

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

Our Ref: FOI2019/37592

25 October 2019

Dear Zark Javaid,

Thank you for your Freedom of Information (Fol) request received on 13 October. You asked:

*I just read that individuals who applied for their Pre-Settled Status prior to 19th July are eligible for UC or have different eligibility requirements.*

*"So, in England from 7 May 2019, or in Wales from 19 July 2019, people with non-qualifying rights to reside who have EU Pre-Settled Status are not eligible. But if they applied in time before then they have transitional protection and are eligible provided they were habitually resident."1.*

*1.[https://www.housing-rights.info/03\\_4\\_EEA\\_workers.php#settlement](https://www.housing-rights.info/03_4_EEA_workers.php#settlement)*

*Also on Gov.uk site, it states under "Your rights with settled or pre-settled status"2 that one will be able to get access to public funds. Once you do get the pre-settled status, the letter attached to it has a link where you can check your rights and when you put your details into it. It says "You can live, work and study in the UK, and access public funds and services, until ..... "3.*

*2.<https://www.gov.uk/settled-status-eu-citizens-families/what-settled-and-presettled-status-means>.*

*3.<https://www.gov.uk/view-your-settled-status>*

*If all this makes you eligible to access the public funds one still needs to do the HRT test because he qualifies for UC already according to statements I mentioned above? Or the individuals with the above criteria meet the eligibility for UC? Can you please clarify that, please?*

## **DWP Response:**

It may be helpful if I explain the role of the Freedom of Information Act. The Act provides a legal right of access to recorded information held by a public authority like DWP, subject to certain exemptions that may apply. The Act does not oblige a public authority to create new information to answer questions; nor does it require a public authority to give advice, opinion or explanation, generate answers to questions, or create or obtain information we do not hold.

If you ask a question, rather than requesting recorded information, we will provide you with the recorded information that best answers the question. Once we have provided the recorded information, we have met our obligations under the Act.

I can confirm that we hold the recorded information to respond to your request. However, the information is exempt under Section 21 of the Freedom of Information Act because the information is reasonably accessible to you, as it is already in the public domain.

However, to be helpful you can find the information you seek at  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800793/adm9-19.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800793/adm9-19.pdf)

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

Yours sincerely,

DWP Policy Group FoI Team

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#### **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@dwp.gov.uk](mailto:freedom-of-information-request@dwp.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  
Web: [ico.org.uk/Global/contact\\_us](http://ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745