



From the Secretary of State
for Work and Pensions

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Paul Gray

Chair of the Social Security Advisory Committee

14th February 2014

The Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2013

Thank you for your letter of 3 February.

I understand that having considered the above Regulations and the Social Security (Habitual Residence) Amendment Regulations 2014 the Committee has decided that it is not necessary to formally consult on either set of Regulations. You have, however raised some specific concerns the Committee has regarding some aspects of implementation and I will address these in the order you have raised them.

The position of returning UK nationals


As you acknowledge, the effect of the 2013 Regulations is that anyone entering or returning to the UK must have been living in the Common Travel Area for three months prior to claiming income based JSA (JSA(IB)).

It has always been the case that UK nationals returning from abroad must satisfy the Habitual Residence Test and that this included the requirement to have been in the UK for an appreciable period of time. I therefore consider that the introduction of a fixed period of time which someone must have been living in the UK before being eligible to receive JSA (IB) provides much needed clarity. However, I recognise the Committee's concerns and have asked my officials to undertake further work to ensure we have taken full account of the impact of the three month requirement.

Genuine Prospect of Work

The 2014 Regulations are primarily technical in their nature as they update references so as to refer to people with certain categories of right to reside by reference to the Immigration (EEA) Regulations 2006 rather than by reference to the EU Residence Directive (2004/38) have the effect of pointing to the Home Office's Immigration Regulations.

The Committee has expressed concerns about the progress in developing the guidance which will assist Decision Makers in their assessment of whether an unemployed EEA national has compelling evidence of a genuine chance of



engagement in order to continue to have a right to reside. This Home Office requirement is set out in the Immigration (EEA) Regulations 2006.

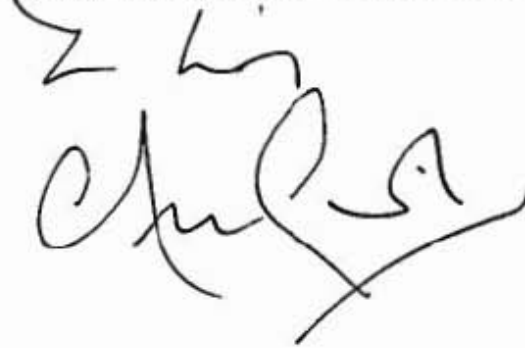
The guidance is still being finalised and I have asked my officials to share this with you as soon as it is ready. In the interim I enclose a copy of the leaflet which is currently provided to claimants to explain the change and gives further examples of what might be considered compelling evidence.

Housing Benefit Amendment Regulations

As you are aware, my officials are working at pace to ensure delivery of these regulations in time for the announced implementation date of 1st April 2014. We shall formally refer the full and final regulations to the Committee as soon as possible after they are ready, which will be for the April meeting.

My officials are currently developing the regulations, supporting documents and associated operational procedures. I am keen that we benefit from the advice and expertise of the Committee. So I am pleased to confirm that my officials will be attending the 5th March meeting of the Committee, where they will be able to provide an update on progress and take part in a discussion of the key issues.

In order to help support the discussion, I have asked them to share with you the latest version of the draft regulations package shortly before the March meeting.



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