



Department  
for Work &  
Pensions

## 1. Policy background

An immigration bill [The Immigration and Social Security Coordination (EU Withdrawal) Bill (“the Bill”)] was announced in the Queen’s Speech on 19 December 2019 as one of the bills needed to ensure that the UK seizes the opportunities that arise from the UK leaving the European Union (EU) on 31 January 2020.

Subject to parliamentary approval of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, free movement will end on 31 December 2020 at the end of the transition period, and the Government plans to introduce a points-based immigration system that is firmer, fairer and will enable people to come to the UK on the basis of the skills and talent they have and the contribution they will make to the UK, rather than where they came from.

Currently, free movement of people continues to apply in UK law by virtue of the European Union (Withdrawal) Act 2018 (“EUWA 2018”), as amended by the European Union (Withdrawal Agreement) Act 2020 (“EUWAA 2020”), until the end of the transition period. The Immigration and Social Security Co-ordination (EU Withdrawal) Bill is the legislation that will end the EU’s rules on free movement and makes EEA citizens and their family members subject to UK immigration controls. This means they will require permission to enter and remain in the UK under the Immigration Act 1971. The future arrangements that will apply to EEA and non-EEA citizens will be set out in Immigration Rules and other secondary legislation, as is usual practice, and are not included in the Bill.

However, the Government has always been committed to guaranteeing the existing rights of EU, EEA EFTA and Swiss nationals (referred collectively in this document as “EEA citizens” for brevity) who are resident in the UK before 31 December 2020. The Government fully opened the EU Settlement Scheme (EUSS) on 30 March 2019 and the scheme enables EEA citizens resident in the UK by the end of the transition period and their family members to apply for leave under the Immigration Act 1971 in order to protect their rights in UK law, to enable them to remain in the UK, and to ensure their status is clear when the new global points-based immigration system begins from January 2021.

### *Social Security Co-ordination*

The Bill includes a provision allowing the Government (and/or, where appropriate, a Devolved Authority) to modify retained EU law relating to social security co-ordination. These EU rules govern the coordination of social security between Member States and contain rules relating to individuals whose social security situation is not confined to a single Member State. This includes rules relating to the payment of social security contributions and access to benefits (including export and aggregation) across the UK and EEA by UK nationals, EEA citizens and in some

cases non-EEA citizens. The power in this Bill will allow policy changes to be made at the end of the transition period to the social security co-ordination regime which has been retained, and fixed, under the EU (Withdrawal) Act 2018. Detailed policy arrangements are subject to the outcome of negotiations on the UK's future relationship with the EU. Equality considerations, including the public sector equality duty, are being considered more widely throughout the complete policy development and any policy changes which may be considered under secondary legislation will result in an updated Equalities Analysis.

## **1.1 Policy proposals contained in the Bill**

The main measures in the Immigration and Social Security Co-ordination (EU Withdrawal) Bill include:

- repealing the main retained EU law relating to free movement and bringing EEA citizens and their family members under UK immigration control to enable the introduction of the global points-based immigration system;
- protecting the status of Irish citizens in UK immigration law once their EU free movement rights end;
- a power to amend, by regulations, legislation in consequence of, or in connection with the ending of free movement. This will enable the alignment of treatment for EEA and non-EEA citizens as part of the future immigration system, subject to saving certain provisions where appropriate; and
- powers to amend, by regulations, retained EU law governing social security co-ordination, enabling policy changes to be delivered following the end of the transition period, and depending on the outcome of negotiations with the EU on the future relationship.

## **1.2 Repeal of principal retained EU law relating to free movement**

The EUWA 2018 maintains EU law relating to free movement as UK law following the UK's withdrawal from the EU on 31 January 2020 and incorporates it in retained EU law from that date. The Bill will repeal the key free movement provisions and end the operation of EU rules (as given effect in domestic legislation) on free movement of persons in the UK. This means that the UK Government will be able to align Immigration Rules for EEA citizens and their family members with the wider migrant population. The Bill removes the exemption from UK immigration control which currently applies to EEA citizens and their family members and requires them to apply for permission to enter and remain under the Immigration Act 1971. Through the Bill's provisions, certain directly effective EU rights, for example, those relating to the EU/Swiss free movement of persons agreement, cease to be recognised in domestic law. Directly effective EU rights are disapplied insofar as they are inconsistent with the UK's immigration law.

