

SL(6)194 – The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2022

Background and Purpose

The Allocation of Housing and Homelessness (Eligibility) (Wales) 2014 Regulations (“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.

These Regulations amend the 2014 Regulations to extend eligibility for allocations of housing and housing assistance provided by local authorities to people affected by the Russian invasion of Ukraine that fall within three new immigration routes:

- (i) *The Ukraine Family Scheme*, which will allow immediate and extended family members of British citizens, UK settled persons and others to come from Ukraine to, or stay in, the UK.
- (ii) *The Homes for Ukraine Sponsorship Scheme*, which will allow Ukrainian nationals and their immediate family to come to the UK where they have an Approved sponsor who has agreed to provide accommodation.
- (iii) *The Ukraine Extension Scheme*, which will allow Ukrainian nationals with their partners and children in the UK with permission on 18 March 2022 (including those who have overstayed by a short period) to stay in the UK.

The three new immigration routes are referred to collectively as “the Ukraine Schemes” and are set out in Appendix Ukraine Scheme of the Immigration Rules¹.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

¹ Laid before Parliament on 23 May 1994 (HC 395), as amended. Appendix Ukraine Scheme was introduced by the statement of changes in the Immigration Rules: HC 1220, which was laid before Parliament on 29 March 2022



Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument:

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Standing Order 15.4 provides that:

"Any document laid or business tabled by the Presiding Officer, the Commission, the government, any committee or the Clerk, must be laid or tabled in both English and Welsh, so far as is appropriate in the circumstances and reasonably practicable."

We note that the Explanatory Memorandum is not available in Welsh. Can the Welsh Government explain the reason for this?

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note that there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

"Due to the speed at which the Ukraine Schemes have been established there has not been time to consult on this aspect of the Regulations. However, as the Ukraine Schemes are a product of reserved UK Government policy (immigration), it would not be possible to undertake a meaningful consultation on alternative approaches, as the effect of the 2022 Regulations is to ensure consistency between Welsh housing law and immigration law."

Welsh Government response

Merit Scrutiny point 1:

The Welsh Government is committed to increasing the number of Explanatory Memoranda and Regulatory Impact Assessments for Statutory Instruments that are laid bilingually before the Senedd.

Standing Order 15.4 of the Senedd requires all documents to be laid bilingually so far as is appropriate in the circumstances and reasonably practicable, and Standard 47 of the Welsh Language Standards (the statutory duties imposed on the Welsh Government by the Welsh Language Commissioner) requires us to consider the subject matter and the anticipated audience of certain documents to prioritise their translation. Under guidance provided by the Commissioner's office (in their Code of Practice on the Welsh Language Standards (No. 1) Regulations 2015), in prioritising these documents for translation at this time we considered issues such as whether the Regulations related to issues affecting the Welsh language directly, whether the Regulations were of great interest to Welsh speaking groups in particular, and



whether a high proportion of the documents' audience would be Welsh speaking. As these Regulations apply mainly to people from Ukraine, and do not concern the Welsh language and are unlikely to affect Welsh speakers, they have not been deemed a priority for translation at this time.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 25 April 2022 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee