



Home Office

# Public funds

This guidance is based on the Immigration Rules.

## Public funds

### About this guidance

<a href="#">What counts as a public fund</a>	This guidance tells you what UK public funds foreign nationals can claim and what action you must take if they claim funds they are not entitled to.	<b>In this section</b>  <a href="#">Changes to this guidance</a>  <a href="#">Contact</a>  <a href="#">Information owner</a>
<a href="#">Public funds that can be claimed due to exceptions</a>	Changes to this guidance – This page tells you what has changed since the previous version of this guidance.	
<a href="#">Maintenance undertakings</a>	Contact – This page tells you who to contact for help with a specific question on public funds if your senior caseworker or line manager can't answer your question.	
<a href="#">Confirming that a person has claimed public funds</a>	Information owner – This page tells you about this version of the public funds guidance and who owns it.	
<a href="#">Disclosure of information</a>	Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more information.	
<a href="#">Action to take when applicant has claimed public funds</a>		
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## Public funds

### Changes to this guidance

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	<table border="1"> <thead> <tr> <th>Date of the change</th> <th>Details of the change</th> </tr> </thead> <tbody> <tr> <td>22 April 2016</td> <td>           Change request:           <ul style="list-style-type: none"> <li>• extensive revision and updating throughout document, including to sections on:               <ul style="list-style-type: none"> <li>○ benefits that do and do not count as public funds</li> <li>○ NHS treatment</li> <li>○ state funded schooling</li> <li>○ housing received by a settled partner</li> <li>○ housing and homelessness assistance</li> <li>○ public funds which can be claimed by EEA nationals</li> <li>○ exceptions by nationality</li> <li>○ maintenance undertakings</li> <li>○ data-sharing sections</li> <li>○ descriptions of benefits</li> </ul> </li> <li>• new sections have been inserted on exceptions for child tax credit, working tax credit and child benefit</li> <li>• the section on temporary loss of funds from abroad has been removed, as this exception no longer applies</li> </ul> </td> </tr> <tr> <td>21 February 2014</td> <td>           Change request and 6 month review by the modernised guidance team:           <ul style="list-style-type: none"> <li>• NHS treatment:               <ul style="list-style-type: none"> <li>○ sixth paragraph, new external links to NHS website</li> </ul> </li> <li>• minor housekeeping changes</li> </ul> </td> </tr> <tr> <td></td> <td>For previous changes to this guidance you will find all earlier</td> </tr> </tbody> </table>	Date of the change		Details of the change	22 April 2016	Change request: <ul style="list-style-type: none"> <li>• extensive revision and updating throughout document, including to sections on:               <ul style="list-style-type: none"> <li>○ benefits that do and do not count as public funds</li> <li>○ NHS treatment</li> <li>○ state funded schooling</li> <li>○ housing received by a settled partner</li> <li>○ housing and homelessness assistance</li> <li>○ public funds which can be claimed by EEA nationals</li> <li>○ exceptions by nationality</li> <li>○ maintenance undertakings</li> <li>○ data-sharing sections</li> <li>○ descriptions of benefits</li> </ul> </li> <li>• new sections have been inserted on exceptions for child tax credit, working tax credit and child benefit</li> <li>• the section on temporary loss of funds from abroad has been removed, as this exception no longer applies</li> </ul>	21 February 2014	Change request and 6 month review by the modernised guidance team: <ul style="list-style-type: none"> <li>• NHS treatment:               <ul style="list-style-type: none"> <li>○ sixth paragraph, new external links to NHS website</li> </ul> </li> <li>• minor housekeeping changes</li> </ul>		For previous changes to this guidance you will find all earlier	
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## Public funds

### What counts as a public fund

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This section tells you which benefits count as public funds for the purposes of the Immigration Rules.</p>	<p><b>In this section</b></p> <p><a href="#">Benefits that count as public funds</a></p> <p><a href="#">Benefits that do not count as public funds</a></p> <p><a href="#">NHS treatment</a></p> <p><a href="#">State funded schooling</a></p>
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## Public funds

### Benefits that count as public funds

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administrations in Scotland and Northern Ireland which replace the discretionary social fund.

- housing and homelessness assistance
- housing benefit
- income-based jobseeker's allowance
- income related employment & support allowance – ESA (IR)
- income support
- personal independence payment
- severe disablement allowance
- social fund payment
- state pension credit
- universal credit
- working tax credit

Council tax discounts, such as sole occupancy discounts, are not considered public funds for the purposes of the Immigration Rules.

For more information, see related links:

- GOV.UK website
- description of benefits and forms of support

If evidence shows an applicant received public funds when not entitled to them you must refuse their application, unless they are subject to an exception.

### **Exceptions**

Before you refuse such an application you must check the conditions on the applicant's leave prevent them from receiving public funds. There are occasions when people who are subject to immigration control can claim benefits without it being classed as breaching their conditions. In these cases the fact they have claimed public funds will not affect their application for leave. For more information, see related link: Public funds that can be claimed due to exceptions.

To note: A person who would be able to claim public funds if they were in the UK cannot rely on such a prospective entitlement to assist them to meet the accommodation and

maintenance requirements in the Immigration Rules when applying for leave.

**Child and Working Tax Credits**

You must always check to see if an applicant is claiming Child and/or Working Tax Credits.

Child and Working Tax Credits were included in section 115 of the Immigration and Asylum Act 1999 on 1 April 2003, but were not added to the definition of public funds in paragraph 6 of the Immigration Rules until 15 March 2005. This means applicants who received either of these tax credits between 1 April 2003 and 15 March 2005, have not breached their conditions of leave, and you must not refuse their application for receiving these credits. You must, however, tell HMRC that tax credits were claimed.



