

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: VTR 406

29 January 2014

Dear F Angelov,

Thank you for your Freedom of Information request received on 26 February 2014. You asked for:-

In your reply to my previous FOI to you entitled "Benefit Criteria" (Ref: VTR 17) you mentioned that if EEA nationals satisfy habitual residence test for the purposes of benefit claims they will be treated equally to nationals but then proceeded to state that "a new statutory presumption will mean that EEA jobseekers and retained workers will then only be able to claim JSA for 6 months, after which compelling evidence must be presented that they have a genuine prospect of finding work". Could you, please, provide me with more information regarding this presumption, whether it applies only to EEA nationals and not to UK nationals and if possible provide citation to the statute if it is publicly available at the present time. If not could you give me the source of your information about this statute, so I can make myself familiar with the content. Could you also confirm that EEA citizens who are not UK nationals will have to satisfy a different, more-restrictive test than nationals, due to the requirement to show compelling work prospect evidence, which requirement I am under the impression, does not apply to UK nationals.

Also you stated: "Under domestic legislation, economically inactive EEA nationals and their family members cannot claim income related benefits. " With reference to this bit could you please: 1 Provide me with information whether UK nationals who are economically inactive will be eligible for income related benefits and whether the economically inactive restriction only applies to non UK EU nationals? 2 Provide me with information whether EU citizens with permanent residence (or unconfirmed permanent residence i.e.. the individual is permanent resident without having applied for such confirmation) under EU law will still be subject to those different tests and presumptions which are more restrictive than for UK nationals?

You can expect a reply by 21 February 2014 unless I need to come back to you to clarify your request or the balance of the public interest test needs to be considered.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central FOI Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk