

Returning to the UK

About this factsheet and who it is for

British citizens who are planning a return to the UK, having moved abroad, may have their access benefits and social housing restricted or limited until they can demonstrate their habitual residence.

This factsheet helps identify what services you will be able to access upon your return and which ones may take longer to arrange.

The artwork on the front of this factsheet was done by an older artist for EAC's over 60s Art Awards.



Introduction

It is increasingly common for people to live abroad for periods of time, this can be due to a number of reasons including: employment, family or retirement.

However, if you want, or need, to come back to the UK, then it is important to be aware of what rights to services and support you will have upon your return.

The information given in this factsheet is not intended as immigration advice and only applies to those who have the right to reside in the United Kingdom.

The Habitual Residence Test for housing and means-tested benefits

British Citizens who have lived abroad may have to 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 Reduction.

British citizens have an automatic right to live in the UK, as well as in Ireland, Isle of Man and Channel Islands. Combined, this

geographical area is known as the **common travel area** and you will be viewed as habitually resident in the UK if you've been living in any of these places.

However, if you have been living outside of these areas then you may be subject to the Habitual Residence Test for certain benefits and services, should you wish to return to the UK.

A person is generally not considered to have been living permanently outside of the UK if they have been gone for less than 3 months, therefore if you have been on a long holiday or have had to work for a short period abroad, then this should not affect your habitual residence status.

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 have family or friends
- The reasons why they have come to live in the area
- Where they intend to live in future
- Whether you own a property in the UK
- Are your possessions mostly in the UK?

- Have you registered with a GP and dentist and set up a bank account?

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

If you fail the test

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 may wish to seek advice on whether or not to challenge the decision. You may wish to request a 'Statement of reasons' for why you failed the test as this may help you make a decision on whether to challenge or not.

To contest a habitual residence test decision, you should firstly ask for a 'mandatory reconsideration' which can then be escalated on to a formal appeal if required. Your local Citizens Advice Bureau may be able to assist you with this process.

If legal advice is necessary, our factsheet 'Getting legal advice' may be of interest.

Healthcare

Every British citizen residing in the United Kingdom has a right to free medical advice and treatment from the National Health Service (NHS).

You can register with any NHS doctors or dental surgery that covers your area; you can find details for your nearest practices

on the NHS Choices website at:

www.nhs.uk/Service-Search

If you require emergency medical treatment then you should present yourself at the Accident & Emergency Department of your local hospital, or ring for an ambulance using 999.

Social care

As with healthcare, your entitlement to care and support from the social services department of your local authority is based solely on where you are currently living, known as where you are 'ordinarily resident'.

Everybody in the UK who appears to be in need of community care services has a right to be assessed through the social services department of their local authority; once the assessment is done and any eligible care needs have been identified, the authority will have a legal duty to meet those needs.

If you have been assessed as needing care and will require financial assistance to help meet the cost then you will be subject to a means-test by the local authority. Any property or assets that you own outside of the UK are generally taken into account for the purpose of care funding.

Further information on care funding can be found in our factsheets on 'Choosing & paying for a care home' and 'Funding care and support at home'.

Other finances

When you return to the UK from abroad you are likely to need to set up a bank account, if you do not have one already. This can sometimes be difficult as the usual information that banks ask for, such as evidence of a UK address through Council Tax forms, energy bills or tenancy agreements may not be possible.

For these situations, the **British Bankers' Association** has published the following guidance on opening a bank account: www.bba.org.uk/publication/leaflets/opening-a-bank-account-if-you-are-new-or-returning-to-the-uk/

Disability benefits and Carer's Allowance

Attendance Allowance, Personal Independence Payments (PIP) and Carer's Allowance are not subject to the Habitual Residence Test rules, but have their own criteria about residence.

The eligibility criteria for both of these benefits are that you must have been resident in Great Britain for at least 2 of the last 3 years; however there are some exceptions to this rule for those who have been residing in an EEA country and were also in receipt of a state benefit from the United Kingdom, such as the State Pension.

Winter Fuel Payments

Those over the State Pension age for women, and who live in the UK, are eligible for a non means-tested Winter Fuel Payment over the winter months. How long you have been resident in the UK will not affect your entitlement to this payment.

Useful organisations

Citizens Advice Bureau (CAB)

May be able to help with understanding and challenging the Habitual Resident Test and accessing other services you may be entitled to

Tel: 03444 111 444

Web: www.citizensadvice.org.uk

Office of the Immigration Services Commissioner (OISC)

Regulates immigration advice and produces a list of for-profit and not for-profit immigration advisers.

Tel: 0345 000 0046

Web: www.gov.uk/government/organisations/office-of-the-immigration-services-commissioner

About FirstStop Advice

FirstStop is a free information and advice service designed to help older people decide how best to meet their needs for support, care and suitable housing. It is provided jointly by a growing number of national and local organisations and it is led by the charity, Elderly Accommodation Counsel (EAC).

Contact us

- Visit us online: www.housingcare.org
- Use our housing options self-help tool at hoop.eac.org.uk

The information contained in this factsheet is intended to be, and should be regarded as, a brief summary and is based on our understanding of present legislation, regulations and guidance. No responsibility can be accepted for action based on this information.

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