



Department
for Work &
Pensions

<Title> <Forenames> <Surname>
<CustAdd>

<Current Date>

<Office Name>
<Office Address1>
<Office Address2>
<Office Address3>
<Office Address4>
<Office Address5>

Telephone 0345 608 8545
Textphone 0345 608 8551
Welsh language line
0345 600 3018

<Website>

Ref: <NINo> / <CaseNo>

Changes which may affect your entitlement to continue being paid income based Jobseeker's Allowance (JSA(IB)).

Dear <Title> <Surname>

We are writing to tell you about changes which may affect your entitlement to be paid income based Jobseeker's Allowance (JSA (IB)).

Introduction

Changes to Home Office Regulations limit the time EEA Nationals have the right to reside in the UK as a jobseeker to 91 days or as a person who retains worker status to 6 months, unless at the end of this period they can provide compelling evidence that they are actively seeking work and have a genuine prospect of work.

As an EEA National you may be affected by these changes.

This letter is to advise you that your right to reside in the UK and your entitlement to JSA (IB) will be reviewed in 3 months from the date of this letter. If you have been receiving Housing Benefit (HB) this may also be affected by any decision regarding your entitlement to JSA (IB).

Finding a Job

In the meantime you must continue to meet all the requirements for receiving JSA (IB) during the period of your claim. You must be doing everything you can to find work or to improve your chances of starting work before your right to reside is reviewed. Your Jobseeker's Allowance could be affected if you do not have a genuine prospect of work in three months' time.

Find out more about these requirements at www.gov.uk/jobseekers-allowance

What happens in 3 months?

You will be invited to an interview at your Jobcentre if you are still claiming JSA (IB). At the interview we will give you the opportunity to provide evidence of your right to reside and genuine prospect of work.

Do I need to do anything for the interview?

Yes.

You must bring evidence of your nationality with you to the interview. This must be an original document, not a copy.

You must bring evidence to the interview to show what your right to reside is. If you have a right to reside as a jobseeker or person who has retained worker status you must also provide compelling evidence (proof) that you have a genuine prospect of work, or show that you have another right to reside (see below).

Examples of compelling evidence (proof) could include evidence of a job offer or of a change of circumstances, such as recent completion of a vocational course or recent change of location to improve your job prospects that is likely to lead to a related job imminently, or that your period of jobseeking has been interrupted due to personal circumstances.

What if I have another right to reside?

There are a number of different rights to reside that may entitle you to continue to claim JSA (IB) without showing a genuine prospect of work. For example, you might be in part-time work or self-employment, or you might have gained a permanent right to reside or be able to derive rights from a close family member. You need to provide evidence to show if these rights apply to you.

You must provide evidence that shows the work you have done in the UK. This must detail the start and end dates of your jobs. This could include contracts of employment, P45s or letters from your employers. If you are a national of one of the accession states you will need to bring your Worker Authorisation Scheme or Worker Registration Scheme documents for any work where these were required.

The accession states are:

- Bulgaria
- Croatia
- Czech Republic
- Estonia
- Hungary
- Latvia
- Lithuania
- Poland
- Romania
- Slovakia
- Slovenia

If you have been self-employed, you must provide evidence to show when you worked, the work you did and that you registered as self-employed with HMRC. The evidence might be copies of your certified accounts or tax returns. If you did not register with HMRC you must explain why not.

If you have been a student, bring evidence to show when and where you studied as well as evidence that you had comprehensive sickness insurance. By comprehensive sickness insurance, we mean sickness insurance that you have taken out that covers you for all claims. This does not include access to the National Health Service (NHS). We will also need to know how you were supported while you were a student.

✓ under 21

If you are, or have been, dependant on a family member who is an EEA national, for example your parents or spouse, you must bring evidence of this. You should include evidence of your relationship such as your birth certificate or marriage certificate, your family member's nationality and details of any work or self-employment they have been doing while you were dependant on them. If your family member is a national of an accession state you will need to provide any Worker Authorisation or Worker Registration documents they hold.

If you are, or have been, supported by an extended family member such as an unmarried partner, sister, brother, aunt, uncle, etc. you will also need to show that you have a visa to live in the UK as a family member of an EEA national. You will also need to show how you were supported by this family member before you came to the UK.

or your partner
If you have a child in education and have worked in the UK since your child came to live here you will need to provide evidence of this. We need evidence that the child is in education in the UK. This should be a letter or form from either the school or local education authority. It should show the date the child started school and that they are still attending school. You will also need to provide evidence of the relationship between you and the child, for example the child's birth certificate or adoption certificate. You will need to provide your work history as above.

For further information on all right to reside regulations please see the website below:
www.gov.uk/government/publications/eea-and-swiss-nationals-free-movement-rights

What will happen after the interview in 3 months?

The evidence you provide at your interview in support of your right to reside and entitlement to JSA (IB) is referred to a Decision Maker. The Decision Maker will consider all the evidence and make a decision on your right to reside in the UK and entitlement to JSA (IB).

Depending on your circumstances you may be granted a limited extension to your right to reside and this may also extend your benefit.

If you cannot provide compelling evidence, then as a result of the legislative changes made by the Home Office you will no longer have a right to reside as a jobseeker or as a person who retains worker status and we will close your claim to Jobseekers Allowance.

If you lose your right to reside in the UK following the assessment, you will also lose your entitlement to JSA (IB) and your JSA (IB) claim will be closed.

If you have been receiving Housing Benefit (HB) this may also be affected. The Department for Work & Pensions (DWP) will notify your local authority (LA) that your JSA (IB) has stopped and they will review your claim. LA's are responsible for HB decisions so you should contact your LA if you have any questions on this issue.

If you demonstrate another right to reside your claim will continue unless your circumstances change.

How will I be told about my right to reside decision?

You will receive a letter from the DWP which will tell you the outcome of the decision on your right to reside and JSA (IB) entitlement.

Why are you doing this now?

Since the 1st January 2014, new claims to JSA (IB) from EEA Nationals have been time limited. However, you have been receiving JSA (IB) for longer than this limited period therefore the DWP need to ensure that you still have a right to reside in the UK and are entitled to JSA (IB).

What happens next?

If you have any queries regarding this letter please contact us on your local Jobcentre on the telephone number above.

Yours sincerely

<Staff Forenames> <Staff Surname>

