

## EXPLANATORY MEMORANDUM TO

### THE UNIVERSAL CREDIT (EEA JOBSEEKERS) AMENDMENT REGULATIONS 2015

2015 No. 546

1. This explanatory memorandum has been prepared by the Department of Work and Pensions and is laid before Parliament by Command of Her Majesty.

#### 2. Purpose of the instrument

2.1 The purpose of this instrument is to amend the Universal Credit Regulations 2013 ([SI 2013/376](#)) (the “Universal Credit Regulations”) so that nationals of European Economic Area states (EEA), who come to the UK to seek work, and their family members, are not entitled to Universal Credit.

2.2 This instrument also seeks to ensure that those EEA nationals who will be entitled to Universal Credit are allocated to appropriate work-related activity groups on the same basis as all other Universal Credit claimants.

#### 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

#### 4. Legislative Context

4.1 Regulation 9 of the Universal Credit Regulations contains a general rule that claimants can only satisfy the basic entitlement condition of being in Great Britain if they are habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area). Claimants can only be regarded as habitually resident if they also have a legal right to reside in one of those places. However, certain rights to reside are excluded for this purpose. This instrument amends Regulation 9 by adding to those exclusions the right to reside as an EEA-national jobseeker, or the family member of an EEA-national jobseeker. A person to whom this applies therefore cannot meet the habitual residence test and will not be entitled to Universal Credit.

4.2 Regulation 92 of the Universal Credit Regulations provides that any EEA national who is entitled to Universal Credit will be placed in the all work-related activity group, regardless of the extent to which the claimant is actually able to work. This instrument revokes Regulation 92 so that all Universal Credit claimants, including EEA nationals, are subject to work-related requirements on the same basis.

#### 5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

## 6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

- *What is being done and why*

7.1 Currently, the Universal Credit Regulations state that a person must be present in Great Britain and have a right to reside in the Common Travel Area in order to be entitled to Universal Credit. Any person who does not have such a right to reside is not entitled to receive Universal Credit. Following this amendment, an EEA national entering the UK to look for work, or who is here already and claims benefit as a jobseeker, will not qualify for Universal Credit.

7.2 This policy is being introduced to protect the integrity of the benefit system and to ensure that any available benefit support is increasingly focused only on mobile EEA nationals who contribute to the UK through work.

7.3 EEA nationals who are working in the UK for an employer or as a self-employed person or who retain their worker status during periods of involuntary unemployment, vocational training or temporary incapacity for work are not affected by this measure.

7.4 UK nationals and other citizens of the Common Travel Area will not be affected by this measure.

7.5 EEA nationals who are entitled to Universal Credit need to be placed in an appropriate work-related activity group, as they may have limited or no capacity to seek work.

7.6 Revoking Regulation 92 of the Universal Credit Regulations ensures that EEA nationals who are entitled to Universal Credit will be subject to the same conditionality provisions as equivalent UK nationals and will therefore be allocated to work-related activity groups appropriate to their circumstances.

- *Consolidation*

7.7 Informal consolidated text of instruments is available to the public free of charge via 'The Law Relating to Social Security' (Blue Volumes) on the Department for Work and Pensions website at <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/> or the National Archives website, [www.legislation.gov.uk](http://www.legislation.gov.uk). An explanation as to which instruments are maintained on each site is available [here](#).

## 8. Consultation outcome

8.1 No public consultation has been conducted. These amendments align the Universal Credit Regulations with UK Government policy and prevent widening the access to income-related benefits to those EEA nationals who come to the UK looking for work and the associated costs to the Exchequer. .

## **9. Guidance**

9.1 Universal Credit operational guidance will be amended and further guidance will be provided to Decision Makers in line with the Universal Credit roll-out schedule ahead of the legislation taking effect in practice.

## **10. Impact**

10.1 This instrument has no impact on business or civil society organisations. Therefore, an Impact Assessment has not been prepared for this instrument.

10.2 The impact on the public sector is negligible.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The Government will monitor and evaluate the provision to exclude EEA-national jobseekers from Universal Credit as part of its regular review of policies on access to benefits by migrants.

## **13. Contact**

Satish Parmar at the Department for Work and Pensions Tel: 020 7340 4330 or email: [satish.parmar@dwp.gsi.gov.uk](mailto:satish.parmar@dwp.gsi.gov.uk) can answer any queries regarding the instrument.