

Department for Work and Pensions (DWP)
Central Freedom of Information Team
freedom-of-information-request@dwp.gsi.gov.uk

Our reference: Fol 4363 & Fol 4365

Date: 17 January 2017

Dear Mr Martin,

We received two Freedom of Information requests from you both dated 17 November 2016. As both of your requests are related to the Adult NINo allocation process and benefit processes for asylum seekers we have provided one responses to both of your them as outlined below.

Please accept our apology for the delay in providing you with a response.

In your first request you asked for a copy of procedural guidance used by DWP when dealing with requests for NINos from the Home Office for refugees together with target times and clearance data for these applications.

DWP response:

DWP Adult NINo allocation internal guidance is available here: -
<https://www.gov.uk/government/publications/national-insurance-number-allocations-staff-guide>

There is no specified target to clear NINo applications for refugees. However, we can advise that there are joint Home Office and DWP processes for some who are granted refugee status by the Home Office. DWP aims to allocate the NINo within 48 hours following receipt of the request from the Home Office.

Management Information for NINos allocated to all customers granted refugee status by the Home Office is not available and could only be provided at disproportionate cost. We estimate that providing information relating to the actual clearance data for NINos allocated to refugees would exceed the appropriate limit of £600. The appropriate limit has been specified in regulations and for central Government it is set at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting the information. Under section 12 of the Freedom of Information Act (FOIA) the Department is not obliged to comply with this part of your request.

Turning to your second request, many of the scenarios quoted are not recognised by DWP but to be helpful we have provided information on the Adult NINo application and benefit processes for refugees.

For persons granted leave to remain as a result of a successful asylum claim a joint NINo process operates for the majority between Home Office and DWP. This means that an application for a NINo is made by the Home Office

on behalf of the principle family member and the allocated NINo is then issued to the applicant by Home Office, enabling a more efficient transition to mainstream benefits.

Any customer who makes a claim to benefit and does not have a NINo will have their NINo application progressed by DWP once their entitlement to benefit has been established. This should not delay benefit processing as NINo applications for benefit purposes are prioritised.

From the scenarios you have described there have been issues in making a claim to Income Support and receiving a short term benefit advance. One of these concerns Child Benefit. On this we can confirm that when a claim is made to Income Support there is no legislation that requires Child Benefit to have already been claimed.

We can confirm that the Home Office Biometric Residence Permit is classed by DWP as primary evidence to prove identity and status in the UK, the provision of the refugee decision letter could also be presented as supporting evidence when making a claim to benefit.

Whilst there is no automatic entitlement to a Short Term Benefit Advance – there are conditions to be satisfied – the process itself should not be as you describe. The guidance available to the DWP's Decision Makers is set out below:

Claimant without a NINo

“Where the claimant requests financial support but does not have a NINo, a Short Term Benefit Advance (STBA) should still be considered, providing the claimant:

- has made a new claim to benefit, or has a current claim in the case of a change in their circumstances*
- meets other STBA eligibility criteria*
- can provide evidence of their identity in line with the confirming identity guidelines relevant to the appropriate benefit.*

It is important that all action necessary to allocate a NINo is taken promptly to ensure that the benefit claim/change of circumstances can be finalised and put into payment.”

This means that for the people you assist DWP will require a claim to Income Support to be made before it can consider a request for an advance. If the criteria for a Short Term Benefit Advance is satisfied a payment will be made.

In conclusion the broad outline of the case you describe does not conform to DWP guidance on how such claims should be dealt with. A single parent with a young child should be able to claim Income Support from the outset.

We have also included a link to the Gov.uk webpage which provides refugees with guidance about DWP services and how to access them which you may find helpful:

<https://www.gov.uk/government/publications/refugees-guidance-about-benefits-and-pensions>

If you have any queries about this response please contact us 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@dpw.gsi.gov.uk or by writing to: DWP, Central FOI 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.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745