

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair, Legislation, Justice and Constitution Committee
Cardiff Bay
Cardiff
CF99 1SN

18 May 2023

Dear Huw

I write to you in relation to the rapidly escalating violence in Khartoum and across Sudan which began on 15 April 2023. You will be aware that the UK Government has recently led an evacuation exercise which has led to more than 2,000 people being returned to the UK, from Sudan, through a series of military flights. Further to this, the UK Government has agreed to make changes to the way it applies the habitual residence test for people evacuated from the violence in Sudan and these changes will require an urgent response to ensure parity of response in Wales.

The UK Government has recently brought forward emergency legislation which disapplies the habitual residence test, which is used to stop someone who has a right to enter the UK from claiming benefits immediately after their arrival, for British Nationals, others not subject to immigration control (or treated as such), and anyone with immigration leave and recourse to public funds evacuated from the conflict in Sudan. Disapplying the habitual residence test will give those arriving in the UK from Sudan immediate access to benefits, including housing and homelessness assistance.

Currently the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 do not give British nationals or those not subject to immigration control, any exemption from the habitual residence test should they also wish to access public funds. I have therefore, instructed my officials to undertake the necessary actions to reflect the UK Government legislative change in Wales. This is necessary to align the housing rules in Wales and to maintain the Welsh Government's commitment as a nation of sanctuary. You will be aware that normally this process would take one to three months to complete but, given the seriousness of the emerging situation, it is necessary to expedite the process.

The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) (No. 2) Regulations 2023 ["the amending Regulations"] are being drafted for the purpose of giving people who have been affected by the violence in Sudan eligibility to housing and homelessness services in Wales and waives the habitual residence test. Due to the urgency of this situation, I would be grateful if the Committee would give early consideration and provide an urgent report on the amending Regulations in time for a plenary debate on 6 June 2023.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I would like to thank the Committee in advance for their assistance in providing support to these arrangements, which will allow people fleeing the violence in Sudan an opportunity to seek housing or homelessness assistance in Wales without undue delay.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

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