the government has issued 'leave now' advice or facilitated an evacuation.

**Option 2:** Amend the 2014 Regulations to grant eligibility to British Nationals and other persons not subject to immigration control, and certain other persons<sup>4</sup> if they are returning from any country where UK Government issues 'leave now' advice or undertakes an evacuation.

This is a generalised provision and is better suited to the current situation, where the conflict spans multiple countries and may continue to shift. It avoids the risk of inaccurately naming specific countries in legislation, and it provides immediate clarity for local authorities and evacuees regardless of how the crisis evolves. It also ensures Wales does not fall out of alignment with other UK administrations, which could otherwise result in evacuees being eligible elsewhere in the UK but not in Wales.

This approach does, however, carry some risks. A standing provision may be triggered by future crises that have not yet been considered, creating uncertainty for local authorities already managing sustained pressure on temporary accommodation and homelessness services. It may also increase the frequency with which local services need to respond to unplanned arrivals. For this reason, a sunset clause is added to allow Ministers to review the impact and re-authorise the provision if needed.

This is the preferred option.

### 7. Costs and benefits

#### Costs

##### *Option 1:*

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<sup>3</sup> In this context means persons subject to immigration control who have been given leave to enter or remain in the United Kingdom in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, provided that their leave is not subject to the condition that there must be 'no recourse to public funds' and that their leave was not granted because of a maintenance undertaking which is still applicable.

<sup>4</sup> As above.

Making a targeted amendment to the 2014 Regulations to apply only to eligible evacuees from specific countries identified in the Middle East.

In previous crises, this method provided clarity because the evacuation related to a single defined location and a clearly identified cohort. This is **not** the case with the current situation. The present conflict is dispersed across several countries, and the scope may widen or change quickly. As a result, it is not possible to identify with confidence which countries should be cited in regulations, or whether those choices would remain accurate even in the short term.

*Option 2:*

Make a “general crisis” amendment to the 2014 Regulations to grant eligibility to British Nationals and other persons not subject to immigration control, and certain other persons<sup>5</sup> in certain specified circumstances.

This mirrors the approach adopted by the other nations of the UK in 2025 and is designed to remove the need for repeated crisis-by-crisis amendments, reflecting the increasingly uncertain international environment.

There are no direct Welsh Government budget financial implications associated with this decision. However, extending eligibility to housing and homelessness assistance is likely to result in additional costs to local authorities. At this time calculating precise estimates is difficult due to the uncertainty surrounding the number of people who will come to Wales from the Middle East.

Despite not being able to forecast the number of people who may return to Wales as a result of this and future international crises, it is important to note that those coming to Wales from a place of conflict may be vulnerable to becoming homeless. Some will arrive, potentially disorientated from the trauma of leaving their homes, family members and support networks, having to settle in unfamiliar settings and circumstances. They may also have few possessions beyond what is carried in suitcases and funds potentially limited to savings. If those individuals have been separated from friends and family, there may be a reliance on benefits, and few may find employment immediately.

There is a duty on local authorities to relieve homelessness to applicants for whom prevention fails or who are deemed to be homeless upon presentation. The duty to relieve homelessness is assumed to have no additional cost for those applicants who have already been through the prevention duty.

Data provided by local authorities in Wales suggests each applicant eligible for assistance under the current homelessness prevention duty (section 66 of the HWA 2014) costs £1,320.31. This increases to £1,716 when staff on-costs are included.<sup>6</sup> This cost should also be considered against the context of available housing supply in Wales, and the already existing over demand for social housing. We do not have available data to provide the total number of people or

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<sup>5</sup> As above

<sup>6</sup> [pri-ld17178-em-en.pdf](#)

households on the Common Housing Registers, to estimate total social housing demand. The duration of stay of people from the affected territories, and the time spent in accommodation, could increase these time periods further.

People arriving who are homeless are likely to have to be accommodated in temporary accommodation, ahead of placement into suitable settled accommodation. Any such increased demand may result in increased lengths of stay for existing applicants within temporary accommodation or extend the period of time spent on Common Housing Registers.

