

Benefits for new refugees

Have you recently received a decision on your asylum claim and been granted leave to remain in the UK? If so, any money you were getting from the Home Office will stop within 28 days. If you still need financial help you may be able to claim benefits instead. Benefits are money that can be paid to you by the government depending on your circumstances. This leaflet tells you what benefits you may be able to claim and what to do if you are having problems getting paid.

This leaflet is for people who have been granted *Refugee Status*, *Indefinite Leave to Remain*, *Humanitarian Protection* or *Discretionary Leave* – as long as one of these applies to you, and you are not subject to a public funds restriction, you have the same rights to benefits as UK nationals.

Benefits you can claim if your income is low

The government is making changes to the benefits that people of working age on a low income can get. Instead of claiming a combination of the low income benefits described below, you claim one benefit called *Universal Credit* instead. By the end of 2017, in Scotland this affects those granted leave to remain who make new claims covered by a jobcentre in Highland, East Lothian, Inverclyde, East Dunbartonshire, Midlothian, Stirling, Clackmannanshire, Angus, Fife, South Lanarkshire, Dundee, North Ayrshire and East Ayrshire local authority areas. This will be extended to all other jobcentres in Scotland by the end of 2018.

If you are in an area where you have to claim *Universal Credit*, you may qualify if you are on a low income, under pension age and any or all of the following apply to you:

- you are looking for work or working while on a low wage;
- you are unable to work due to illness, disability, caring responsibilities or pregnancy;
- you are responsible for one or more children (but you may not get any *Universal Credit* for children born after 6 April 2017 if you already get it for two or more children);
- you need help to pay your rent

If you live in an area where you do not have to claim *Universal Credit*, or are 64 or over, you can continue to claim the benefits below. *Universal Credit* will not replace *Child Benefit*, *Pension Credit* or *Council Tax Reduction* so you can continue to claim these. You may also be able to get other benefits to help you with the costs of disability and caring described later in this leaflet as well as *Universal Credit*.

If you are able to work and looking for a job

You claim *Jobseeker's Allowance*. You must be looking for work and ready to start at short notice.

If you are unable to work

You may be able to claim *Income Support* if you are:

- a lone parent with a child aged under 5;
- pregnant and due to give birth in the next 11 weeks;
- are looking after a disabled person; *or*
- have been in the Great Britain for less than a year, have been granted Refugee status and are attending English language classes for 15 or more hours per week

If you are too ill to work or disabled, you may be able to claim *Employment and Support Allowance*. You must provide a certificate from your doctor and undergo a medical assessment.

If you have children

You should claim *Child Tax Credit* and *Child Benefit* for any children you look after, or young people under the age of 20 who are still in school or other full-time further education. You cannot get these benefits if your child is in higher education which usually means a university level course. You can claim *Child Tax Credit* and *Child Benefit* whether you are working or not. The amount of *Child Tax Credit* you get will depend on how much other money you have. You may not get paid *Child Tax Credit* for children born after 6 April 2017 if you already get it for two or more children.

If you are working

If you are on a low wage you may be able to claim *Working Tax Credit*.

You may be entitled if you are working 16 or more hours a week and:

- have a child and:
 - are a lone parent, or
 - your partner is disabled, or
 - your partner is a carer in receipt of carer's allowance,

or if you:

- are disabled, or
- are 60 or over

If you are part of a couple with children and none of the above apply to you, you must be working 24 hours or more per week between you, with at least one of you working 16 hours per week (if only one person works at least 24 hours, you still qualify).

If none of the above applies to you, you might still be able to claim if you are 25 or over and are working 30 hours or more per week.

If you are aged 64 or over

You may be able to claim *Pension Credit*. You are not required to look for work. The exact age at which you can claim is gradually increasing to 66 in October 2020 and then 67 by 2028.

If you are paying rent and council tax

You may be able to claim *Housing Benefit* and a *Council Tax Reduction* to help with these. You can claim these whether you are working or not. The amount you get will depend on what other money you have, the type of accommodation you live in and who else lives with you.

