**Operational Stakeholder Engagement Forum Update March 2015**

Please find below a brief update on the most recent measures to be implemented by the Migrants’ Access top Benefits project.

**Extending the Genuine Prospect of Work assessment to older JSA claims**

From 9 February 2015, DWP began to notify EEA nationals who have an existing claim to income-based Jobseeker’s Allowance (JSA) made before 1 January 2014 that they will be subject to a genuine prospect of work assessment in three months time.

This is a one-off exercise conducted over a period of weeks and the first assessment interviews will start to take place in May 2015. If, during the assessment interview, the claimant is unable to provide compelling evidence that they have a genuine prospect of work, their current right to reside and consequently their entitlement to income-based JSA will cease. The claimant will have the opportunity to provide evidence of an alternative right to reside in the UK for the DWP Decision Maker to consider at this stage.

This exercise will ensure that all EEA nationals claiming income-based JSA are treated in the same way, regardless of when they made their claim to benefit.

**Improving consistency of the Habitual Residence Test decisions**

The Habitual Residence Test identifies whether a claimant is eligible for certain benefits. The electronic Habitual Residence Test (e-HRT) is the application used by DWP staff to help gather the correct evidence to enable DWP Decision Makers to make consistent accurate decisions.

From 30 March 2015, an improved version of the electronic application will be launched for JSA, Income Support, Employment and Support Allowance and Pension Credit claims.

The enhanced application includes improved benefit specific routing, which means each benefit will follow the most direct route through the question set. This will result in a reduction in the number of questions and the time taken to complete an HRT for many claimants.

**Overview of previously implemented Migrants Access to Benefits changes**

**JSA Three Month Residence Requirement**

Since 1 January 2014, European Economic Area (EEA) jobseekers, British nationals returning from living or working abroad and non-EEA nationals have been unable to claim income-based Jobseeker’s Allowance (JSA) until they have been living in the UK, or the Common Travel Area, for a period of three months. This is in addition to the requirement to demonstrate that they are habitually resident.

**JSA Six Month Time Limit**

Since 1 January 2014, DWP has been advising EEA nationals making a new claim for JSA (IB) that they will be subject to a new Genuine Prospect of Work assessment after six months.

The assessment interviews began taking place in July. The assessment checks the evidence that the claimant provides to determine whether they have a genuine prospect of work, in which case a limited extension to JSA (IB) may be granted. If compelling evidence is not forthcoming their claim to JSA will stop.

**Extension of Minimum Earnings Threshold (MET)**

The threshold was introduced on 1 March 2014 for new claims to income-based JSA; from 6 October 2014, it was extended to Income Support and Employment and Support Allowance new claims; from 1 December 2014, the threshold was extended to Pension Credit new claims.

It is used by DWP Decision Makers to determine an EEA nationals’ right to reside in the UK as a worker or self-employed person. In most cases to allow this their employment must satisfy the threshold, it is then considered to be genuine and effective.

The threshold is set at the same level at which National Insurance contributions are made by those in employment. Where this level of earnings has been maintained, or can be reasonably expected to be maintained for three consecutive months or more, the person will atomically be considered to be in genuine and effective work in the UK, and as such can be treated as a worker or self-employed person for the purpose of claiming benefits.

If the claimant cannot demonstrate that their earnings are at, or above, the threshold, the decision-maker will consider the individual circumstances of the claimant and their employment to determine whether the work can be considered ‘genuine and effective’.

**Removal of access to Housing Benefit for EEA jobseekers**

From 1 April 2014, EEA migrants whose right to reside in the UK is as a jobseeker have been unable to access HB, even if they are receiving income-based JSA. EEA jobseekers that were entitled to both Housing Benefit and income-based JSA on 31 March 2014 were not affected by the new rules around Housing Benefit access, unless their entitlement to either benefit ended.

This measure applies only to EEA nationals; it will not affect nationals from the Common Travel Area, or UK nationals.

**JSA Three Month Time Limit Review for EEA jobseekers**

From 10 November 2014, new claims to income-based JSA from EEA nationals with a right to reside as a jobseeker have been subject to a Genuine Prospect of Work assessment three months (91 days) after the start of their income-based JSA claim. If compelling evidence is not forthcoming their claim to JSA ends after 91 days.

New claims to JSA from EEA nationals with a right to reside as a ‘retained worker’ continue to be subject to a GPoW assessment six months after the start of their claim to JSA.

From 9 February 2015, the first three month (91 days) assessments began taking place. Again, the assessments check the evidence that the claimant provides to determine whether they have a genuine prospect of work, in which case a limited extension to income-based JSA may be granted.