

Housing Benefit Urgent Bulletin

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Contact	Queries about the <ul style="list-style-type: none">• distribution of this bulletin, contact housing.correspondenceandPQs@dw.p.gsi.gov.uk• content of this bulletin, contact iu.crosscutting@dw.p.gsi.gov.uk
Who should read	All Housing Benefit staff
Action	For information

New Migrant Access to Benefit Measures – First tier Tribunal Decisions

1. Generally local authorities (LAs) initiate appeals to the Upper Tribunal in Housing Benefit (HB) cases.
2. The Department for Work and Pensions (DWP) may opt to join an appeal or in some cases will take appeals forward where LAs have chosen not to do this. However, in order to do this DWP needs to be aware of the case, and as these decisions are returned only to LAs, DWP are not routinely made aware of these First tier Tribunal (FtT) decisions.
3. From 1 April 2014, European Economic Area (EEA) migrants who are jobseekers will not be able to access HB. Other measures are also likely to affect the entitlement of EEA migrants to HB:
 - the three month residency requirement before claiming Jobseekers Allowance (JSA)
 - time-limiting claims to JSA for EEA migrants to six months (unless they have a genuine prospect of work)

- the introduction of the Minimum Earnings Threshold.

All these measures have already been introduced in 2014.

4. DWP needs to get a clearer picture of the number of FtT decisions where challenges are being made to HB disallowances to help monitor the new measures to restrict EEA migrants' access to benefits. LAs are therefore asked to notify DWP of all FtT decisions relating to EEA migrants' access to benefits regardless of whether the decision is overturned or whether you intend to appeal adverse decisions.
5. Please send a copy of any judgements to the e-mail contact address at the top of this bulletin, marked as 'MABs FtT Decision'

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