## **1.3 Irish citizens: entitlement to enter or remain without leave**

The Bill protects the status of Irish citizens in the UK when free movement rights end, a status which existed prior to the UK's membership of the EU. Since the 1920s British and Irish citizens have enjoyed a status in each other's State, distinct from that later enjoyed as a consequence of EU citizenship. Section 2(1) of the Ireland Act 1949 declares that "...notwithstanding that the Republic of Ireland is not part of [Her] Majesty's dominions, the Republic of Ireland is not a foreign country for the purposes of any law in force in any part of the UK...". The fundamental provisions for the immigration status of Irish citizens in UK domestic law are provided for in the Immigration Act 1971, however these provisions only cover Irish citizens who enter the UK from within the Common Travel Area (CTA); Irish citizens travelling from outside the CTA currently enter the UK under the Free Movement Directive 4004/38/EC. The Bill will address this disparity and protect the status of Irish citizens; confirming their right to enter and remain in the UK without permission when free movement rights end, irrespective of from where they have entered the UK, unless they are subject to a deportation order, exclusion order or international travel ban. This status is consistent with the commitments in the Belfast ('Good Friday') Agreement.

#### **1.4 Consequential, transitional and savings provisions**

The Bill includes powers to enable the Secretary of State to make to make consequential, transitional, incidental, transitory and savings provisions in respect of ending free movement. This includes associated changes to the rules on access to benefits for EEA citizens under the future immigration system.

#### **1.5 Social security co-ordination**

The Bill provides a power to modify, by regulations, retained EU law in relation to social security co-ordination. It allows the Government (and/or, where appropriate, a devolved authority) to modify the retained rules, as appropriate, and allows the Government (and/or, where appropriate, a devolved authority) to make regulations to implement any new policies regarding co-ordination of social security. This clause also provides for the disapplication of directly effective rights, which have been saved by section 4 of the EUWA 2018, to the extent that they conflict with the exercise of this power.

Detailed policy arrangements are yet to be negotiated, therefore it is difficult to assess the impacts of provisions in the Bill in a meaningful way. Equality considerations, including the public-sector equality duty, have been considered and any policy changes which may be considered under secondary legislation will result in updated equalities analysis.

## **2. Summary of the evidence considered in demonstrating due regard to the Public Sector Equality Duty**

This Policy Equality Statement (PES) focuses on the Social Security Co-ordination part of the Bill. For equalities analysis on the other provisions within the Bill, please refer to the separate Home Office PES.

The [Migration Advisory Committee report](#) on the economic and social impacts of the UK's exit from the EU has been considered throughout our assessment on any impacts.

The European Union (Withdrawal Agreement) Act 2020 Impact Assessment (21 October 2019):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841245/EU\\_Withdrawal\\_Agreement\\_Bill\\_Impact\\_Assessment.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841245/EU_Withdrawal_Agreement_Bill_Impact_Assessment.pdf)

House of Lords Select Committee on the European Union Justice Sub-Committee, evidence session on Brexit: Citizens' rights (22 October 2020):

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/eu-justice-subcommittee/brexit-citizens-rights/oral/106692.pdf>

Commons Briefing Papers: Citizens' rights provisions in the European Union (Withdrawal Agreement) Bill 2019-20 (3 Jan 2020):

<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8772>.

In addition, the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC) administrative data sources have been used to examine and assess the demographics, where available, of those who currently export a benefit to the EEA. Given the demographic differences between claimants of different benefit types, the analysis is presented in three groups:

- those in receipt of UK State Pension (SP)
- those in receipt of other DWP benefits, for example Employment and Support Allowance (ESA)
- those in receipt of HMRC benefits (for example Child Benefit)

Further analysis and breakdowns are presented in Annex 1 and for more information on the data sources and the methodologies used, please see Annex 2. As further data and policy details becomes available, we will look to update the PES.

### **3. The public sector equality duty under s149 of the Equality Act 2010 requires that in exercising their functions public authorities must have due regard to the need to:**

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

### **3.1 Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act**

Under s149, the eight specified protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour or nationality); religion or belief; sex; and sexual orientation.

Schedule 18 to the 2010 Act sets out exceptions to the public sector equality duty. In relation to the exercise of immigration and nationality functions, s149(1)(b) – advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it – does not apply to the protected characteristics of age, race (insofar as it relates to nationality or ethnic or national origins) or religion or belief. It is worth noting that much of the legislative framework provided by the Bill already applies to non-EEA citizens. To that extent, the Bill will align the treatment of EEA citizens and non-EEA citizens insofar as they will need permission to enter and remain in the UK, and therefore any discrimination arising from this is likely to be indirect discrimination.

