

Returning to the UK

Introduction

This factsheet only applies to those who have the right to reside in the United Kingdom.

If you want, or need, to come back to the UK, there are some key steps to take especially if you intend to access services or support on your return.

The Habitual Residence Test for housing and means-tested benefits

British citizens have an automatic right to live in the UK, as well as in Ireland, Isle of Man and Channel Islands. Collectively this geographical area is called the **common travel area**. You will be viewed as habitually resident in the UK if you've been living in the common travel area.

However, if you lived outside the common travel area for more than three months you have to pass the Habitual Residence Test before you can re-establish rights to certain services. This includes:

- 'Social Housing' i.e. Council Housing or Housing Association accommodation.
- Local authority (Council) help to find emergency accommodation because you are homeless
- Welfare benefits including: Pension Credit, Housing Benefit and Council Tax Reduction.

British Citizens who have lived outside of the *common travel area* for more than three months will find it more difficult to pass the Habitual Residence Test. You need to be prepared for this especially if you have very few local connections in the area you plan to live. You will be expected to reside in the UK before you apply, for example, for help with housing or other services.

How long you need to be resident in the UK before you are able to apply for services and certain benefits depends on what kind of help you are looking for. The following factors are important:

- Where you are living
- Where you have family or friends
- Why you came to live in the area
- Where you hope to live in future
- Whether you own a property in the UK
- You can provide evidence that your possessions are mostly in the UK
- You have registered with a GP and dentist and have set up a bank account
- You have evidence that you have given up your residency abroad.

Other factors may also be taken into account so this list is not exhaustive.

If you fail the test

If you applied for housing or welfare benefits and you were refused because the relevant authority (a local authority or the DWP) does not accept that you are habitually resident, you can seek advice on challenging the decision. A first step is to understand why you failed the test so it's a good idea to request a 'Statement of reasons'.

If you decide to challenge a habitual residence test decision, you should ask for a 'mandatory reconsideration' which can then be turned into a formal appeal if required. Ask local Citizens Advice for help with the process.

Healthcare

British citizens living in the United Kingdom have rights to free medical advice and treatment from the National Health Service (NHS).

You can register with any NHS doctor or dental surgery that cover the locality you live in; 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 you should visit the Accident & Emergency Department of your local hospital, or ring for an ambulance using 999.

Social care

After satisfying the habitual residence test, entitlement to care and support from the social services department of your local

authority is based on where you are currently living, known as where you are 'ordinarily resident'.

If you or someone you care for, need assistance with every day personal care or support you have the right to ask for an assessment of your needs. This is carried out by trained staff at the Social Services department of the local authority. If after the assessment it is decided that you/a person has an eligible care/support need, the local authority has a legal duty to meet those needs.

If you have been assessed as needing care and cannot afford to pay the costs from your income the local authority will decide how much you can afford to pay. Any property or assets you own outside the UK are usually 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

You need to have a UK bank account and if possible, you should set this up as soon as you can. However, it can be difficult to do because banks usually ask for information, such as evidence of a UK address through Council Tax forms, energy bills or tenancy agreements. If you don't have any of these don't give up. See this helpful guidance from the British Bankers Association on how to open a British 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 they have different rules.

To be eligible for both of these benefits you must have been resident in Great Britain for at least 2 of the last 3 years. There are some exceptions to this rule e.g. people who were living in an EEA country and who were also being paid a UK state benefit, such as the State Retirement Pension.

Winter Fuel Payments

People over 67, the age when they can claim the State Retirement Pension and who live in the UK, are eligible for a non means-tested Winter Fuel Payment over the winter months. It doesn't matter how long you have been resident in the UK.

Useful organisations

Citizens Advice

Can usually help with more information on all of the things that concern you and help to challenge the Habitual Resident Test. To find a local service:

Tel: 03444 111 444

Web: www.citizensadvice.org.uk

Office of the Immigration Services Commissioner (OISC)

Regulates immigration advice and produces a list of officially regulated immigration advisers. Please note some services charge while others provide free services.

Tel: 0345 000 0046

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

About EAC Information and Advice

Elderly Accommodation Counsel (EAC)

We are a national charity that aims to help older people ensure their home will meet their needs and lifestyles as they age.

Our website www.HousingCare.org contains a huge amount of useful information, whether you want to plan for 'staying put' successfully or are considering moving home.

We also offer a free information and advice service to answer questions, talk about any help or care needs, and advise on the costs of housing or services and how to meet them.

EAC Advice

Provided in partnership with Bassetlaw Action Centre and supported by the OneFamily Foundation

Tel: 0800 377 7070

Email: enquiries@eac.org.uk

Hours: 9am - 3pm, Monday - Friday