

1: Handbook on Migration and Social Policy

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EU citizens who are working have similar access to the benefits as UK citizens. For jobseekers or people not working, the rules for determining eligibility can be complex and vary depending on the type of benefit in question. Their impacts on total welfare spending are hard to quantify but are not likely to be large. Foreign born people are less likely to be receiving key Department for Work and Pensions DWP out-of-work benefits than the UK born, but more likely to be receiving tax credits. It is unclear whether current or proposed welfare restrictions would reduce future immigration. Most citizens of non-EEA countries who come to live in the UK have "no recourse to public funds" in the initial years after they arrive, when there are still time limits or other conditions on their authorization to remain in the UK. There are some exceptions, such as people who have been granted humanitarian protection but do not have permanent residence. Claims for tax credits may be made by couples if only one partner would not be able to claim in their own right because they have no recourse to public funds. Non-EEA citizens who initially have no recourse to public funds become eligible for them when they are granted permanent residence for most admission categories eligible for settlement this requires five years of legal residence. Asylum seekers are not eligible for welfare benefits while their claims are pending, but may be given less generous financial support through a separate Home Office programme. They become eligible for public funds if they are granted refugee status. EU citizens with jobs have similar access to the benefits as UK citizens. Eligibility criteria for EEA citizens are quite complex and depend on a range of factors such as whether they are, or have been, in "genuine and effective work" or have a "genuine chance" of being hired. These jobseekers must also pass the "habitual residence test" in order to claim. This test considers various factors including the measures they have taken to establish themselves in the UK and find work here. An EEA citizen who moves to the UK and is determined to be a "worker" is immediately eligible for in-work benefits like tax credits and housing benefit. However, their work must be considered "genuine and effective". Various measures have been introduced since to restrict welfare access for EEA citizens who are not working. In particular, new measures mean that EEA jobseekers: Cannot claim means-tested Jobseekers Allowance JSA, child benefit, or child tax credit within the first three months of arriving in the UK. Cannot claim housing benefit. There were also two changes to the processes of determining whether applicants meet existing eligibility criteria. The impacts of these changes are hard to quantify because accurate data on the numbers of people that fall into these very specific categories of claimants are not published. The cost savings from the changes are likely to be small in the context of total welfare bill, because: Some legal analysts have argued that some of the new restrictions might infringe EU law, and could thus be vulnerable to legal challenges. In February, 7. The DWP figures do not include housing benefit, which is paid to working people as well as those out of work. To determine whether migrants are over- or under-represented among benefits recipients, we can compare the DWP statistics to the share of migrants in the working-age population as a whole. This comparison is only approximate, because migrants are counted slightly differently in the two datasets. The LFS measure includes all foreign-born people, including both noncitizens and naturalised citizens. The DWP statistics include both noncitizens and naturalised citizens who registered for a NiNo before they naturalised; people who naturalised after registering will not be counted. People born outside of the UK including those who subsequently became citizens made up This suggests that the foreign born are underrepresented among out-of-work benefits recipients. Both EU and non-EU migrants are underrepresented among the key out-of-work benefits recipients when compared to the share of the population born abroad. Claimants from new EU member states have increased in recent years but remain a small share of the total, rising from 0. People born abroad are more likely to receive tax credits than people born in the UK Tax credits are designed primarily to supplement the incomes of people who are working but are on low incomes. Determining the rate at which migrants claim tax credits is difficult. This is because tax credits are awarded to family units that is, to a single person or a couple

rather than purely to individuals. A particular problem is deciding whether couples that include one UK and one non-UK citizen should be counted as "migrant" benefit recipients. HM Revenue and Customs has reported data on tax credit payments to families where at least one adult was a non-EU national when they applied for a national insurance number. In March, there were an estimated, families in which at least one adult was or had been an EU national, and, where one partner was or had been a non-EU national. These families will include mixed UK- and non-UK citizen couples, as well as benefits going to naturalised UK citizens. As a result, the data should not be used to assess welfare policy proposals that would affect smaller groups of migrants such as recently arrived non-citizens. The largest gap in rates of claiming was between people born in countries that joined the EU before vs. This survey relies on self-reported data that is known to undercount benefit recipients. However, if we assume that undercounting is the same for all nationality or country-of-origin groups, it can be used to compare rates of take-up. There is no direct evidence on whether welfare has acted as a "magnet" encouraging migrants to come to the UK, and such evidence would be hard to gather. Because most non-EU citizens are initially ineligible for benefits, benefits are unlikely to be a meaningful draw for significant numbers within this group. EU citizens can access benefits more quickly, but the majority are working so out-of-work benefits are unlikely to be a draw for them either the unemployment rate among EEA nationals was 5. In-work benefits are immediately available to workers from elsewhere in the EU. Some analysts have argued that the financial incentive to migrate would therefore be decreased if these benefits were restricted. In practice, however, it is unclear how significant the effects of such a policy would be on the number of people choosing to migrate. This suggests that the number of people whose initial migration decision might be affected by the immediate availability of tax credits is only a small share of the total. Note that additional restrictions on benefits for EU citizens might need to be negotiated with the European Union rather than simply introduced by the UK parliament. This work has been funded by the Nuffield Foundation but the content is the responsibility of the authors and of Full Fact, and not of the Nuffield Foundation. We are currently at - please help Full Fact grow.

2: Migration and welfare benefits - Full Fact

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