

20 January 2025

Our Ref: FOI 637

Request

We received your request on 07 January 2025 for the following information:

I am writing to understand

- 1. If the NIHE recognises the legality of a birth certificate?*
- 2. If provided with a birth certificate for a child of a named applicant does the NIHE have a duty of care to house both the applicant and and adequate place for the child to reside?*
- 3. If no what further proof would NIHE need of an applicants parental rights & responsibility?*

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

Our response

1. If the NIHE recognises the legality of a birth certificate?

The Housing Executive recognises that birth certificates are legal documents.

2. If provided with a birth certificate for a child of a named applicant does the NIHE have a duty of care to house both the applicant and and adequate place for the child to reside?

It is unclear what you mean by “a duty of care”. The Housing Executive does not have a general duty to rehouse people; this a specific duty owed only to those accepted as statutory homeless under the terms of the Housing (Northern Ireland) Order 1988. All other persons are entitled to apply for an allocation of housing and so long as they are eligible be assessed under the rules of the Housing Selection Scheme and added to a waiting list, but they have

no right to be rehoused.

Household members will be factored into both assessments but their inclusion on an application will turn on the facts and in particular whether they are to be permanently rehoused with the applicant. In the case of children consideration will also be given to issues of dependence and who the child is normally resident with. All these matters are the decision of the assessing officer based on the available evidence and subject to normal public law considerations.

3. If no what further proof would NIHE need of an applicants parental rights & responsibility?

The answer to this question is case specific, but consideration will be given to all information that shows that a child is dependent and normally resident with an applicant. In the event that a child is deemed not dependent or normally resident with an applicant an assessing officer has discretion to consider an additional bedroom to facilitate overnight access to a non-resident child.

This concludes our response.