Current data<sup>7</sup> shows that 10,605 individuals were housed in temporary accommodation on 31 December 2025. Even small numbers of evacuees could have a meaningful impact on Welsh local authorities given that social housing in Wales has been under pressure for many years in light of long-standing demand, which increased as a result of the pandemic and the 'no one left out' policy, providing accommodation to those eligible for homelessness assistance. Any influx of people presenting for homelessness assistance is likely to place further strain on already limited resources.

A 6-month time limit will apply - the person must apply for support within 6 months of the advice first being made or when evacuations began. A 6-month time limit helps local authorities by ensuring that crisis-related applications are made promptly, allowing councils to plan and allocate housing and homelessness resources more predictably and efficiently. It prevents open-ended demand, reduces the administrative burden of verifying older cases, and ensures that support is focused on those genuinely affected by the crisis when the need is most immediate.

## **Benefits**

Local authorities have reported confusion about whether exemptions still apply as situations have evolved. A generalised provision will enable Wales to respond to the current conflict as well as providing flexibility, clarity and certainty to deal with potential future crises, making it more straight forward for local authorities to plan and prepare for such events.

Section 4 of Part 1 of the Explanatory Memorandum outlines the justification for making the Regulations. The Welsh Government considers that extending eligibility for housing and housing assistance to people coming to Wales will help reduce this risk of homelessness, and should it occur, ensure that it is brief, rare and non-recurring. The safeguard provided by the Regulations will help demonstrate Wales's reputation as a safe and welcoming country and as a nation of sanctuary, through its International Strategy and by contributing to the well-being goals under the Well-being of Future Generations (Wales) Act 2015, particularly in supporting cohesive communities and reducing inequality.

The benefits of preventing homelessness extend well beyond the actual, additional, costs of helping people who are homeless, for example, the cost of

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<sup>7</sup> [Homelessness accommodation provision and rough sleeping \(gov.wales\)](#)

providing them temporary accommodation. There have been multiple studies<sup>891011</sup> examining the costs and benefits associated with providing housing assistance, which recognise the significant savings which might be made from effective intervention.

Effective homelessness services can provide benefits that may last someone's lifetime. They include better health and well-being, child development and education, and adults' participation in the labour market and contribution to economic output. As a result, the demands on some services, local authority homelessness services and the NHS and social care services for example, can be reduced. The benefits have been shown to outweigh the costs, often to a significant degree, particularly given that someone who is street homeless will rarely experience that disadvantage alone. Many individuals will also experience negative impacts to their mental health and, for a significant number, substance misuse also. The longer those experiences are felt, often the harder it will become to recover, which will require even greater support and cost. In light of the circumstances of those coming to Wales who may have experienced trauma, the need to prevent homelessness may be more acute than the wider population eligible to housing and housing assistance.

Benefits of effective action will contribute to the achievement of several Welsh Government Acts, such as the Social Services and Well-being (Wales) Act 2014, Well-being of Future Generations (Wales) Act 2015, and the Ending Violence against Women and Domestic Abuse (Wales) Act 2015.

## **8. Competition Assessment**

Not applicable.

## **9. Post implementation review**

Applying a sunset clause will mean that the "general crisis" approach taken in the amending Regulations will cease to have effect on 30 March 2027.

Officials will monitor impact of regulations 4-7 of the amending Regulations whilst they are in force. This evaluation will be presented to the incoming Welsh Government to consider the continuation of these Regulations.

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<sup>8</sup> [At what cost? | Crisis UK | Together we will end homelessness](#)

<sup>9</sup> [Better than cure? | Crisis UK](#)

<sup>10</sup> [Hard-Edges-Mapping-SMD-2015.pdf \(lankellychase.org.uk\)](#)

<sup>11</sup> [assessing the costs and benefits of crisis- plan to end homelessness 2018.pdf](#)