The Withdrawal Agreement, the EEA EFTA Separation Agreement and the Swiss Citizens' Rights Agreement (referred collectively in this document as “the Withdrawal Agreement” for brevity) establish a cohort of citizens to whom the EU’s social security coordination rules will continue to apply after the end of the transition period, no matter whether a future relationship is reached with the EU or what any future relationship covers. This cohort primarily consists of EEA citizens living or working in the UK and UK nationals living or working in the EEA, and their family members as well as certain other groups. Changes to the rules on social security coordination made under this Bill will not apply to this group while they remain in scope of the Withdrawal Agreement. The Withdrawal Agreement also protects the social security position of individuals who have lived and worked between the UK and the EU by the end of the transition period.

The UK has signed an agreement with Ireland which protects the social security rights of all UK and Irish nationals travelling throughout the Common Travel Area before and after the end of the transition period.

The following sub-section looks at the impact of the provision which takes a power allowing modifications to be made to the social security co-ordination regulations (as retained by the EU (Withdrawal) Act) 2018 to deliver policy changes at the end of the transition period.

The social security co-ordination clause is an enabling power, allowing changes to be made to the retained regime via secondary legislation. Policy changes will be set out in the regulations that will follow, subject to the outcome of negotiations with the EU. Further equality analysis will be considered in due course.

#### **Gender**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

Analysis shows that a greater proportion of women (53%) are in receipt of a State Pension in the EU compared to men (47%). This suggests that women may be more likely to be affected by any future policy change to pension-age benefits. SP makes up around 90% of DWP benefit recipients in the EU. Of the other 10%, mainly working age recipients, 57% are women compared to 43% of men. However, there are more men exporting Child Benefit (76%) and Child Tax Credit (53%) meaning men may be more affected by any future policy change to HMRC working-age benefits, although this benefit may be exported for the child/mother in another Member State therefore could affect both genders equally.

### **Age**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

Around 90 % of DWP benefit recipients in the EU are receiving SP and therefore pension age. Analysis shows that the largest proportion of overseas recipients of other DWP benefits fall in the age bracket of '45-54' and '60 and over'. For HMRC benefits, most recipients are of working age, with over 50% claiming CTC and over 40% claiming Child Benefit being in the '35-44' age-band. This suggests that those in the age band '35-44' may be more affected by any future policy change to HMRC benefits with relatively older claimants being impacted by any changes to DWP benefits.

### **Sexual orientation**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

The DWP/HMRC does not hold information on its administrative systems on the sexual orientation of claimants. We do not envisage an adverse impact on these grounds.

### **Pregnancy and maternity**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

The DWP/HMRC only holds information on pregnancy and maternity on its administrative systems where it is the primary reason for incapacity. It cannot therefore be used to accurately assess the equality impacts across all benefits. DWP can estimate that there are around 100 claimants in receipt of maternity allowance in the EU.

## **Religion or belief**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

The DWP/HMRC does not hold breakdowns on religion or belief for claimants. We do not envisage an adverse impact on these grounds.

## **Ethnicity**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

The DWP/HMRC does not hold available information on its administrative systems on the ethnicity of all benefit claimants. We do not envisage an adverse impact on these grounds.

## **Gender reassignment**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

The DWP/HMRC does not hold information on its administrative systems on transgender persons. The Department has endeavored to ensure that customers will be treated in the same way, regardless of whether they have undergone gender re-assignment. Therefore we do not envisage an adverse impact on these grounds

## **Marriage and Civil Partnership**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

Historically, DWP and HMRC have not recorded marital status on their administrative systems. The DWP/HMRC does not hold available information on its administrative systems on the marital or civil partnership status of claimants. We do not envisage an adverse impact on these grounds.

## **Disability**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

The DWP/HMRC cannot identify across all benefits those with a disability according to the Equality Act 2010 definition using administrative data. The DWP can estimate how many people are currently in receipt of a disability-related benefit. In the EU

there are around [8,000 claimants in receipt of DLA/PIP/AA](#) and [6,000 in receipt of ESA](#).

### **3.2 Consideration of limb 2: Advance equality of opportunity between people who share a protected characteristic and people who do not share it**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland. On 24 January 2020 the government published guidance setting out that for those moving to the EU from 1 January 2021, if not covered by the Withdrawal Agreement, the rules on entitlement to UK benefits will depend on the outcome of negotiations with the EU and may change: <https://www.gov.uk/guidance/benefits-and-pensions-for-uk-nationals-in-the-eea-or-switzerland>

This limb will continue to be considered as future policy negotiated.

