

Freedom of Information request 1280/2013

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Information request

further to FOI937, please explain this conditioning further: Under Universal Credit there will be five basic conditions of entitlement; to be 18 or over (with some exceptions); to be under state pension credit age; to be a resident of Great Britain; to not be in full-time education (with some exceptions); and to have accepted a claimant commitment.

Specifically what is entailed to be described as "resident" within Great Britain.

DWP response

In general, someone is treated as not in Great Britain unless they have a legal right to reside in the UK, Channel Islands, Isle of Man or the Republic of Ireland and are habitually resident. Some people do not have a legal right to reside or have a right that is not accepted for the purposes of benefit entitlement and are therefore treated as not being in Great Britain. To meet European and international legal obligations, certain people are automatically treated as being habitually resident if they have a particular legal right to reside in Great Britain, for example, European Economic Area workers and their family members or refugees.

Section 4 of the Welfare Reform Act 2012 provides that a basic condition of entitlement to Universal Credit is that a person must be in Great Britain. The Universal Credit Regulations 2013 prescribe the circumstances in which a person is to be treated as not being in Great Britain for these purposes, exemptions from the requirement to meet the basic condition to be in Great Britain (Crown Servants and serving members of Her Majesty's forces posted overseas, and their partner if they accompany them on the overseas posting) and temporary absences that are disregarded. Regulations 9, 10 and 11 specify the circumstances that apply - see:

<http://www.legislation.gov.uk/ukxi/2013/376/part/2/crossheading/in-great-britain/made>