

Dear

**S184(3) DECISION RESULT  
(Housing Act 1996 as amended)**

I write regarding your homelessness application made on the [give date].

Having considered your homeless application I am satisfied that you are not eligible for assistance.

This means that the Council does not have a duty to complete an Assessment and Personalised Housing Plan with you or have any duty to take reasonable steps to help you to prevent or relieve homelessness.

In reaching this decision I have taken into account all the information available on your housing file and in particular the following:

- [add anything else]
- The length of time you have been in the UK exercising your right under EU Law
- The judgment made by the High Court in the case of Fertré v Vale of White Horse District Council [2024] EWHC 1754
- The judgment made by the Court of Justice of the European Union in CG v The Department for Communities in Northern Ireland, Case C 709/20, [2021] 1 WLR 5919
- The Immigration and Social Security Coordination (EU Withdrawal) Act 2020
- The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020;
- The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;
- The Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020 and
- The Immigration (Citizen's Rights etc) (EU Exit) Regulations 2020
- The UK/EU Withdrawal Agreement 2019
- The Immigration (European Economic Area) Regulations 2016 as amended
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 as amended
- The Homelessness Code of Guidance 2018 as amended and in particular Chapter 7

Give initial background to the case

It is evident that you are a [state citizen] citizen. According to the information available to me you have been granted pre-settled status by the Home Office. This puts you into the Post-Transition Cohort. However, this does not automatically mean that you are eligible for assistance. In order to be eligible for assistance any one of the following must apply to you.

1. You are a worker or a person not working but retains the status of a worker
2. You are a self-employed person
3. You have a permanent right to reside in the UK

4. You are a family member of any of the above persons or a family member who retains the right to reside in the UK
5. You have a Derivative Right

However, I am satisfied that none of the above applies to you.

*Prove that none of the above apply (example below – write further below each example)*

#### Criteria 1 – ‘Worker’

For you to have worker status you must be in genuine and effective employment or meet the five criteria that would enable you to retain the status of a worker if you are no longer working. This includes being temporarily unable to work due to illness or injury, became redundant (subject to certain criteria), doing a vocational course (subject to certain criteria) or on maternity leave (subject to certain criteria). However, none of the above applies to you and you do not have the status of a worker.

#### Criteria 2 – Self Employment

For you to have self-employment status you must be in genuine and effective self-employment or meet the five criteria that would enable you to retain the status of a self-employed person if you are no longer self-employed. This includes being temporarily unable to carry out self-employment due to illness or injury, became redundant (subject to certain criteria), doing a vocational course (subject to certain criteria) or on maternity leave (subject to certain criteria). However, none of the above applies to you and you do not have the status of a self-employed person.

#### Criteria 3 – Permanent Right

In order to have a permanent right to reside in the UK you must either have been exercising your right under EU law in the UK for a continuous period of 5 years (subject to certain criteria) or are a person who was working or self-employed in the UK and ceased activity. However, none of the above applies to you and you have not acquired a permanent right to reside.

#### Criteria 4 – Family Member

In order to be considered a family member of an EEA citizen you must either be their spouse, civil partner, durable partner or be their spouse, civil partner, durable partner’s child or relative (subject to certain criteria). To be eligible as a family member the EEA citizen you are relying on must be eligible for assistance.

You can also be eligible if as a family member you have managed to acquire a permanent right to reside because of them.

If you are no longer a family member you must have retained rights which applies in a case where the EEA citizen has died, got divorced from you or left the UK (subject to certain conditions) or must have acquired a permanent right to reside.

However, none of the above apply to you and you are therefore not an eligible family member of an EEA citizen.

#### Criteria 5 – Derivative Right

In order to have a derivative right that would make you eligible you must be the primary carer of the child of a former EEA worker, where the child is currently in education and they were in the UK when the EEA citizen was working or a self-employed person. It is evident that you do not meet this criteria.

It is evident, therefore, that none of the above apply to you. Therefore, I must conclude that you are not eligible under S185 of the Housing Act 1996.

#### EU Charter of Fundamental Rights

I also do not consider that my decision does breach your EU citizen's rights under article 1 (human dignity), article 7 (respect for private and family life) and article 24(2) (rights of the child).

#### If you disagree with this decision

You can request a review of this decision under Section 202 of the Housing Act 1996 as amended within 21 days of being notified of the authority's decision. Please note that review requests made outside of the time limited may not be considered.

Yours sincerely,