### **3.3 Consideration of limb 3: Foster good relations between people who share a protected characteristic**

Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland. On 24 January 2020 the government published guidance setting out that for those moving to the EU from 1 January 2021, if not covered by the Withdrawal Agreement, the rules on entitlement to UK benefits will depend on the outcome of negotiations with the EU and may change: <https://www.gov.uk/guidance/benefits-and-pensions-for-uk-nationals-in-the-eea-or-switzerland>

This limb will continue to be considered as future policy is negotiated.

## **4. Foreseeable impacts of policy proposal on people who share protected characteristics**

The final policy on social security co-ordination is subject to the outcome of negotiations with the EU and at this point in time we are unable to make any detailed analysis on the impact of future amendments to the retained social security co-ordination rules. Any policy changes will not affect those in scope of the Withdrawal Agreement for as long as they remain in scope of that agreement and meet eligibility criteria, nor UK and Irish nationals moving between the UK and Ireland.

## **5. Review date**

SCS sign off: Ronan O'Connor

Name/title: Ronan O'Connor (DWP)

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

Directorate/Unit: Department for Work and Pensions

Lead contact: Hannah Bewley

Date:

## **6. Annex 1: Descriptive Analysis on Social Security Co-ordination**

### **6.1 Overview**

Some UK benefits can be received when a claimant is living in the EEA, for example Contributory ESA (see table A6 for an overview). Adding up caseload estimates across benefits may lead to an overestimate of benefit claimants due to some individuals claiming more than one benefit. Therefore, using DWP data, the following estimates the number of claimants living in the EEA. Comparable statistics for HMRC-administered benefits (Child Benefit and Tax Credits) are presented in section 6.9.

### **6.2 Expenditure and Caseload**

In 2018/19, over £2bn was spent on exporting UK benefits abroad to around 500,000 claimants living in the EEA. Over 90% of this expenditure was on State Pension (which is payable worldwide under domestic legislation) and over 90% of recipients of a DWP benefit/pension were UK/Irish nationals<sup>1</sup>.

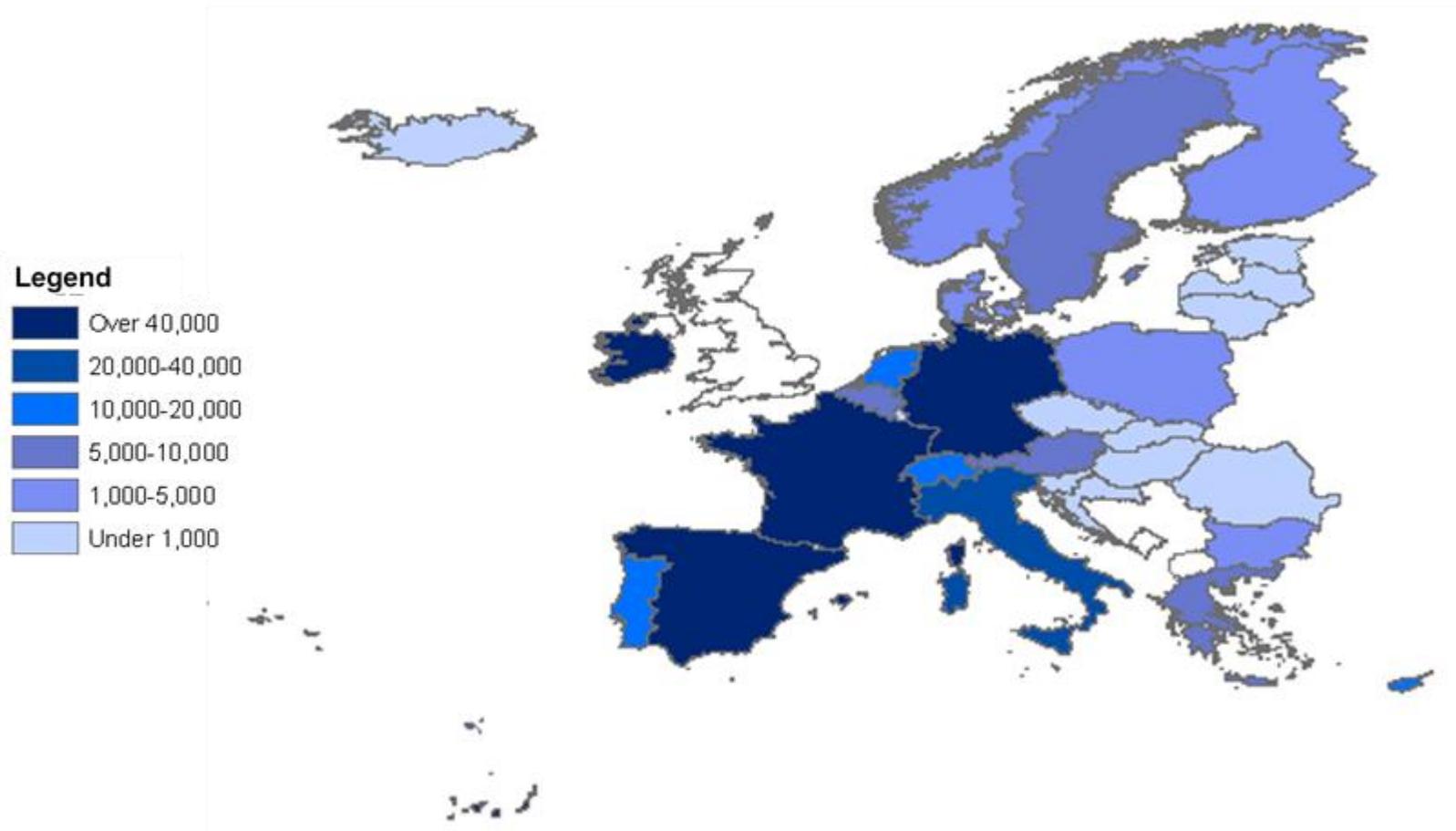
Around 90 per cent of UK State Pension recipients in the EU are residing in current EU member states who joined prior to 2004<sup>2</sup>, with over 60% residing in three countries; Ireland (around 25%), Spain (around 20%) and France (around 15%) – see map below. The UK pays the pensions of UK (and other Member State) nationals in the EU who have contributed to the UK system. This is part of reciprocal arrangements where Member States are also obliged to pay pensions in the UK. The weekly average (mean) amount of UK State Pension for those in the EU is currently £80 compared to £152 in Great Britain (see table A1).