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### Benefits that do not count as public funds

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you about some benefits that are not considered as public funds under the Immigration Rules.</p> <p>Benefits not considered as public funds under the Immigration Rules include:</p> <ul style="list-style-type: none"><li>• Contribution based Jobseeker's Allowance</li><li>• Guardian's allowance</li><li>• Incapacity Benefit</li><li>• Contribution-based Employment and Support Allowance (ESA)</li><li>• Maternity allowance</li><li>• Retirement pension</li><li>• Statutory maternity pay</li><li>• Statutory sickness pay</li><li>• Widow's benefit and bereavement benefit</li></ul> <p>This is not an exhaustive list. If you are in any doubt you must check the definition of public funds in Paragraph 6 of the Immigration Rules, see related link. Where the benefit is not included in Paragraph 6, it must not be considered as being a public fund for immigration purposes.</p> <p>National Health Service (NHS) treatment, state-funded schooling (academy and maintained schools) and education in 16-19 academies are not considered to be public funds.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• NHS treatment</li><li>• state funded schooling</li></ul>	<p><b>Related links</b></p> <p><a href="#">Benefits that count as public funds</a></p> <p><a href="#">NHS treatment</a></p> <p><a href="#">State funded schooling</a></p> <p><b>External links</b></p> <p><a href="#">Contribution-based jobseeker's allowance</a></p> <p><a href="#">Guardian's allowance</a></p> <p><a href="#">Incapacity benefit</a></p> <p><a href="#">Contribution-based employment and support allowance (ESA)</a></p> <p><a href="#">Maternity allowance</a></p> <p><a href="#">Retirement pension</a></p> <p><a href="#">Statutory maternity pay</a></p> <p><a href="#">Widow's benefit and bereavement benefit</a></p>
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		<a href="#">Immigration Rules, paragraph 6</a>
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### NHS treatment

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### State funded schooling

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## Public funds

### Public funds that can be claimed due to exceptions

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## Public funds

### Local authority housing received by settled spouse or partner

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### Housing provided by housing associations

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## Public funds

### Housing provided to public sector workers or paid for by employers

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### Housing and homelessness assistance

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### Exceptions because of nationality of family members

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## Public funds

### Child tax credit and working tax credit - exceptions

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you about exceptions to claiming child tax credit and working tax credit.</p> <p>The general rule is that a person subject to immigration control is not entitled to child tax credit (CTC) or working tax credit (WTC), (Tax Credits (Immigration) Regulations 2003, regulation 3.(1)). However, a person falling under one of the following exceptions cannot be denied a tax credit on the ground they are subject to immigration control.</p> <p><b>Exception 1</b></p> <p>A person whose leave to enter, or remain in, the UK is subject to a maintenance undertaking and who has been resident in the UK for a period of at least 5 years, beginning on or after their date of entry into the UK, or the date on which the maintenance undertaking was given, whichever is the later. This exception applies to both tax credits, CTC and WTC.</p> <p><b>Exception 2</b></p> <p>A person whose leave to enter, or remain in, the UK is subject to a maintenance undertaking and the person who gave the undertaking has died, or, if more than one person gave the undertaking, all of them have died. This exception applies to both tax credits, CTC and WTC.</p> <p><b>Exception 3</b></p> <p>A person who is subject to immigration control can still claim WTC if they are both:</p> <ul style="list-style-type: none"><li>• a national of a state which has ratified the European Convention on Social and Medical Assistance or the 1961 Council of Europe Social Charter</li><li>• lawfully present in the UK</li></ul> <p>This exception applies to WTC only, not to CTC. These agreements have been ratified by Croatia and Turkey, but Croatia is now a member of the European Union (see related link: <a href="#">Public funds EEA nationals can claim</a>).</p>	<p><b>Related links</b></p> <p><a href="#">Local authority housing received by a settled spouse or partner</a></p> <p><a href="#">Housing provided by housing associations</a></p> <p><a href="#">Housing provided to public sector workers or paid for by employers</a></p> <p><a href="#">Housing and homelessness assistance</a></p> <p><a href="#">Public funds EEA nationals can claim</a></p> <p><a href="#">Exceptions because of a person's nationality</a></p>
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#### **Exception 4**

A person who is subject to immigration control can still claim CTC if they are:

- nationals of a state with which the European Community has concluded an agreement for equal treatment for workers in the field of social security
- lawfully working in the UK

This exception applies to CTC only, not to WTC. Countries covered by these agreements are Algeria, Morocco, San Marino, Tunisia, and Turkey.

#### **Exception 5**

Provided one member of a couple is not subject to immigration control, or is covered by one of the exceptions to the general exclusion, the couple are treated as though:

- neither of them were subject to immigration control (as if the other partner were not subject to immigration control)
- both of them were covered by the exception that applies to the other partner.

This exception applies to both tax credits, CTC and WTC

If one member of a couple is subject to immigration control, and the couple are entitled to WTC but not to CTC, there is no entitlement to the second adult element of WTC, unless the claimant subject to immigration control falls into exception 3 above.

## Public funds

### Child benefit - exceptions

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you about exceptions to claiming child benefit.</p> <p>The general rule is that no person subject to immigration control is entitled to child benefit (Section 115 of the Immigration and Asylum Act 1999, sub-sections (1) and (3)). However, a person falling under one of the following exceptions cannot be denied child benefit on the ground they are subject to immigration control.</p> <p><b>Exception 1</b></p> <p>A person who has been given leave to enter, or remain in, the United Kingdom by a maintenance undertaking by another person or persons (pursuant to the immigration rules within the meaning of the Immigration Act 1971).</p> <p><b>Exception 2</b></p> <p>Nationals of a state with which the European Community has concluded an agreement for equal treatment for workers in the field of social security who are lawfully working in the UK. <b>Note:</b> countries which are covered by such agreements are Algeria, Morocco, San Marino, Tunisia, and Turkey</p> <p><b>Exception 3</b></p> <p>Persons who are the family member of a person who is a UK, EEA, or Swiss national. The parent of a British child will not be excluded from entitlement to child benefit on the ground that they are subject to immigration control. However, if a child benefit claimant has a right to reside in the UK as a Zambrano-type carer they are excluded from entitlement to child benefit by virtue of the Child Benefit (General) Regulations 2003.</p> <p><b>Exception 4</b></p> <p>A national of, or a person who has come to live in the UK from, a country that has a</p>	<p><b>Related links</b></p> <p><a href="#">Local authority housing received by a settled spouse or partner</a></p> <p><a href="#">Housing provided by housing associations</a></p> <p><a href="#">Housing provided to public sector workers or paid for by employers</a></p> <p><a href="#">Housing and homelessness assistance</a></p> <p><a href="#">Public funds EEA nationals can claim</a></p> <p><a href="#">Exceptions because of a person's nationality</a></p>
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	<p>reciprocal social security agreement with the UK which covers child benefit. Countries that have such an agreement are Barbados, Canada, Israel, Jersey and Guernsey, Mauritius, New Zealand and the former Yugoslavia (i.e. applies to Croatia, Bosnia-Herzegovina, Serbia, and Montenegro, and the former Yugoslav Republic of Macedonia).</p> <p><b>Exception 5</b></p> <p>Persons who were entitled to child benefit before October 1996 are not excluded from entitlement to child benefit because they are subject to immigration control.</p>	
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## Public funds

