



Department
for Work &
Pensions

RT HON THERESE COFFEY MP
Secretary of State for Work & Pensions

Mr Sadiq Khan
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Dear Sadiq,

Thank you for your letters of 30th March and 29th May to the Prime Minister about support during the current pandemic, particularly with regard to people with no recourse to public funds and those claiming Universal Credit. Your correspondence has been forwarded to this Department. Please accept my apologies for the delay in responding.

The COVID19 outbreak continues to be a serious situation and I will continue to keep under review the support we can offer people affected.

Access to benefits depends on a person's immigration status. Whether they are eligible to access public funds or whether they have no recourse to public funds (NRPF) is determined by the Home Office. The Department has no powers to award taxpayer-funded benefits to non-UK nationals and family members, whose Home Office immigration status specifies they have NRPF. People with NRPF status can apply to the Home Office for reconsideration of the NRPF condition.

However, public funds do not include contributory benefits to which a person is entitled as a result of National Insurance contributions or a level of earnings. This means that those with NRPF can claim contribution-based benefits, such as new-style Jobseeker's Allowance and new-style Employment and Support Allowance, providing they meet the eligibility criteria. The Government has also extended Statutory Sick Pay to be payable from day 1 rather than day 4 and made new-style Employment and Support Allowance available from the first day of sickness rather than the eighth, subject to other eligibility criteria. Furthermore, where only one member of a couple is subject to immigration control with NRPF, the eligible member of the couple may claim Universal Credit as a single person under the Universal Credit Regulations 2013 and Immigration and Asylum Regulations 1999 which can be found at: <http://www.legislation.gov.uk/ukxi/2013/376/regulation/3>.

The Government has also introduced a range of additional measures to provide financial protection for those affected by COVID19, including those with NRPF.

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Employers are able to apply for grants under the Coronavirus Job Retention Scheme for workers on the PAYE system while those who file Self-Assessment returns, we have deferred Income Tax Self-Assessment payments from July 2020 to January 2021. In addition, during the coronavirus (COVID-19) outbreak, the Department for Education are temporarily extending free school meal eligibility to include some children of groups who have no recourse to public funds. This extension is temporarily in place to support families facing difficulties due to the current unique circumstances. It covers both children who are attending school and children who are at home.

All claimants, regardless of nationality, are required to be both legally and habitually resident in the UK in order to access income-related benefits. The Department, therefore, operates a Habitual Residence Test to assess whether they have a legal right to reside for the purpose of accessing benefits and are factually habitually resident. The test has operational procedures already in place to expedite confirmation of eligibility and Departmental guidance provides flexibility for decision makers to consider oral evidence in circumstances where the claimant is unable to provide documentary evidence. Benefit assessments will be fast tracked and all decisions for the test will be escalated to senior decision makers.

On the issue of Universal Credit, nobody has to wait five weeks for a payment under Universal Credit. New Claims Advances of up to 100 per cent of potential entitlement are available within a few days if a claimant needs support during their first assessment period. Face-to-face checks for advances have been temporarily removed due to COVID19 so people get the support they need.

The Department wants to ensure that people can continue to access its services, including making new claims to benefit. We are also recruiting extra staff into our frontline services.

I am copying this letter to the Minister for London.

Yours sincerely

Personal Data