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<sup>1</sup> As the Migrant Worker Scan starts from the late 1970's, this may mean foreign nationals arriving before this time period, who may now be pension-age, would not be captured in our data. Therefore, this is likely to be an over-estimate of UK nationals and under-estimate of foreign nationals. Nationality is not collected for the purposes of payment of State Pension. This is only nationality at the point of NINo registration and nationality may change over time. [↪](#)

<sup>2</sup> These countries include: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden. Note the Republic of Ireland would usually be included in this group, but for the purposes of this publication are treated separately

Map 1: UK state pension recipients in the EEA ([February 2019](#))



**6.3 Table A1: Country of residence of recipients of State Pension in the EU and average weekly amounts (February, 2019)**

	<b>Caseload</b>	<b>Mean Weekly Amount of Benefit</b>
<b>Austria</b>	5,000	£46
<b>Belgium</b>	5,200	£60
<b>Bulgaria</b>	1,300	£119
<b>Croatia</b>	600	£57
<b>Cyprus</b>	17,600	£115
<b>Czech Republic</b>	800	£90
<b>Denmark</b>	3,700	£54
<b>Estonia</b>	100	£73
<b>Finland</b>	1,600	£54
<b>France</b>	65,800	£108
<b>Germany</b>	42,700	£43
<b>Greece</b>	6,000	£103
<b>Hungary</b>	900	£101
<b>Iceland</b>	100	£74
<b>Ireland</b>	132,000	£62
<b>Italy</b>	34,100	£53
<b>Latvia</b>	300	£69
<b>Liechtenstein</b>	-	£29
<b>Lithuania</b>	700	£39
<b>Luxembourg</b>	600	£79
<b>Malta</b>	6,300	£99
<b>Netherlands</b>	13,300	£51
<b>Norway</b>	4,400	£54
<b>Poland</b>	4,100	£60
<b>Portugal</b>	11,000	£112
<b>Romania</b>	200	£101
<b>Slovakia</b>	600	£50
<b>Slovenia</b>	300	£57
<b>Spain</b>	105,500	£112
<b>Sweden</b>	6,000	£53
<b>Switzerland</b>	11,600	£48
<b>Total</b>	<b>482,400</b>	<b>£80</b>

Tables A2, A3, A4, A5 and A6 present further details around nationality, benefit combinations, gender and age of recipients of a UK benefit in the EEA. Given the demographic differences between claimants of different benefit types, the analysis is presented in three groups:

- those in receipt of UK State Pension (SP);

- those in receipt of other DWP benefits, for example Employment and Support Allowance (ESA)
- those in receipt of HMRC benefits (Child Tax Credits and Child Benefit)

