

Claiming Income Based Jobseeker's Allowance (JSA(IB)) as European Economic Area (EEA) National



Changes which may affect your right to be paid JSA(IB).

Introduction

Changes to Home Office Regulations mean that you will only have the right to reside in the UK as a jobseeker or as someone who retains worker status for a limited period. At the end of this period, if you can provide compelling evidence that you are actively seeking work and have a genuine prospect of work, this limited period may be extended further.

For those with a right to reside as a jobseeker you must satisfy the 3 month residency requirement, this means you must have spent 3 months residing in the UK immediately prior to your claim before you can be awarded JSA(IB).

From 10 November 2014 you will now be entitled to JSA(IB) for 91 days before we assess whether you have a genuine prospect of work. You must still meet all existing requirements for JSA(IB) during the period of your claim. A previous JSA(IB) claim, may affect any future period that you may be allowed as an EEA National residing as a jobseeker. If you are entitled to Contributed Based JSA (JSA(C)) this will not be affected.

If you have a right to reside as a retained worker you do not have to satisfy the 3 month residency requirement and so can claim JSA(IB) for 6 months before we assess whether you have a genuine prospect of work. You must, of course still meet all existing requirements for JSA(IB) during the period of your claim.

EEA nationals residing as a jobseeker who make a successful claim to JSA(IB) have been unable to access Housing Benefit (HB) from the 1 April 2014. EEA nationals residing as jobseekers who were already in receipt of JSA(IB) and HB on 1 April 2014 will still be able to claim HB unless they lose entitlement to either benefit and make a new claim to HB. Claimants whose right to reside is as a retained worker will not be affected.

What happens at 3 or 6 months?

If you have not found work within 3 months (6 months for those with retained worker status) you will be invited to an interview to present evidence

that you have a genuine prospect of work. If you cannot provide compelling evidence, then your right to reside will end and we will close your claim to JSA(IB).

Examples of the compelling evidence (proof) that you will need to provide could include evidence of a job offer or recent completion of a vocational course that you can show is likely to lead to a related job imminently. We will also take into consideration any period during your claim that you have been excused from actively seeking work for personal reasons. Any evidence which you provide will be assessed by a Decision Maker.

Depending on your circumstances you may be allowed a limited extension to your right to reside and therefore your benefit.

If your right to reside ends following the genuine prospect of work assessment, your access to HB may be affected. The Social Security Agency (SSA) will notify the NI Housing Executive (NIHE) that your Jobseeker's Allowance has stopped and they will review your claim. The NIHE have responsibility for HB decisions so you should contact the NIHE if you have any questions on this issue.

Who is an EEA National?

An EEA National is someone who is a national of one of the following countries Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain (including Balearic and Canary Islands), Sweden, Iceland, Liechtenstein, Norway and Switzerland¹.

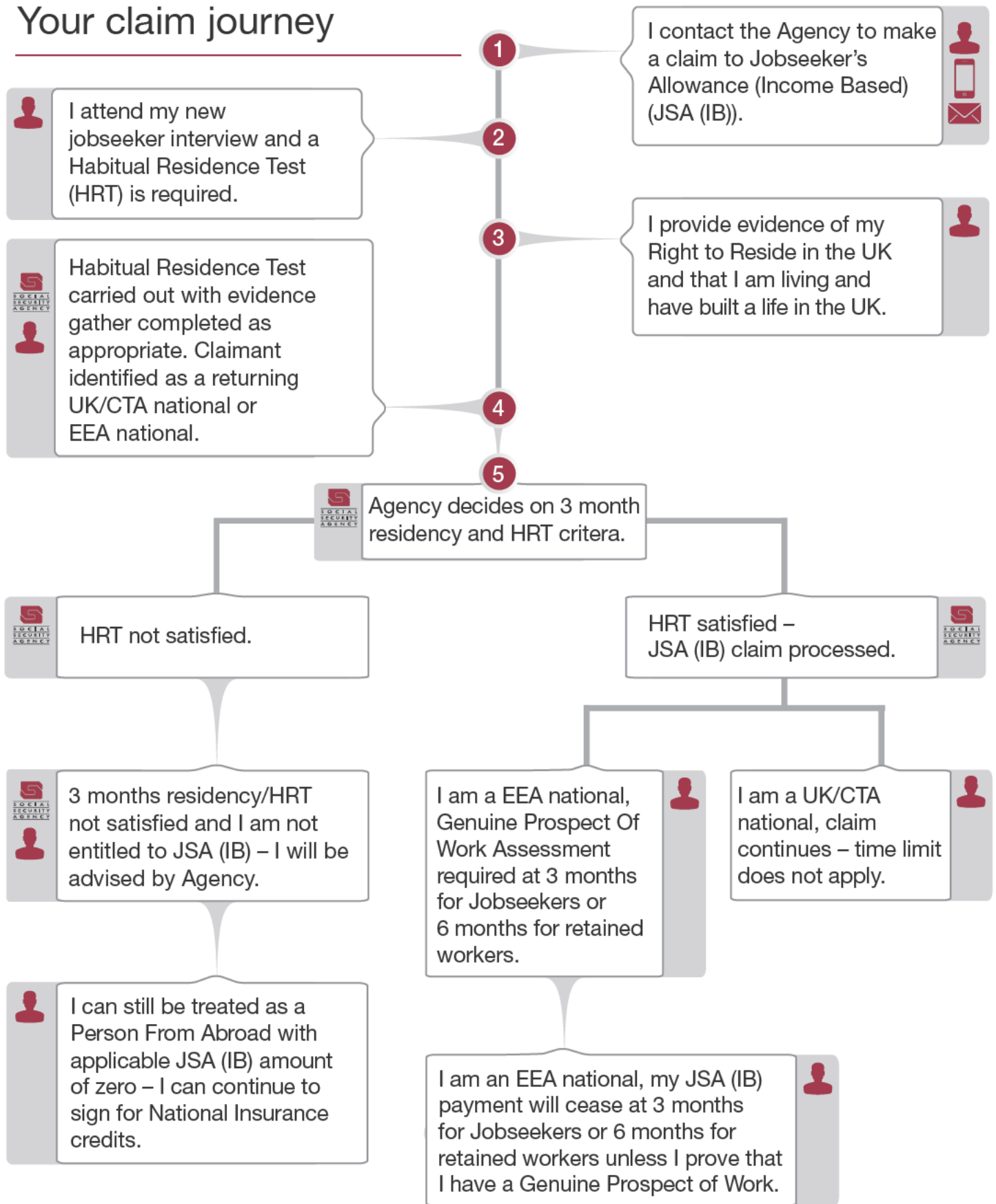
¹ Switzerland is not a member of the EEA but has signed an agreement which allows its citizens the same free movement rights as EEA nationals

Irish nationals are part of the Common Travel Area (CTA) and as such, have a permanent right to reside in the UK.

Find out more at <http://www.nidirect.gov.uk>

Migrants' access to benefits

Your claim journey



Agency Action



Claimant Action



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An Agency within the Department for

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www.dsdni.gov.uk