



## Access to universal credit for new refugees and their families

The Early Warning System was set up by CPAG in Scotland to collect and analyse case evidence about how social security changes are affecting the wellbeing of children, their families and the communities that support them. During the summer and earlier this autumn we met with other organisations to discuss refugees' experiences of accessing universal credit and some of the difficulties they encounter. This report highlights findings from the Early Warning System and issues raised at the meetings.

### Family reunion

Those with refugee status in the UK can apply for their family members to join them under 'family reunion rules.' If a refugee claiming UC is joined by their partner, his or her existing single claim should stop and they can claim UC as a couple. If a refugee is not joined by a partner, only children or other dependants, the existing UC claim should be amended to include them in the award. However, this process is often beset with delays, leaving families with little or no income and forced to turn to the Scottish Welfare Fund or Social Work for financial support or to foodbanks and other sources of charitable support.

### National Insurance numbers

If you do not have a National Insurance number (NINO) DWP should take an application for a NINO alongside a UC claim. DWP guidance confirms that a NINO is not a requirement of making a UC claim, yet the absence of a NINO can be the cause of long delays before families receive UC awards.

*A refugee notified UC when his wife and child joined him in November. He last received a payment of UC in December and has not received one since. DWP incorrectly assert that the client's wife does not meet the NINO requirement to claim UC. The family are receiving financial support from Social Work in the meantime. (24/2/21)*

*Client is a refugee. He was receiving UC as a single person including housing costs element and the limited capability for work-related activity element. He was joined by his wife and five children on a family reunion visa at the end of 2020 and reported this to DWP in January, moving to a couple claim. It appears that his wife has had a NINO application submitted. However, the family are stuck at the ID verification stage and no UC is in payment as a result. The family are relying on Scottish Welfare Fund crisis grants in the meantime. #4465 (4/2/21)*

Advisers report that delays caused by lack of NINOs are reducing, but they are still seeing isolated cases. More information can be found in the CPAG's Welfare Rights Bulletin article, [NINOs: law, policy and legal challenge](#).

## Child elements

Entitlement to child elements in UC is dependent on being 'responsible' for a child or qualifying young person, however Early Warning System evidence highlights that DWP have been insisting on an award of child benefit as evidence, when other forms of evidence could be considered.

*A client with refugee status was recently joined by his wife and four children. He has been advised to claim child benefit for his children so they can be included in his UC award, but the family come from a persecuted minority in the country they come from so no birth certificates have been issued for the children. He is not receiving any UC in the meantime. #5156 (18/3/21)*

However, we have also received examples of inappropriate evidence being requested and difficulty identifying who is a child, a qualifying young person or an adult in their own right.

*A refugee was joined by her two younger sisters under the family reunion scheme. When she asked for them to be included in her UC claim she was told that she would have to produce the legal order that said they should live with her, or a letter from Social Work saying that they were at risk of being looked after. This was not appropriate as both sisters were over the age of 16. The 16-year-old could have been included in the claim as a qualifying young person with the family reunion visa being sufficient evidence of responsibility and the 18-year-old should have been advised that she could make a claim for UC in her own right. #3612 (26/11/20)*

Further information can be found in this CPAG Welfare Rights Bulletin article, [UC child element and child benefit](#).

## Language barriers

Advisers felt that there is a lack of recognition that some refugees may have limited English, but where this is recognised, there is a difficulty accessing interpreters. This often leads to delays in initial evidence appointments therefore delaying claims and first payments of UC.

*A client is currently receiving UC for himself but has recently been joined by his wife and children on a family reunion visa so needs to make a new UC claim as a couple. They had an ID verification call today and had to wait four hours for an interpreter to join them on the call. #4264 (21/1/21)*

Further information about what DWP are required to do and what is happening in practice is available in the CPAG Welfare Rights Bulletin article, [Crossing the language barrier of UC](#).

## Incorrectly refused UC

Advisers present at the meeting agreed with Early Warning System evidence that many people are often incorrectly denied UC. Reasons for this include:

- Poor communication between DWP and the Home Office
- Lack of DWP staff expertise to identify immigration status correctly
- Incorrect or inappropriate application of the habitual residence test

For example:

*Client, without a public funds restriction on her visa, recently joined her husband who is already receiving UC for himself and their children. When she asked to be included in the award, instead of being advised to make a couple claim for UC, was incorrectly told that she would not be entitled to UC as she has no recourse to public funds. #2572 (23/9/21)*

*An 18-year-old joined her sister who is a refugee under a family reunion visa. The client was refused UC and the decision maker advised that she herself was not a refugee and therefore she was not entitled to UC. She failed the habitual residence test twice. It took six weeks for the decision to be overturned at mandatory reconsideration and the client received her first payment of UC four months after she first applied. #282 (1/4/21)*

*A local health service is preparing for the arrival of some Afghan refugees. DWP have incorrectly advised them that the new arrivals will have to wait until they have been in the UK for three months before they can claim UC. People with refugee status, humanitarian protection or discretionary leave to remain are exempt from the habitual residence test so do not require to have a period of residence in the UK before they can claim UC. #2185 (26/8/21)*

More information on the rights of resettled Afghans is available in our [factsheet](#).

### Benefit cap and two child limit

Advisers reported that refugee families are disproportionately affected by the benefit cap and the two-child limit. For example:

*A refugee family have seven children - six of whom are eligible for the child element of UC. The family are currently staying in temporary accommodation which means the benefit cap is only applied to their UC and not their housing benefit (HB) which is covering their housing costs. £720 a month is being deducted from their UC in respect of the benefit cap. If the family move into permanent accommodation, they will no longer receive HB but their UC won't increase as they are already subject to the cap. #1101 (3/6/21)*

Exemptions to the benefit cap do not include refugees, recently granted status or otherwise. Prior to being granted refugee status, asylum seekers are not permitted to work in the UK. The expectation then that immediately after being granted refugee status, refugees will be able to work in order to avoid the benefit cap is wholly unrealistic and could potentially be regarded as discrimination.

### Recommendations

At the meeting we discussed how refugees' experiences of claiming benefits could be improved which resulted in the following recommendations:

#### DWP operations

- Provide training for DWP staff about refugee experience and trauma that may have resulted.
- Improve access to interpreters and provide translated information to avoid misunderstandings and issues with claims and awards.

- Make the UC claim and journal online available in other languages.
  - Ensure that staff are aware of complex needs procedures in relation to language and communication requirements, immigration status and trauma.
  - Ensure routine consideration of safeguarding issues when working with refugees.
  - Safeguarding procedures should be publicly available.
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- Replicate the single point of contact for new refugees similar to the Syrian Re-settlement Scheme.
  - Encourage work coaches to use their discretion to agree appropriate claimant commitments for new refugees and ensure that guidance is used appropriately.
  - Improve processing times for UC claims to avoid families experiencing destitution. Offer an advance if appropriate.
  - Use the DWP flexible support fund to access ESOL classes. In the past refugees were able to access one-year long courses, the provision has reduced to six weeks courses, which are inadequate to developing sufficient English for work.
  - Improve information sharing between the Home Office and DWP.
  - Re-iterate that refugees may not have standard forms of identification.

#### DWP policy

- Remove the benefit cap and the two-child limit or at least provide new refugees and newly re-united families a grace period before these restrictions are applied.
- Introduce more flexibility into the UC scheme to accommodate cultural differences.
- Allow new refugees time to study or obtain new skills before they are required to look for work.

#### Contact

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#### Further reading

[Benefits for new refugees](#) and [Benefits for re-settled Afghans](#) factsheets

[BAME project bulletins](#)