### Public funds EEA nationals can claim

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page lists countries in the European Economic Area (EEA) and tells you what public funds nationals of these countries can claim.</p> <p>The following countries are in the EEA.</p> <table border="1" data-bbox="465 501 1641 845"><tr><td>Austria</td><td>Belgium</td><td>Bulgaria</td><td>Cyprus</td></tr><tr><td>Czech Republic</td><td>Denmark</td><td>Estonia</td><td>Finland</td></tr><tr><td>France</td><td>Germany</td><td>Greece</td><td>Hungary</td></tr><tr><td>Iceland</td><td>Republic of Ireland</td><td>Italy</td><td>Latvia</td></tr><tr><td>Liechtenstein</td><td>Lithuania</td><td>Luxembourg</td><td>Malta</td></tr><tr><td>Netherlands</td><td>Norway</td><td>Poland</td><td>Portugal</td></tr><tr><td>Romania</td><td>Slovakia</td><td>Slovenia</td><td>Spain</td></tr><tr><td>Sweden</td><td>UK</td><td>Croatia*</td><td></td></tr></table> <p>EEA nationals can claim the following public funds, dependent on whether they are employed, self-employed, a student, self-sufficient or a jobseeker:</p> <ul style="list-style-type: none"><li>• Attendance Allowance</li><li>• Carer's Allowance</li><li>• Council Tax Reduction</li><li>• Child Benefit</li><li>• Child Tax Credits</li><li>• Housing Benefit</li><li>• Income Support</li><li>• Jobseekers Allowance</li><li>• Personal Independence Payment</li><li>• Working Tax Credits</li><li>• Disability Living Allowance</li></ul>	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Iceland	Republic of Ireland	Italy	Latvia	Liechtenstein	Lithuania	Luxembourg	Malta	Netherlands	Norway	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK	Croatia*		<p><b>Related links</b></p> <p><a href="#">Local authority housing received by a settled spouse or partner</a></p> <p><a href="#">Housing provided by housing associations</a></p> <p><a href="#">Housing provided to public sector workers or paid for by employers</a></p> <p><a href="#">Housing and homelessness assistance</a></p> <p><a href="#">Exceptions because of nationality of family members</a></p> <p><a href="#">Exceptions because of a person's nationality</a></p> <p><b>See also</b></p> <p><a href="#">Description of benefits</a></p> <p><a href="#">Croatian nationals work guidance</a></p>
Austria	Belgium	Bulgaria	Cyprus																															
Czech Republic	Denmark	Estonia	Finland																															
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Romania	Slovakia	Slovenia	Spain																															
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- contribution-based Employment and Support Allowance (ESA)
- Severe Disablement Allowance
- Social Fund payment (or discretionary support payment which replaces the Social Fund)
- Universal Credit

Please note that since 2014 limitations have been placed on access to certain public funds by EEA national jobseekers. EEA jobseekers must be resident in the UK for 3 months before they can claim Jobseeker's Allowance (income-based), Child Benefit and Child Tax Credit and can then only claim these benefits for 3 months unless they have a genuine prospect of employment. New jobseekers from the EU cannot claim Universal Credit or Housing Benefit. If you believe that an EEA national jobseeker may have accessed public funds they are not entitled to, please contact DWP and/or HMRC to check (see related links).

\* Croatian nationals may be subject to transitional controls restricting their access to work and from being a jobseeker. Those subject to controls are not able to exercise Treaty rights as a jobseeker and so cannot access income-related benefits. For further information see [link](#).



## Public funds

### Exceptions because of a person's nationality

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you which nationals can claim which public funds due to an exception. Nationals of these countries are not able to rely on a prospective entitlement to claim public funds to meet accommodation and maintenance requirements in the Immigration Rules when applying for entry clearance or leave to remain.</p> <p>In addition to the countries listed on this page, nationals of Barbados, Bosnia, Canada, Israel, Mauritius, Montenegro, Serbia and New Zealand can claim child benefit only (see related link: Child benefit: exceptions)</p> <p>To see a table of the exceptions that apply to certain nationalities, see related link: Table of exceptions by nationality.</p> <p><b>Algeria</b></p> <ul style="list-style-type: none"><li>• Attendance Allowance</li><li>• Carer's Allowance</li><li>• Child Benefit</li><li>• Child Tax Credit</li><li>• Disability Living Allowance</li><li>• Personal Independence Payment</li></ul> <p><b>FYR Macedonia</b></p> <ul style="list-style-type: none"><li>• Child Benefit</li><li>• Council Tax Reduction</li><li>• Housing Benefit</li><li>• Income related allowance ESA (IR) – formerly income support</li><li>• Social Fund payment (or discretionary support payment which replaces the Social</li></ul>	<p><b>Related links</b></p> <p><a href="#">Local authority housing received by a settled spouse or partner</a></p> <p><a href="#">Housing provided by housing associations</a></p> <p><a href="#">Housing provided to public sector workers or paid for by employers</a></p> <p><a href="#">Housing and homelessness assistance</a></p> <p><a href="#">Exceptions because of nationality of family members</a></p> <p><a href="#">Public funds EEA nationals can claim</a></p> <p><a href="#">Child benefit - exemptions</a></p> <p><b>See also</b></p>
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	<p>Fund)</p> <ul style="list-style-type: none"> <li>• Income-based Jobseekers Allowance</li> </ul> <p><b>Morocco</b></p> <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Carer's Allowance</li> <li>• Child Benefit</li> <li>• Child Tax Credit</li> <li>• Disability Living Allowance</li> <li>• Personal Independence Payment</li> </ul> <p><b>San Marino</b></p> <ul style="list-style-type: none"> <li>• Attendance allowance</li> <li>• Carer's allowance</li> <li>• Child benefit</li> <li>• Child tax credit</li> <li>• Disability living allowance</li> <li>• Personal independence payment</li> </ul> <p><b>Tunisia</b></p> <ul style="list-style-type: none"> <li>• Attendance allowance</li> <li>• Carer's allowance</li> <li>• Child benefit</li> <li>• Child tax credit</li> <li>• Disability living allowance</li> <li>• Personal independence payment</li> </ul> <p><b>Turkey</b></p>	<p><a href="#">Agreements between the UK, the European Union and other countries</a></p> <p>Link to staff intranet removed</p>
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|  | <ul style="list-style-type: none"><li>• Attendance Allowance</li><li>• Carer's Allowance</li><li>• Child Benefit</li><li>• Child Tax Credit</li><li>• Council Tax Benefit</li><li>• Disability Living Allowance</li><li>• Housing Benefit</li><li>• Income-based Jobseekers Allowance</li><li>• Income related allowance ESA (IR) – formerly income support</li><li>• Personal Independence Payment</li><li>• Social Fund payment (or discretionary support payment which replaces the Social Fund)</li><br/><li>• Universal credit</li><li>• Working Tax Credit</li></ul> |  |
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For an explanation of why nationals of these countries are entitled to claim these public funds, see related link: [Agreements between the UK, the European Union and other countries.](#)