#### 6.4 Table A2: proportion of claims for UK benefits for people in the EU split by nationality of claimant (February 2019)<sup>3</sup>

Nationality	In receipt of SP	Other DWP Benefits	In receipt of Child Benefit	In receipt of Child Tax Credit
EU15	3%	12%	4%	2%
EU8	1%	15%	70%	73%
EU2	<1%	1%	7%	10%
Other EEA	<1%	1%	<1%	0%
Republic of Ireland (ROI)	1%	5%	3%	2%
Rest of World (RoW)	1%	2%	1%	<1%
UK	93%	64%	16%	12%

- Note: Figures may not sum due to rounding. DWP and HMRC figures given for February 2019.. Nationality groupings can be found in annex 2.

#### 6.5 Table A3: the three most common benefit combinations of UK nationals in receipt of DWP benefits in the EU (February 2019)

Total	In receipt of SP	Other DWP Benefits	Total	In receipt of SP	Other DWP Benefits
Benefit Combination	Proportion all combinations	Benefit Combinations	Benefit Combination	Proportion all combinations	Benefit Combinations
SP only	97%	SP only	99%	ESA only	53%
SP,PIP/DLA/AA	1%	SP,PIP/DLA/AA	1%	WB/BB	22%
ESA only	1%	SP/CA	<1%	PIP/DLA/AA,ESA	10%

Note: Figures may not sum due to rounding. A very small number of ESA cases may be in receipt of SDA or IB.

<sup>3</sup> Estimate for those in receipt of SP and non-SP DWP benefits estimate was derived using Benefit Combinations, Migrant Workers Scan, Work and Pensions Longitudinal Study, for February 2019. For those in receipt of HMRC benefits, export data (February 2019). Migrant Workers Scan data (October 2019) was used to estimate nationality. For many benefits, country of residence is not available, therefore for benefits which are exportable worldwide, the estimate for non-SP benefit recipients may be a slight overestimate. [↩](#)

**6.6 Table A4: proportion of claims for UK benefits for people in the EU split by gender of claimant (February 2019)**

	<b>In receipt of SP</b>	<b>Other DWP Benefits</b>	<b>In receipt of Child Benefit</b>	<b>In receipt of Child Tax Credit</b>
Female	53%	57%	24%	47%
Male	47%	43%	76%	53%

Note: Figures may not sum due to rounding, DWP and HMRC figures given for February 2019.

**6.7 Table A5: Proportion of claims for UK benefits for people living in the EU by age-band of claimant (February 2019)**

	<b>In receipt of SP</b>	<b>Other DWP Benefits</b>	<b>In receipt of Child Benefit</b>	<b>In receipt of Child Tax Credit</b>
Under 18	0%	3%	0%	0%
18-24	0%	1%	<1%	<1%
25-34	0%	4%	9%	15%
35-44	0%	17%	47%	55%
45-54	0%	26%	38%	25%
55-59	0%	20%	4%	3%
60 and over	100%	30%	2%	2%

Note: Figures may not sum due to rounding, DWP and HMRC figures given for February 2019.

**6.8 Table A6: overview of DWP benefits paid to the EEA (2018/19)**

<b>Benefit</b>	<b>Export Rules</b>	<b>Expenditure in EEA/ Switzerland (2018/19)</b>	<b>Caseload in EEA/ Switzerland (2018/19)</b>
<b>State Pension</b>	Payable worldwide under domestic legislation but only uprate each year as if living in UK, by reciprocal agreement, or in the EEA/Switzerland under EU law (to 31 December 2020) or the Withdrawal Agreement (from 1 January 2021).	£2,050m	484,000
<b>Employment and Support Allowance (ESA)</b>	ESA (income-related) and ESA (contributory) are payable worldwide for 4 weeks' temporary absence under UK law, for 26 weeks for planned treatment and without time limit for NHS treatment. Export of ESA (contributory) is covered in the EEA/Switzerland under	£26m	6,000