When to claim

Normally, you will only be paid any benefit from the date you make your claim. So, it is very important to claim as soon as possible after you get the letter telling you that you have been given leave to remain.

When you claim benefits you will have to supply information along with your claim. If you have been getting help from the Home Office you may be asked for a NASS 35. You will also be asked to provide the letter granting you leave to remain and a *National Insurance Number*. If you don't have a *National Insurance*

Number yet you will need to apply for one as part of making your claim for benefit. You should not be stopped from making a claim just because you don't yet have a *National Insurance Number* and may be entitled to an advance of benefit (see below) if there are delays while one is allocated to you. If you do not have all the other information needed, claim straight away anyway and send in the information as soon as you can – otherwise you might lose out.

If there is a delay in getting the information you need make sure you tell the office dealing with your claim about the delay, otherwise your claim could be closed. It is a good idea to make a note of any phone calls you make about this and keep a copy of any letters you write in case there are any problems later.

Note that some people cannot claim *Jobseeker's Allowance*, *Child Benefit* or *Child Tax Credit* until they have been living in the UK for 3 months. However, those granted *Refugee Status*, *Humanitarian Protection* or *Discretionary Leave* are exempt from this rule.

Where to claim

To claim *Jobseeker's Allowance*, *Income Support* or *Employment and Support Allowance* contact Jobcentre Plus on 0800 055 6688. Usually, they will complete the claim forms over the phone and you will be given an interview at your local Jobcentre. *Jobseeker's Allowance* can also be claimed online by completing the form at www.gov.uk. To claim *Pension Credit*, call the Pensions Service on 0800 99 1234.

You claim *Working Tax Credit* and *Child Tax Credit* on one form. If you are making a claim for benefits at your local Jobcentre, they can help you make a claim for Tax Credits at the same time. Otherwise, you can order a claim form online at www.gov.uk or by phoning the Tax Credits Helpline on 0345 300 3900. *Tax Credits* and *Child Benefit* are paid by Her Majesty's Revenue & Customs (HMRC).

To claim *Child Benefit* you should usually complete the online form at www.gov.uk but can phone 0300 200 3100 if you need help.

To claim *Housing Benefit* and a *Council Tax Reduction* you must contact your local council. You can find their details in the phone book or your local council website.

To claim *Universal Credit* you must usually complete an online form at www.gov.uk but can call 0800 328 5644 if you need help.

What if I am left without any money while my claim is being decided?

If you are left without any money you may be able to get a *Short-term Advance* of benefit. When your claim is decided you will have to pay this back out of your benefit. You should ask the office dealing with your claim about getting a *Short-term Advance*.

If you are claiming *Housing Benefit* you should get an *Interim Payment* of benefit if it takes more than 14 days to process your claim. However, these are only paid if you have provided all the information needed. If it has been more than 14 days since you claimed and you have had no decision ask the office you claimed at for an *Interim Payment*.

In an emergency you may be able to get a *Crisis Grant* from your local council or go to your local social work department and ask for help.

If you do not have any money for your children and there is a delay in getting payment of your *Child Tax Credit*, you should call the Tax Credits Helpline (see above) and ask for a 'next day/interim payment'. However, if they pay you too much you may have to pay the money back.

Is there any other help I can get?

As well as the benefits described above, there are others you might be able to claim. Some of these are described below. To find out more seek further advice (see below).

If you are setting up home you may be able to claim a *Community Care Grant* to help with this. This might be a payment which you do not have to pay back or you might be given the items that you need. You must apply to your local council for a *Community Care Grant*.

If you have been granted *Refugee Leave* or *Humanitarian Protection* you may be able to get an *Integration Loan*. This is a single payment which will have to be paid back, and repayments can be deducted from benefits. You should receive an application form along with your letter granting you leave to remain. However, it might be better to apply for a *Community Care Grant* first as you do not need to pay it back.

