

# Freedom of Information request 4152/2014

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## Information request

***“WHY THE DISCRIMINATION  
MUSLIMS CLAIM BENEFITS WHILE COHABITATING  
NON MUSLIMS ARE NOT ALLOWED 2 CLAIM BENEFITS OR HOUSING  
WHEN COHABITATING”***

## DWP response

It may be helpful if I start by clarifying the remit of the Freedom of Information Act. The Act gives any person legal right of access to any and all recorded information which is held by a public authority. The Act does not require the Department to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold. In cases where a person asks a question, rather than requests recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information, it has met its obligations under the Act; interpretation of the information provided is left to the requestor.

In cases where a customer does ask a question, rather than request recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information or confirmed that no such recorded information is held, it has met its obligations under the Act.

I confirm that the Department holds no recorded information to answer your request. However, to be helpful you may find the following explanation useful. This has however been provided outside our obligations under the Freedom of Information regime.

We have a legal duty to provide support to people who come to this country, in line with our national and international obligations. However, it is also necessary to protect the taxpayer and the benefit system from possible abuse.

The Department believes that the number of polygamous households currently claiming benefits is small and declining because, since the Immigration Act 1988, it has not been possible for people polygamously married overseas to bring second wives to the UK.

No one can contract a polygamous marriage in the UK, but marriage legislation recognises the validity of polygamous marriages entered into in a country where polygamy was legal when the parties concerned were domiciled there.

There is no discrimination in the current system. Where people of any race or religion share the same household we may need to discuss the situation with them to help us decide how to work out their benefit. If two people live together and share their lives in the same way as a married couple, or civil partnership, we consider that they are living together even though they are not married. We need to know this so that any benefits they may be able to get are worked out correctly and to make sure that couples who choose to marry or form civil partnerships are not treated any more or less favourably than those who do not.

There is no financial advantage to claiming income related benefits for people in polygamous marriages; the husband and the first wife receive the couple rate (currently £112.55 a week); subsequent wives receive an additional £40.85 a week which is less than the £71.70 they would receive if they were treated as individuals in their own right. Any subsequent wife living abroad would not be entitled to benefit.

The Government has decided that Universal Credit, which replaces means-tested benefits and tax credits for working-age people, will not recognise polygamous marriages. Instead, the husband and wife who are party to the earliest marriage that still subsists can make a joint claim for Universal Credit in the same way as any other couple. Any other adults living in the household would each have to claim as a single person on the basis of their own circumstances. This process already happens where a polygamous marriage is not recognised in UK law.

Within Universal Credit, a person who is not party to the earlier marriage would accept a claimant commitment and be subject to the appropriate work-related requirements. Such a person would be treated as part of the joint claimants' extended benefit unit for the purposes of calculating the housing costs element and a deduction of a housing cost contribution is made in respect of them as a non-dependant. This is a simpler approach that is easier to administer and avoids complexity within the structure of the benefit.