## Public funds

### Maintenance undertakings

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page describes what a person who is subject to immigration control can claim when their sponsor has signed a maintenance undertaking.</p> <p>A maintenance undertaking is a written agreement given by a sponsor. It states they will be responsible for the maintenance and accommodation of a person subject to immigration control while they are in the UK. It is an offence under the Social Security Administration Act 1992 for a sponsor not to maintain people who they are responsible for who then claim contributory based benefits because of this. These benefits may also be recovered from the sponsor.</p> <p>The Home Office may take appropriate steps to recover amounts from the sponsor that were provided under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers) to a person being sponsored.</p> <p><b>People granted leave on the conditions of a maintenance undertaking</b></p> <p>A person who has been granted leave and whose sponsor has signed a maintenance undertaking will not be entitled to access public funds until:</p> <ul style="list-style-type: none"><li>• they have been resident in the UK for 5 years</li><li>• it has been 5 years since the maintenance undertaking was signed, whichever is the later date</li><li>• if they have been resident for less than 5 years but their sponsor has died</li></ul> <p>For more information, see related link: Maintenance undertaking (see Section 78, paragraph 6(c)).</p>	<p><b>Related links</b></p> <p><b>External links</b></p> <p><a href="#">Maintenance undertaking (see Section 78 paragraph 6(c))</a></p> <p><a href="#">Maintenance and accommodation (MAA)</a></p> <p><a href="#">Section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers)</a></p>
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## Public funds

### Confirming a person has claimed public funds

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This section tells you which department you must contact to confirm an applicant has claimed public funds.</p> <p>If you think a person has received public funds you must confirm this with the government department or local authority that issues the fund. The table below tells you the department that issues each fund.</p> <table border="1" data-bbox="465 539 1644 1393"> <thead> <tr> <th data-bbox="465 539 1016 576">Issuing Authority</th> <th data-bbox="1016 539 1644 576">Public fund</th> </tr> </thead> <tbody> <tr> <td data-bbox="465 576 1016 703">Her Majesty's Revenue &amp; Customs (HMRC)</td> <td data-bbox="1016 576 1644 703"> <ul style="list-style-type: none"> <li>• Child Benefit</li> <li>• Child Tax Credit</li> <li>• Working Tax Credit</li> </ul> </td> </tr> <tr> <td data-bbox="465 703 1016 1134">Department of Work and Pensions (DWP)</td> <td data-bbox="1016 703 1644 1134"> <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Carer's Allowance</li> <li>• Disability Living Allowance</li> <li>• Employment and Support Allowance</li> <li>• Income-based Jobseeker's Allowance</li> <li>• Income Support</li> <li>• Personal Independence Payment</li> <li>• Severe Disablement Allowance</li> <li>• Social Fund payment</li> <li>• State pension credit</li> </ul> </td> </tr> <tr> <td data-bbox="465 1134 1016 1393">Local Authorities</td> <td data-bbox="1016 1134 1644 1393"> <ul style="list-style-type: none"> <li>• Council Tax Benefit</li> <li>• Council Tax Reduction</li> <li>• Housing and homelessness assistance</li> <li>• Housing Benefit</li> <li>• Discretionary support payment (eg where a Social Fund payment would</li> </ul> </td> </tr> </tbody> </table>	Issuing Authority	Public fund	Her Majesty's Revenue & Customs (HMRC)	<ul style="list-style-type: none"> <li>• Child Benefit</li> <li>• Child Tax Credit</li> <li>• Working Tax Credit</li> </ul>	Department of Work and Pensions (DWP)	<ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Carer's Allowance</li> <li>• Disability Living Allowance</li> <li>• Employment and Support Allowance</li> <li>• Income-based Jobseeker's Allowance</li> <li>• Income Support</li> <li>• Personal Independence Payment</li> <li>• Severe Disablement Allowance</li> <li>• Social Fund payment</li> <li>• State pension credit</li> </ul>	Local Authorities	<ul style="list-style-type: none"> <li>• Council Tax Benefit</li> <li>• Council Tax Reduction</li> <li>• Housing and homelessness assistance</li> <li>• Housing Benefit</li> <li>• Discretionary support payment (eg where a Social Fund payment would</li> </ul>	<p><b>In this section</b></p> <p><a href="#">Checking details with HMRC</a></p> <p><a href="#">Checking details with DWP</a></p> <p><a href="#">Checking details with local authorities</a></p> <p><b>External links</b></p> <p><a href="#">Her Majesty's Revenue and Customs (HMRC)</a></p> <p><a href="#">Department of Work and Pensions (DWP)</a></p> <p><a href="#">Local Authorities</a></p> <p><a href="#">Scottish Welfare Fund local authority contacts</a></p>
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		<p>previously have been made</p> <ul style="list-style-type: none"> <li>• payments from the Scottish Welfare Fund are administered by local authorities in Scotland</li> </ul>		
<p>In Northern Ireland the Social Fund will continue to make the full range of payments until the introduction of Discretionary Support, which is currently planned for Autumn 2016. Contact details for the Department for Communities will be provided when this is introduced.</p> <p>For more information on how to check this information with these departments, see related links.</p>				

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### Checking details with HMRC

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## Public funds

### When information can be shared with HMRC

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### Requesting information from HMRC

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you how to request information from Her Majesty's Revenue &amp; Customs (HMRC).</p> <hr/> <p><b>Official - sensitive: start of section</b></p> <p>The information on this page has been removed as it is restricted for internal Home Office use.</p>	<p><b>Related links</b></p> <p><a href="#">Checking details with HMRC</a></p> <p><a href="#">When information can be shared with HMRC</a></p> <p><b>See also</b></p> <p><a href="#">Checking details with DWP</a></p> <p><a href="#">Checking details with local authorities</a></p> <p>Links to staff intranet removed</p>
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## Public funds

