

British Citizens who have lived abroad must pass the Habitual Residence Test before they can qualify for:

- Council Housing or Housing Association accommodation, provided to people who apply to their local authority for housing
- Council help in securing accommodation for the homeless
- Certain means tested benefits including: Pension Credit, Housing Benefit and Council Tax Benefit.

The test is in addition to the other criteria that other British Citizens living in Britain would need to meet to qualify for these services/benefits.

The test, for British Citizens, is the period of time that they must have lived in the Common Travel Area on their return from living abroad. The Common Travel Area is: the UK, Eire, the Channel Islands and the Isle of Man. There is no one set period of time before they become habitually resident. Each case is considered individually. In some cases British Citizens will become habitually resident immediately on their return, but in others it could be longer. In determining how long, the relevant authority will consider facts such as:

- where the person lives
- where they work
- where they have family or friends
- the reasons why they have come to live in the area
- where they intend to live in future; and
- if they have been 'habitually resident' in the Common Travel Area in the past.

However this list is not exhaustive and the authority may consider other facts to be relevant.

If you have applied for housing or welfare benefits and you have been refused because the relevant authority does not accept that you are habitually resident you could seek advice about when to re-apply or whether the decision was correct and if not how you could challenge it. Your local Citizens Advice Bureau or Community Legal Advice may be able to help you.

Community Legal Advice 0845 345 4 345 is a government funded organisation that may either be able to advise you or put you in touch with an organisation, including your local Citizens Advice Bureau, that offers legal advice. Citizens Advice Bureaux are registered charities that aim to help people resolve their legal, money and other problems by providing free, independent and confidential advice.

The information on this factsheet is only a general guide and is not a full and authoritative statement of the law. This factsheet also does not give any information about non-British Citizens who may need advice about their immigration status, how this affects their right to enter and stay in this country and their entitlement to public services such as housing or welfare benefits. For enquiries about this contact a Citizens Advice Bureau, Community Legal Advice or an immigration advice service.

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