

EEA Nationals with No Recourse to Public Funds

Background

- EEA nationals have freedom of movement and an initial 'Right to Reside' for 3 months, after that any EEA national and their dependents will have a 'Right to Reside' if they are a: worker, jobseeker, self-employed, self-sufficient or student
- Workers can access all public funds in same way as British Citizens. Jobseekers should be able to access JSA and sometimes Housing Benefit, but not usually Homelessness Assistance
- In 2014 there have been significant changes to how EEA nationals can access welfare benefits:
 - As of January 2014, EEA nationals cannot claim benefits in their first 3 months in the UK
 - As of March 2014 EEA workers have had to meet a minimum earning threshold of £153 per week for three months or demonstrate that employment is genuine and meaningful in order to access funds
 - As of April 2014, EEA nationals entitlement to Housing Benefit has been restricted to workers with 'genuine and effective employment' and jobseekers with a 'genuine chance of finding employment'
- These changes appear to be increasing the number of EEA families presenting to Children's Social Care as destitute and in need of NRPF support
- EEA nationals can receive specialist advice and guidance from the [Aire centre](#)

Key Questions

There are some important questions for Social Workers to ask EEA nationals when they first present, in order to better understand what kind of duty Islington may have towards them. Collecting this information will greatly help NRPF case workers to provide advice on how to support the increasing numbers of EEA families presenting to Children's Social Care. Evidence to support these questions would include P45/P60, letters from employers, letters from Housing Departments and identity documents.

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| Questions for social workers to ask at the initial screen | Why might this be important? |
| How long have the family been in the UK? | <i>If the family has been present for five years or more then they are habitually resident and have a right to reside and be treated in the same way as British Citizens</i> |
| What is the full work history of the family for the time they have been in the UK, including any periods out of work or pregnant? | <i>If either partner is working and that employment is either bringing in an income of £153 per week or considered 'genuine and meaningful' then EEA nationals have the same rights as British Citizens</i> <i>Pregnant women or mothers on maternity leave can retain worker status when not working</i> |
| If not in work, when did the family members stop working and what | <i>Whilst restrictions have been placed on jobseekers, they may still retain access to funds if they have a 'genuine chance of finding employment'</i> |

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| are they doing to find work? | |
| How old are the children and if at school how long have they been in school in the UK? Has this coincided with periods of employment? | <i>EEA nationals can retain their worker status and rights if they have lost employment whilst they have a child in school</i> |
| Have they made an application for housing benefit/ homelessness assistance and has a letter confirming that decision been served to them? | <i>EEA nationals should apply for mainstream support wherever possible</i> |
| Would a referral to Islington Working for Parents/ iWork for employment support be appropriate? | <i>If a family is supported into work they have a right to reside and access public funds.</i> |