### Checking details with DWP

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This section tells you which public funded benefits are issued by the Department of Work and Pensions (DWP) and how to request information on applicants claiming those funds.</p> <p>DWP can confirm if a person has claimed the following public funded benefits:</p> <ul style="list-style-type: none"><li>• Attendance Allowance</li><li>• Carer's Allowance</li><li>• Disability Living Allowance</li><li>• Employment and support allowance</li><li>• Income-based Jobseeker's Allowance</li><li>• Income Support</li><li>• Personal Independence Payment</li><li>• Severe disablement allowance</li><li>• Social Fund payment</li><li>• State pension credit</li><li>• Universal Credit</li></ul> <p>When you suspect a person has claimed a public fund issued by the DWP you must ask the DWP to check:</p> <ul style="list-style-type: none"><li>• whether an applicant is in receipt of a particular public fund</li><li>• on what basis they are entitled to it</li><li>• do they meet one of the exceptions</li></ul> <p>Before they disclose the information, DWP must be satisfied that:</p> <ul style="list-style-type: none"><li>• you require the information for an immigration purpose</li><li>• you require the information for the purpose of:<ul style="list-style-type: none"><li>○ prevention or detection of crime</li><li>○ the capture or prosecution of offenders</li></ul></li></ul>	<p><b>In this section</b></p> <p><a href="#">How to request information from DWP</a></p> <p><a href="#">DWP referral forms and addresses</a></p> <p><b>Related links</b></p> <p><a href="#">Checking details with HMRC</a></p> <p><a href="#">Checking details with local authorities</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p>
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|  | <ul style="list-style-type: none"><li>• failure to provide the information would seriously affect the investigation</li></ul> <p>See related links for guidance on:</p> <ul style="list-style-type: none"><li>• How to request information from DWP</li><li>• DWP referral forms and addresses</li></ul> |  |
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## Public funds

### How to request information from DWP

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you how to structure your requests for information from the Department of Work and Pensions (DWP).</p> <p><b>State the full details of the suspected offence</b></p> <p>A person's application for leave will be affected if they claim funds they are not entitled to. This information is very important and you must explain this clearly to the DWP. You must not be vague or treat the immigration offence lightly.</p> <p>Some example wording is below:</p> <p>'I am requesting information in relation to the subject's application for leave to remain in the UK and a suspected immigration offence. I am investigating a suspect marriage'.</p> <p><b>State what information you need</b></p> <p>You must make sure your requests are as specific as possible. Different teams in DWP process requests with different levels of detail. If you need the details of dates and the level of benefits paid, you must make it clear in your request.</p> <p>You must provide the applicant's current and previous addresses to DWP. This will help them trace the correct benefit customer and respond to your request quickly.</p> <p>Some example wording is below:</p> <ul style="list-style-type: none"><li>• 'Has the subject claimed income support between 1 November 2005 and 1 November 2007?'</li><li>• 'Please confirm whether the subject has claimed benefits whilst at this address. I do not need the details of the dates claimed.'</li><li>• 'Subject has provided the following addresses in their application...'</li><li>• 'The foreign national partner has no National Insurance Number, can you please confirm if a clerical claim for benefit is held for this subject'</li></ul>	<p><b>Related links</b></p> <p><a href="#">Checking details with DWP</a></p> <p><a href="#">DWP referral forms and addresses</a></p> <p><b>See also</b></p> <p><a href="#">Checking details with HMRC</a></p> <p><a href="#">Checking details with local authorities</a></p>
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**State how the information will help your work**

You must briefly explain how the information you are requesting will assist the Home Office's work and the effect of DWP not providing this information.

Some example wording is below:

- 'This information is needed to decide whether the subject will be granted indefinite leave in the UK.'
- 'This information is needed to decide whether the subject will be refused leave to remain in the UK'

**State how all other lines of enquiry are exhausted**

You may be able to get the information you need from sources other than the DWP. You must consider whether you are likely to get the information you need from the applicant. If this is not possible then you must explain to the DWP why this is the case. You must include a brief sentence to explain how failing to provide the information will affect your investigation.

Some example wording is below:

- 'The subject has withheld information. They have stated they have not claimed benefits but their bank statements appear to show receipt of job seekers allowance.'
- 'The subject has not included information in their application for leave to remain.'
- 'An allegation has been received regarding the subject'

**Language to use and phrases to avoid**

You must avoid jargon. DWP staff may not be aware of the different paragraphs of the Immigration Rules and the different Immigration Acts. Use simple and straightforward language that explains the importance of the information you need.

You must avoid words or phrases that could make DWP think your request is just for background information. Phrases that must be avoided are:

- 'subject could be'

	<ul style="list-style-type: none"><li>• 'subject is possibly'</li><li>• 'this is potentially'</li><li>• 'subject may be'</li><li>• 'this is a routine check'</li></ul>	
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## Public funds

### DWP referral forms and addresses

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you how to contact the Department of Work and Pensions (DWP) for information on an applicant.</p> <hr/> <p><b>Official - sensitive: start of section</b></p> <p>The information on this page has been removed as it is restricted for internal Home Office use .</p> <hr/> <p><b>Official – sensitive: end of section</b></p>	<p><b>Related links</b></p> <p><a href="#">Checking details with the DWP</a></p> <p><a href="#">How to request information from DWP</a></p> <p><b>See also</b></p> <p><a href="#">Checking details with HMRC</a></p> <p><a href="#">Checking details with local authorities</a></p> <p><b>Downloads</b></p> <p>Links to staff intranet removed</p>
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## Public funds

### Checking details with local authorities

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you how to request information from a local authority to check if an applicant has claimed public funds.</p> <p>If you suspect an applicant has claimed one of the benefits listed below, which are issued by a local authority you must contact the relevant local authority for confirmation:</p> <ul style="list-style-type: none"><li>• Council Tax Benefit</li><li>• Council Tax Reduction</li><li>• Housing Benefit</li><li>• Homelessness assistance</li><li>• Social housing (either administered by them, or administered for them by an independent housing association).</li></ul> <p>For more information on how to find out a person's local authority, see related link: Find your local authority.</p>	<p><b>Related links</b></p> <p><a href="#">Checking details with HMRC</a></p> <p><a href="#">Checking details with DWP</a></p> <p><a href="#">Action to take when applicant has received public funds</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><b>External links</b></p> <p><a href="#">Find your local authority</a></p>
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## Public funds

### Disclosure of information

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This section tells you when you can disclose information you have about applicants and the public funds they have claimed from other departments.</p>	<p><b>In this section</b></p> <p><a href="#">Disclosure and the Data Protection Act</a></p> <p><a href="#">Unlawful disclosure of HMRC information</a></p> <p><a href="#">Disclosure of HMRC information to the police and NCA</a></p>
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## Public funds

### Disclosure and the Data Protection Act

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you why you need to consider the Data Protection Act 1998 (DPA) when you disclose information from third parties.</p> <p>Before you disclose information in line with the UK Borders Act 2007, you must also consider the DPA. All disclosures to other Government departments will, as in all circumstances, need to comply with the DPA.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"><li>• Disclosure of information</li><li>• Data Protection Act 1998</li></ul>	<p><b>Related links</b></p> <p><a href="#">Unlawful disclosure of information from HMRC</a></p> <p><a href="#">Disclosure of HMRC information from HMRC to the police and NCA</a></p> <p><b>See also</b></p> <p><a href="#">When information can be shared with HMRC</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Data Protection Act 1998</a></p>
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## Public funds

