

DWP Central Freedom of Information Team
e-mail: freedom-of-information-request@dwp.gsi.gov.uk

Our Ref: Fol 1913

Date: 27 April 2018

Dear H. Khvorostovska,

Thank you for your Freedom of Information request of 12 April 2018. You asked:

“what happens when one couple is a British citizen and the other is subject to immigration control when applying for universal credit? Would the eligible claimant make a single or joint claim for universal credit? Could Joint claims put future visa applications in jeopardy?

Would the person subject to immigration control still have to attend interviews and be subject to claimant commitments?”

DWP Response

Under Section 115 of the Immigration and Asylum Act 1999, people subject to immigration control (PSIC) are excluded from entitlement to certain specified benefits, including Universal Credit (UC). A “PSIC” is defined as someone who is not a national of an European Economic Area State and who either requires leave to remain in the UK but does not have it, or has leave to remain which is subject to a condition that they do not have recourse to public funds.

However, under the UC rules, if someone is part of a couple, they and their partner need to make a joint claim for UC. The claim form may be completed by one member of the couple, but that person must enter the details for both members of the couple. If one member of the couple isn't eligible for UC, we will convert the claim to a single person claim upon processing. However, the savings and income of the ineligible person will nevertheless have to be taken into account when calculating the amount of the UC award.

In relation to how a joint claim may affect any future visa applications please contact the Home Office.

On your final point, if the individual is not eligible for UC they would not have a commitment meeting booked to create a claimant commitment.

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

Yours sincerely,

DWP Strategy Fol 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@dwp.gsi.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