If you are under 65 and have a long-term illness or disability you might be able to get *Personal Independence Payment*. You may get this if you need help from someone else, have difficulty walking or problems getting around outdoors. You might be able to claim *Disability Living Allowance* for a child under 16 who has a long-term illness or disability and needs this sort of help too. People 65 or over who need help to look after themselves may be able to claim *Attendance Allowance*. You can phone 0800 917 2222 to claim *Personal Independence Payment*, 0800 121 4600 to claim *Disability Living Allowance* and 0345 605 6055 to claim *Attendance Allowance*. It is a good idea to get help with these forms from an advice agency if you can. Note for all these benefits, and *Carer's Allowance*, you usually need to meet a 'past presence test' which can stop you getting them until you have been in Britain for 2 years but special rules mean that this should not apply if you or a close family member have been granted *Refugee Leave* or *Humanitarian Protection*.

If you look after someone who is getting *Disability Living Allowance*, *Personal Independence Payment* or *Attendance Allowance* you might be able to claim *Carer's Allowance* and *Income Support*. If you think you might be able to claim *Carer's Allowance* it is a good idea to get advice as it can affect the benefits of the person you care for. You should usually complete the online form at www.gov.uk but can call 0345 608 4321 for help. For *Income Support* see above.

If you are pregnant or have children, you may be able to get:

- A *Maternity Grant* (usually only for your first child),
- *Healthy Start Vouchers*
- free nursery place for 3 to 4 year olds (or younger in some circumstances)
- local council leisure pass (*Kidz Card* in Glasgow)
- a *Young Scot* card for a child or young person in education between the ages of 11 and 25
- free school meals and school clothing grants

Speak to an advice agency to check if you may be entitled to any of these.

Can I claim any benefit for the time I was waiting for my asylum decision?

If you have been granted *Indefinite Leave to Remain*, *Discretionary Leave* or *Humanitarian Protection* you can only get benefits from the date you were granted leave.

If you have been granted *Refugee Status* you can get *Child Benefit* and *Tax Credits* for the time when you were waiting for a decision on your asylum claim. To get payment for this period, (known as backdating) you

must claim within one month for *Tax Credits* and three months for *Child Benefit* of the letter informing you that you have *Refugee Status*.

There is a question on the *Child Benefit* claim form asking about when you were given leave to remain which you should complete. You should get the full amount of *Child Benefit* for the period while you were waiting.

For backdated *Child Tax Credit* send a letter in with your claim form asking for backdating to the date when you claimed asylum. Not everyone will get backdated benefit, it will depend on what money you had while you were waiting for your claim for asylum to be decided.

If you had permission to work whilst waiting for your asylum claim to be decided, and you did some work, you might be able to claim backdated *Working Tax Credit*. Send in a letter with your claim asking for backdating. It would be a good idea to get help from an advice agency with this (see below).

Note that there is no rule that allows backdating of *Universal Credit* for the period while you were waiting for a decision on your asylum application. Therefore, if you are in an area where you have to claim *Universal Credit* now you may lose out. However, this does not affect *Child Benefit* and you may be able to claim *Child Tax Credit* under the rules above for any period before you would have had to claim *Universal Credit* in your area.

Help with interpreters

When you are claiming benefits over the phone, you can ask for an interpreter, if you need one. You can also bring someone along to interpret at any interviews you have to go to, or ask the Jobcentre Plus office to arrange one for you.

You claim most benefits over the phone or online. If you have problems making a claim this way, for example, because of a disability or ill health you may be able to arrange an appointment at a Jobcentre or HMRC office, or arrange that someone visits you at home. You could also appoint someone else to make the claim on your behalf.

Further help

Benefits advice

You can go to a local Citizens Advice Bureau, the local council Welfare Rights Service or other advice agency in your area. You can find these in the phone book or your local council website.

If you live in Glasgow, contact Glasgow Advice and Information Network on 0808 801 1011.

Other advice and support for asylum seekers and refugees

You can get help and advice from the Scottish Refugee Council on 0141 248 9799.

If you live in Glasgow you can get help and advice from Positive Action in Housing on 0141 353 2220.

Warning! The information in this leaflet is correct at the date produced and is intended for those living in Scotland. However, benefit law changes often and so will need updating after some time.

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