### Unlawful disclosure of HMRC information

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you when it is lawful to disclose information from Her Majesty's Revenue &amp; Customs (HMRC) and the penalties for unlawful disclosure.</p> <hr/> <p><b>Official - sensitive: start of section</b></p> <p>The information on this page has been removed as it is restricted for internal Home Office use.</p>	<p><b>Related links</b></p> <p><a href="#">Disclosure and the Data Protection Act</a></p> <p><a href="#">Disclosure of HMRC information from HMRC to the police and NCA</a></p> <p><b>See also</b></p> <p><a href="#">When information can be shared with HMRC</a></p> <p>Links to staff intranet removed</p>
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## Public funds

### Disclosure of HMRC information to the police and NCA

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you how to get approval from Her Majesty's Revenue &amp; Customs (HMRC) to disclose information to the police or the National Crime Agency (NCA).</p> <hr/> <p><b>Official - sensitive: start of section</b></p> <p>The information on this page has been removed as it is restricted for internal Home Office use.</p> <hr/> <p><b>Official – sensitive: end of section</b></p>	<p><b>Related links</b></p> <p><a href="#">Disclosure and the Data Protection Act</a></p> <p><a href="#">Unlawful disclosure of HMRC information</a></p> <p><b>External links</b></p> <p><a href="#">Immigration and Asylum Act 1999 Section 21</a></p>
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## Public funds

### Action to take when applicant has received public funds

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefitand forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This section tells you what action to take when an applicant or their sponsor has received public funds.</p> <p>Situations where you may find out a person has been claiming public funds are, a person:</p> <ul style="list-style-type: none"><li>• applying for leave in the UK who has received public funds</li><li>• applying for leave in the UK whose sponsor has received public funds</li><li>• with leave in the UK who has received public funds</li></ul>	<p><b>In this section</b></p> <p><a href="#">Applications when public funds have been claimed</a></p> <p><a href="#">Applications when sponsor has received public funds</a></p> <p><a href="#">People with leave who have claimed public funds</a></p>
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## Public funds

### Applications when public funds have been claimed

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you how to consider cases when a person who is applying for leave has received public funds.</p> <p>If you have confirmed a person has received public funds, they are not covered by an exception and it was not due to an administrative error, you must consider 3 points.</p> <p><b>Does this suggest the applicant does not meet the Immigration Rules of the category they are applying under?</b></p> <p>Most categories in the Immigration Rules require people to be able to maintain and accommodate themselves without having recourse to public funds. If an applicant has received public funds to which they are not entitled you must consider whether they could maintain and accommodate themselves if they were to immediately stop claiming those funds.</p> <p>If it is clear a person could not maintain and accommodate themselves you must consider refusing their application under the rules of the category they are applying under.</p> <p>If it is obvious a person could maintain and accommodate themselves without continuing to claim public funds, you must not refuse their application on these grounds. For example, they may have enough money available to them from elsewhere. They must stop claiming public funds because they are not legally entitled to them.</p> <p><b>Have they breached the conditions of their current leave?</b></p> <p>A person who applies for leave will have conditions attached to their current leave that states they cannot access public funds. You must check what is written on their:</p> <ul style="list-style-type: none"><li>• Biometric residence permit</li><li>• entry clearance certificate</li><li>• visa</li><li>• other immigration document</li></ul>	<p><b>Related links</b></p> <p><a href="#">Applications when sponsor has received public funds</a></p> <p><a href="#">People with leave who have claimed public funds</a></p> <p><b>See also</b></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Action to take when an applicant has received public funds</a></p> <p>Links to staff intranet removed</p>
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You must consider refusing the application under paragraph 322(3) of the Immigration Rules if they have claimed public funds but their conditions of leave state they cannot access them. This is because they have breached the conditions of their stay. For more information, see related link: [General grounds for refusal](#).

If you find out an applicant has received public funds but you have confirmation this is the result of an administrative error, or because an exception applies, you must not refuse the application on the grounds the applicant has no recourse to public funds. If the applicant was clearly not at fault and they received public funds in good faith, the benefit paying department may seek repayment.

**Have they declared they are in receipt of public funds on the application form?**

All application forms include a section that asks the applicant to declare whether they have received public funds.

If an applicant has received public funds that have a negative impact on their application, but not declared this on their form, you must refuse the application under paragraph 322(1A) of the Immigration Rules. This is because they have not declared a material fact when making their application. For more information, see related link: [General grounds for refusal](#). If a person has not declared they have received public funds but they can claim these because of an exception you must not refuse under paragraph 322(1A).

**Was the Public Fund awarded as the result of an administrative error?**

Where the applicant provides confirmation from the awarding body that the public fund was awarded following an administrative error, you must disregard it and not refuse the application on this basis. You must still consider whether the applicant is able to meet any maintenance and accommodation requirements as indicated above.

## Public funds

### Applications when sponsor has received public funds

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you what action to take when the sponsor of a person applying for leave has claimed public funds.</p> <p>Most categories in the Immigration Rules require people to be able to maintain and accommodate themselves without having recourse to public funds. A person should not necessarily be refused leave if their sponsor relies on public funds.</p> <p>You must check if the applicant has declared on their application form that their sponsor is claiming public funds. You must then check with the relevant issuing authority whether the amount of funds the sponsor receives would increase as a result of the applicant joining them.</p> <p>Paragraphs 6A and 6C of the Immigration Rules explains what the position is when an applicant is not claiming public funds themselves but their sponsor relies on public funds</p> <p>If a sponsor needs to claim more public funds to support the applicant, you must refuse the application. For example, if the sponsor claims income-based jobseeker's allowance and this would increase if their dependant was granted leave as their spouse. You must refuse the application under the relevant paragraph of the category under which leave is being sought with reference to paragraph 6A of the rules.</p> <p>If the sponsor needs to claim more public funds to support the applicant but these are funds the sponsor and dependant would be jointly entitled to you must not refuse the application. For example, if the increased funds fall under the tax credits regulations, such as Working or Child Tax Credits, then you must not regard the applicant as having accessed public funds.</p>	<p><b>Related links</b></p> <p><a href="#">Applications when public funds have been claimed</a></p> <p><a href="#">People with leave who have claimed public funds</a></p> <p><b>See also</b></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><b>External links</b></p> <p><a href="#">Immigration Rules, paragraph 6A</a></p>
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## Public funds