	EU law (to 31 December 2020) or the Withdrawal Agreement (from 1 January 2021) and some reciprocal agreements.		
<b>Disability Living Allowance (DLA) / Personal Independence Payment (PIP)</b>	DLA and PIP are payable worldwide for up to 13 weeks' temporary absence or 26 weeks for medical treatment. DLA and PIP care/daily living components, but not the mobility component, are exportable in the EEA/Switzerland beyond 13/26 weeks under EU law (to 31 December 2020) or the Withdrawal Agreement (from 1 January 2021).	£18m	5,000
<b>Industrial Injuries Benefits</b>	Payable worldwide under domestic legislation. Some additional benefits such as Reduced Earnings Allowance exportable for 3-6 months or beyond this in the EEA/Switzerland under EU law (to 31 December 2020) or the Withdrawal Agreement (from 1 January 2021).	£19m (worldwide)	7,000 (worldwide)
<b>Bereavement Benefits (BB) /Bereavement Support Payment (BSP)</b>	BB: Payable worldwide under domestic legislation but only uprate as if living in UK by reciprocal agreement, in the EEA/Switzerland under EU law (to 31 December 2020) or the Withdrawal Agreement (from 1 January 2021). BSP: based on surviving partner living in the UK, EEA/Switzerland (under EU law to 31 December 2020 or the Withdrawal Agreement from 1 January 2021) or a country where we have an RA to pay BSP at the time of death.	£21m (worldwide)	4,000 (worldwide)
<b>Attendance Allowance (AA)</b>	AA is payable worldwide for up to 13 weeks' temporary absence or 26 weeks for medical treatment. AA is exportable in the EEA/Switzerland beyond 13/26 weeks under EU law (to 31 December 2020) or the Withdrawal Agreement (from 1 January 2021).	£12m	3,000
<b>Winter Fuel Payment (WFP)</b>	WFP is payable in certain EEA countries/Switzerland under EU law (to 31 December 2020) or the Withdrawal Agreement (from 1 January 2021).	£8m	40,000
<b>Carer's Allowance (CA)</b>	CA is payable worldwide for up to 4 weeks' temporary absence in a 26 week period in UK law. CA is exportable in the EEA/Switzerland beyond that under EU law (to 31 December 2020) or the Withdrawal Agreement (from 1 January 2021). CA is payable worldwide to a carer accompanying a disabled person on a disability benefit who has travelled abroad for medical treatment subject to certain conditions.	£2m	1,000
<b>Maternity Allowance (MA)</b>	Exported under some reciprocal agreements and in the EEA/Switzerland under EU law (to 31 December	Less than £1m	Around 100 <sup>4</sup>

<sup>4</sup> Estimate uncertain, but applying a similar proportion of expenditure abroad estimates around 100 cases. ↩

	2020) or the Withdrawal Agreement (from 1 January 2021).		
<b>Jobseeker's Allowance (JSA)</b>	JSA (Income-based) is not exportable. JSA (contributions-based) is exportable in the EEA/Switzerland under EU law (to 31 December 2020) or the Withdrawal Agreement (from 1 January 2021) for three months (after already claimed for 4 weeks).	Less than £1m	Around 100

Notes: Estimates presented below are consistent with [Autumn Budget 2018 expenditure estimates](#) and [Stat-xplore](#) (unless otherwise stated).

## 6.9 Estimated number of UK families in receipt of Child Benefit or Child Tax Credit for children residing in a non-UK EEA country, as at February 2019

The statistics below provide estimates of the number of households that are receiving Child Benefit and Child Tax Credit in respect of children residing in a non-UK EEA country at a snapshot in time (February 2019). They also provide estimates for the full year value of entitlement of Child Benefit and Child Tax Credit for these children. References to “non-UK EEA countries” includes Switzerland.

Benefit	Why do we export?	Expenditure (£m)	Caseload (Feb 2019)
<b>Child Benefit</b>	Exportable because of EU law (to 31 December 2020) or under the Withdrawal Agreement (from 1 January 2021)	16.9	12,945
<b>Child Tax Credit</b>	Exportable because of EU law (to 31 December 2020) or under the Withdrawal Agreement (from 1 January 2021)	13.1	3,020

## 7. Annex 2: technical annex

### 7.1 Data sources

The Benefit Combinations Data – This combines the WPLS and SHBE datasets (as described below) alongside recent Universal Credit information and Personal Independence Payment (PIP), to produce one dataset containing one record per individual on benefit combinations. This is significant as, for household level benefits (UC and HB), both the main claimant and partner (if applicable) are included in the statistics as separate individuals. This differs from publication elsewhere of HB statistics where figures show number of claims regardless of whether for a single person or a couple; a [full background and methodology note on this data is available on GOV.UK](#). This is the dataset used in most of the analysis on benefits in this annex.

Migrant Worker Scan – This dataset contains nationality at point of National Insurance number registration for non-UK adults. This data has been matched to

datasets outlined below following a similar approach to the established approach to identify the nationality of benefit claimants in existing Official Statistics series. As this only provides nationality at the point of registration, the nationality may have subsequently changed, for example, because the individual has been granted UK citizenship. Claimants not present in the data are assumed to be UK nationals. As the nationality information started from the late 1970's, this may mean foreign nationals arriving before this time period, who may now be pension-age, would not be captured in our data. Therefore this is likely to be an under-estimate of non-UK nationals for pensioner benefits.

