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From the Secretary of State
for Work and Pensions

Paul Gray
Chair, Social Security Advisory Committee
5th Floor, Caxton House
Tothill Street, London
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Dear Mr Gray,

16th December 2013

I am writing to inform you that I am introducing regulations to come into force on 1 January 2014 and will be relying on the urgency procedure under section 173 of the Social Security Administration Act, 1992. Whilst I recognise and support the important and formal role of the SSAC, on this occasion I deem it necessary to use these provisions allowing me as the Secretary of State to make regulations without referring them to Social Security Advisory Committee if, by reason of the urgency of the matter, I consider it inexpedient to refer them.

The regulations clarify the habitual residence test in the Jobseeker's Allowance Regulations 1996 and will introduce a three month residence qualification during which time a jobseeker who is an EEA migrant cannot be treated as being habitually resident and as a consequence, will not qualify for Jobseeker's Allowance during that period. This will mean that migrants affected by this provision cannot access benefit for the first three months of their residence in the UK.

I believe that it is necessary to introduce these regulations urgently. The Prime Minister announced this measure at the end of November. There are two principal reasons why I am introducing it quickly.

First there is a need to give clarity to those EEA nationals planning to come to the UK from January. It is important that there is a clear understanding of the new regime so that people can plan accordingly.

Second it is necessary to reduce opportunities for those wishing to abuse the system before the change enters in force and to avoid introducing inadvertent distortions to the decisions by EEA nationals around the timing of any plans to move to the UK.

I have made clear in the past that these are not positions I would use lightly, but hope the Committee will recognise the urgency of this matter. Consistent with the usual practice, I know that the regulations will still be subject to the scrutiny of the Committee after they have been laid.

Rt Hon Iain Duncan Smith MP
SECRETARY OF STATE FOR WORK AND PENSIONS