### People with leave who have claimed public funds

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page explains the action taken when the Home Office finds out a person with leave in the UK is claiming public funds.</p> <p>Where the Home Office finds out a person, who has leave in the UK has accessed public funds, you must check if the applicant has breached the conditions of their stay.</p> <p>You must check what is written on the person's:</p> <ul style="list-style-type: none"><li>• Biometric Residence Permit</li><li>• passport</li><li>• other immigration status document</li><li>• CID or CRS record, if no documents are available</li></ul> <p>If a person has breached the conditions of their leave, then you must consider curtailing their leave under paragraph 322 of the Immigration Rules, with reference to paragraph 322(3).</p> <p>For more information on curtailment, see related link.</p> <p>If you refuse an application, you must make sure you follow general grounds for refusal guidance and consider any other category refusals, including any human rights issues.</p>	<p><b>Related links</b></p> <p><a href="#">Applications when public funds have been claimed</a></p> <p><a href="#">Applications when sponsor has received public funds</a></p> <p><b>See also</b></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p>Links to staff intranet removed</p> <p><b>External links</b></p> <p><a href="#">Immigration Rules, paragraph 323 and 322(3)</a></p>
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## Public funds

### Description of benefits and forms of support

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page gives you a brief description of some UK benefits.</p> <p><b>Attendance allowance</b> Attendance allowance is a tax-free benefit for people aged 65 or over who need help with personal care because they are physically or mentally disabled. It is sometimes known as AA.</p> <p><b>Carer's allowance, previously known as invalid care allowance</b> Carer's allowance is a benefit paid to help people who look after a disabled person. A person does not have to be related to or live with the person they care for.</p> <p><b>Child benefit</b> Child benefit is a tax-free, regular payment made to anyone bringing up a child or young person. It is paid for each child who qualifies and is not affected by income or savings, so most people bringing up a child can get it. Since 7 January 2013, if either the claimant or their partner has an individual income of more than £50,000 a year, the person with the higher income pays an additional income tax charge (the High Income Child Benefit Charge) on some or all of the Child Benefit paid to them.</p> <p><b>Child tax credit</b> Child tax credit (CTC) is a means-tested allowance for parents and carers of children or young people who are still in full-time, non advanced education or approved training. A person claiming this benefit does not have to be the child's parent to be eligible but they must be the main person responsible for them. Child tax credit can be claimed jointly as a couple but will only be paid to one member of the couple.</p> <p><b>Council tax benefit</b> A person who needs financial help to pay their council tax bill may be able to get council tax benefit. A person may be able to get second adult rebate if they share their home with another adult who is unable to pay towards the council tax. The adult they share with cannot be their partner.</p>	<p><b>Related links</b></p> <p><a href="#">Benefits that do not count as public funds</a></p> <p><b>External links</b></p> <p><a href="#">Attendance allowance</a></p> <p><a href="#">Carer's Allowance</a></p> <p><a href="#">Child Benefit</a></p> <p><a href="#">Child Tax Credit</a></p> <p><a href="#">Council Tax Benefit</a></p> <p><a href="#">Disability Living Allowance (DLA)</a></p> <p><a href="#">Employment and Support Allowance (ESA)</a></p> <p><a href="#">Emergency housing if you're homeless</a></p> <p><a href="#">Housing Benefit</a></p> <p><a href="#">Jobseeker's Allowance</a></p>
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	<p><b>Council tax reduction</b>  From 1 April 2013 council tax benefit was abolished in Great Britain and responsibility for providing council tax support for low income households was given to local authorities through council tax reductions. In Northern Ireland, support will be introduced for the rate rebate element of housing benefit or universal credit.</p> <p><b>Disability living allowance</b>  Disability living allowance is a tax-free benefit for children and adults who need help with personal care or have walking difficulties because they are physically or mentally disabled. This is sometimes called DLA.</p> <p><b>Discretionary Support Payments</b> (included in definition of public funds from 6 April 2016)  The Welfare Reform Act 2012 abolished the part of the discretionary Social Fund which provided crisis loans and community care grants. Funding has since been passed to local authorities in England to deliver local support aligned with their existing services, and to the devolved administrations. The definition of public funds in paragraph 6 of the Immigration Rules includes the powers under which local authorities in England and the relevant authorities in Scotland and Northern Ireland may make discretionary payments.</p> <p><b>Employment and support allowance</b>  From October 2008, employment and support allowance (ESA), income-related ESA (IR) and contribution-based ESA (C) replaced income support and incapacity benefit for new claims where these benefits have not been paid before.  If a person is paid ESA because of paid contributions, for example ESA (C), it is not classed as public funds. If a person is paid ESA because of an income related allowance, for example ESA (IR), it is classed as public funds.</p> <p><b>Emergency housing if you're homeless</b>  This is not a benefit but a range of services for people in need of social housing. This could be the allocation of housing either by:</p> <ul style="list-style-type: none"> <li>• the local authority</li> <li>• an independent housing association on behalf of a local authority</li> </ul>	<p><a href="#">Income Support</a></p> <p><a href="#">Severe Disablement Allowance</a></p> <p><a href="#">Social Fund Payment</a></p> <p><a href="#">Community Care Grant</a></p> <p><a href="#">Budgeting Loans</a></p> <p><a href="#">Crisis Loans</a></p> <p><a href="#">Sure Start Maternity Grant</a></p> <p><a href="#">Funeral Payments</a></p> <p><a href="#">Cold Weather Payment</a></p> <p><a href="#">Winter Fuel Payment</a></p> <p><a href="#">Pension Credit</a></p> <p><a href="#">Working Tax Credit</a></p>
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- housing assistance under homelessness legislation

There are certain circumstances where housing assistance must never be treated as public funds. For more information, see related link.

**Housing benefit**

This is paid to a person who is on low income and needs financial help to pay all or part of their rent.

**Jobseeker's allowance**

A person of working age but unemployed and actively seeking work, may be able to get jobseeker's allowance (JSA). A person can receive income-based jobseeker's allowance if they have not paid enough national insurance contributions or only paid contributions for self-employment and they are on a low income.

Jobseeker's allowance paid because of paid contributions, for example JSA (C), is not classed as public funds. For more information, see related link: Benefits that do not count as a public fund.

**Income support**

A person who cannot work full-time and does not have enough money to live on, may be able to get income support.

**Pension Credit**

This is payable to older people who have reached the qualifying age for the benefit to bring their weekly income up to a minimum amount. It is made up of two elements. These are the 'guarantee credit' element and the 'savings credit' element (which may be payable from age 65). The qualifying age for Pension Credit is gradually going up to 66 in line with the increase in the State Pension age for women to 65 and the further increase to 66 for men and women.

