

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



Llywodraeth Cymru
Welsh Government

Our ref: MA/JJ/02801/23

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

30 October 2023

Dear Huw

I write to you in relation to the recent escalating conflict in the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights (collectively referred to below as the Occupied Palestinian Territories), Israel and Lebanon. We are currently liaising with the UK Government to determine whether there are any intentions for evacuation exercises to be undertaken. However, in the meantime we do need to prepare should British Nationals in those affected territories choose to return to the UK.

With effect from 27 October, the UK Government has disapplied 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 specified people evacuated from the violence in Israel, the Occupied Palestinian Territories or Lebanon. The UK Government has disapplied the habitual residence test in relation to 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 Israel, the Occupied Palestinian Territories or Lebanon. Disapplying the habitual residence test will give those arriving from those affected areas 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. The changes made by the UKG government require an urgent response to ensure parity in Wales and I have therefore, instructed my officials to undertake the necessary actions to reflect the UK Government legislative change in Wales as a matter of urgency.

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 this process would usually take one to three months to complete but, given the seriousness of the emerging situation, it is necessary to expedite the process.

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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.

The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) (No. 3) Regulations 2023 (“the amending Regulations”) are being drafted for the purpose of giving people who have been affected by the violence in Israel, the Occupied Palestinian Territories and Lebanon eligibility to housing and homelessness services in Wales and waives the habitual residence test. The amending Regulations will be laid before the Senedd as soon as possible. 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 to take place on 14 November 2023.

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 and conflict an opportunity to seek housing or homelessness assistance in Wales without undue delay.

Yours sincerely



Julie James AS/MS

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