

Foreword

Claims for benefit from people entering the UK from abroad are some of the most complex to determine. The immigration legislation contains various restrictions and these are added to by the provisions of benefits legislation specific to claims from ‘persons from abroad’. Further complexity has been created as a result of the interpretation of the complex immigration and benefits legislation by Social Security Appeals Tribunals, the UK courts and the European Court of Justice.

This publication, which is aimed primarily at local authority staff involved in making such determinations on claims for housing benefit and council tax support, provides details of the complex tests and rules contained in the legislation and their interpretation, and their application to such claims.

The publication draws on a range of sources as well as on the primary and secondary legislation and case law transcripts in order to provide guidance and support to local authority benefit decision makers.

The author, Sheldon Wood, would like to acknowledge some of the main sources of information used in putting together this consolidated guide, including:

- The DWP’s useful guidance on dealing with claims from persons from abroad contained in chapter 4 of the *Housing Benefit and Council Tax Benefit Manual* and an annex giving definitions and copies of some of the most important documentation issued by the Home Office and the UK Border Agency to persons from abroad.
- A range of other guidance contained in adjudication and circulars issued to local authorities by the DWP as and when the legislation has been changed or requires clarification.
- *Findings from Wave 26 of the Local Authority Insight Survey: Removal of Access to Housing Benefit for European Economic Area (EEA) Jobseekers*.
- The Bailii website and the appeals tribunals websites, for case law transcripts from the courts and from social security appeals.
- The UNHCR website ‘refworld’ is a useful source of information and legal references.
- The Rightsnet website is an invaluable source of information on the latest welfare rights news and case law.
- Finally, there is indispensable information published by the Child Poverty Action Group (CPAG) on its website and in its publications, including its *Housing Benefit and Council Tax Reduction Legislation*, and its *Benefits for Migrants Handbook*, which is invaluable in attempting to clarify the hoops people have to jump through and hurdles they have to get over in order to successfully claim housing benefit and other state benefits.

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