The Work and Pensions Longitudinal Study (WPLS) – A 100% quarterly extract of Departmental administrative data. Datasets are available quarterly on a range of benefits including: Attendance Allowance, Income Support, Jobseeker's Allowance, Incapacity Benefit / Severe Disablement Allowance, Employment and Support Allowance, Disability Living Allowance, Bereavement Benefits, Carer's Allowance, Pension Credit and State Pension. This data is the underlying data for publishing a [range of DWP statistics](#). International Group Database (IGDB) is a 100 per cent combined snapshot dataset of Child Benefit and Child Tax Credit awards and estimates whether a child resident in a non-UK EEA country is being claimed for.

HMRC's Child Benefit data is a 100 per cent quarterly scan has been matched against the abovementioned IGDB to verify claims and estimate annual entitlement for families claiming Child Benefit for children residing in a non-UK EEA country.

HMRC's tax credits 10% monthly sample has been matched against the abovementioned IGDB to verify claims and estimate annual entitlement for families claiming Child Tax Credit for children residing in a non-UK EEA country.

The estimates in this document are not official statistics. The official statistics series on working-age benefits by nationality at point of [NINo registration](#) should be used for nationality-related information and the [Benefit Combinations official statistics series](#) should be used for benefit combinations related information.

## **7.2 Geographic coverage**

Figures relate to people resident overseas who are receiving United Kingdom benefits. Information on country of residence for all benefits is not known. Where country is not known, those with a government office region recording of "foreign" has been included in the estimates above. Some benefit data (for example, State Pension) includes specific country of residence and can therefore be restricted to the EEA. For some other benefits, it has been assumed, any foreign/missing case is claimed in the EEA (which is largely in line with the export rules).

## **7.3 Nationality groupings**

In the analysis, nationality groups are shown with:

- EU15: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden. Note that the UK and

Republic of Ireland would usually be included in this group, but for the purposes of this publication are treated separately

- EU8: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia
- EU2: Bulgaria and Romania
- other EEA: Iceland, Lichtenstein, Norway, Switzerland, Cyprus, Malta, Croatia.
- rest of world: Non-EEA,

## **7.4 Benefit coverage**

Most DWP and HMRC benefits are covered in the analysis. For DWP benefits, this includes Carer's Allowance, Employment and Support Allowance (and previous incapacity benefits), Bereavement Benefits, Personal Independence Payment, Disability Living Allowance, Attendance Allowance, Jobseeker's Allowance, and State Pension. Due to data, Maternity Allowance, Industrial Injuries Disablement Benefit and Winter Fuel Payment have not been included in the analysis but separate estimates of total caseload are presented in Table A6. DWP benefits have been split between those in receipt of a State Pension and those under State Pension age. HMRC benefits include Child Benefit and Child Tax Credit.

## **7.5 Statement of compliance with the Code of Practice for Statistics**

The [Code of Practice for Statistics](#) (the Code) is built around 3 main concepts, or pillars:

- trustworthiness – this is about having confidence in the people and organisations that publish statistics
- quality – this is about using data and methods that produce assured statistics
- value – this is about publishing statistics that support society's needs for information

The following explains how we have applied the pillars of the Code in a proportionate way.

### **Trustworthiness**

The figures are based on DWP analytical datasets which have been outlined above. Many of the data sources, for example WPLS, are regularly used for DWP official statistics. In addition, the figures have been scrutinised through validation checks by a number of DWP analysts including those responsible for producing official statistics. We have also been transparent in outlining the limitations of the data and compared to other sources.

### **Quality**

The data presented in the paper comes from a range of analytical datasets held within the DWP. Many of the datasets used, such as the Benefit Combinations are used to produce quarterly official statistics. Where analysis has used other data sources, the limitations of the data has been outlined in the previous section.

## **Value**

This paper provides an overview of a range of evidence and statistics on UK benefits being claimed in the EU. Making this information accessible provides Ministers and stakeholders with an overview of the evidence available to help inform the public debate while helping to reduce the administrative burden of answering Parliamentary Questions, Freedom of Information requests and ad hoc queries.

## **8. Annex 3: Contact Details**

Bill enquiries should be addressed to the Home Office Immigration Bill team and any analytical enquiries from this document should be directed to [hannah.bewley@dwp.gov.uk](mailto:hannah.bewley@dwp.gov.uk)