**Personal independence payment**

On 8 April 2013 the government introduced a new benefit called personal independence payment for eligible working age people aged 16 to 64. Eventually disability living

allowances will be withdrawn.

Personal independence payment is based on an assessment of individual need. The assessment focuses on an individual's ability to carry out a range of key activities necessary to everyday life. Information is gathered from the individual, as well as healthcare and other professionals who work with and support them. Most people will also be asked to a face to face consultation with a trained independent assessor as part of the claim process.

### **Severe disablement allowance**

A person may have been able to claim severe disablement allowance (SDA) if before April 2001 they were unable to work for at least 28 consecutive weeks because of illness or disability. It is no longer possible to make a new claim to SDA but if the person is already receiving the allowance, they will continue to receive it. It is classed as a public fund.

### **Social fund payment**

The social fund consists of several benefits:

- a budgeting loan is an interest-free loan intended to help spread the cost of certain one-off expenses over a longer period
- Sure start maternity grants are lump sum payments to help pay for things for a new baby: they do not have to be repaid
- funeral payments are to help with the basic costs of a funeral which the applicant or partner are responsible for arranging
- cold weather payments are made to some people getting income support or income-based jobseeker's allowance and to all people getting pension credit: this is to help towards extra heating costs when there is a spell of very cold weather in the area where they live
- winter fuel payments are made to people aged 60 or over to help towards their winter heating costs

In 2013 (following the Welfare Reform Act 2012) some parts of the Social Fund (crisis loans and community care grants) were abolished. New support in the form of discretionary payments by local authorities in England and devolved administrations in Scotland and Wales (see Discretionary Support Payments above) was introduced. In Northern Ireland the

Social Fund will continue to make these payments until the introduction of Discretionary Support, which is currently planned for Autumn 2016. You should contact the relevant local authority or DWP if you believe someone has received a social fund or discretionary support payment.

**Universal credit**

Universal credit is a new single payment for people who are looking for work or on a low income. It is aimed at helping claimants and their families to become more independent and simplifies the benefits system by bringing together a range of working age benefits into a single streamlined payment.

**Working tax credit**

Working tax credit is a payment to top up the earnings of low paid working people. People can claim this whether employed or self-employed. A person does not need to have children to qualify.

For more information on each of these benefits, see related links.



## Public funds

### Agreements between UK, the European Union and other countries

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you which countries have signed agreements with the UK and European Union that allow their nationals to claim certain public funds.</p> <p>The UK has obligations under bi-lateral and multi-lateral international treaties. This is both in its own right and as a member of the European Union. These agreements allow people from some countries to claim certain funds when they are subject to immigration control.</p> <p>For more information on nationals of which countries can claim which public funds, see related link: <a href="#">Exceptions because of a person's nationality</a>.</p> <p><b>Council of Europe: European Convention on Social and Medical Assistance (ECSMA) and the European Social Charter of 1961 (ESC)</b></p> <p>Together with the UK, the following countries have ratified either or both ECSMA, and the ESC:</p> <ul style="list-style-type: none"><li>• Former Yugoslav Republic (FYR) of Macedonia</li><li>• Turkey</li></ul> <p>Nationals from these countries who are legally in the UK can claim:</p> <ul style="list-style-type: none"><li>• Income based jobseeker's allowance</li><li>• Income support</li><li>• Income related employment and support allowance</li><li>• Social fund payment or discretionary support payment</li><li>• Housing benefit</li><li>• Council tax reduction</li></ul> <p><b>Countries that have agreements concluded under Article 310(a) of the Treaty of Amsterdam amending the Treaty on European Union, the treaties establishing the European Communities, and certain relating acts:</b></p>	<p><b>Related links</b></p> <p><a href="#">Exceptions because of a person's nationality</a></p> <p><a href="#">Benefits that do not count as a public fund</a></p>
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- Algeria
- Israel
- Morocco
- San Marino
- Tunisia
- Turkey

Nationals from these countries who are working legally in the UK can claim:

- Attendance allowance
- Disability living allowance
- Carer's allowance
- Child tax credit
- Child benefit
- Personal independence payment

**Countries that have reciprocal social security agreements with the UK**

- Barbados
- Bermuda
- Canada
- Former Yugoslav Republics. The agreement covers Bosnia-Herzegovina, (FYR) of Macedonia, Kosovo, Montenegro and Serbia
- Israel
- Jamaica
- Mauritius
- New Zealand
- The Philippines
- Turkey
- USA: the agreement also covers American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the US Virgin Islands

	<p>These agreements generally let a person access contributory benefits that are not considered public funds for immigration purposes. However, a prospective entitlement to such benefits may not be relied on to meet the maintenance and accommodation requirements of the Immigration Rules. For more information, see related link: <a href="#">Benefits that do not count as a public fund</a>.</p>	
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## Public funds

### Legal background

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page tells you about the legal background for foreign nationals claiming public funds.</p> <p>The Immigration Act 1971 states that if a person is granted limited leave, they may be subject to conditions. For example, a person may have to maintain themselves and their dependants without accessing public funds. Each category of the Immigration Rules sets out what conditions apply to a grant of leave.</p> <p>Not all public services and benefits are considered to be public funds for immigration purposes. The term 'public funds' is defined in paragraph 6 of the Immigration Rules.</p> <p>Limits on access to public funds comes from:</p> <ul style="list-style-type: none"><li>• the 'no recourse to public funds' provision in the Immigration Rules</li><li>• the exclusion from eligibility for certain benefits for persons who are subject to immigration control set out in section 115 of the Immigration and Asylum Act 1999</li></ul> <p>The Immigration and Asylum Act 1999 and the Tax Credits Act 2002 also deal with benefits, tax credits, and housing and homelessness assistance that people subject to immigration control cannot access.</p>	<p><b>External links</b></p> <p><a href="#">Section 3(1)(c) of the Immigration Act 1971</a></p> <p><a href="#">Paragraph 6 of the Immigration Rules</a></p> <p><a href="#">Sections 115, 118 and 119 of the Immigration and Asylum Act 1999</a></p> <p><a href="#">Section 42 of the Tax Credits Act 2002</a></p>
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## Public funds

### Contact

<p><a href="#">What counts as a public fund</a></p> <p><a href="#">Public funds that can be claimed due to exceptions</a></p> <p><a href="#">Maintenance undertakings</a></p> <p><a href="#">Confirming that a person has claimed public funds</a></p> <p><a href="#">Disclosure of information</a></p> <p><a href="#">Action to take when applicant has claimed public funds</a></p> <p><a href="#">Description of benefits and forms of support</a></p> <p><a href="#">Agreements between UK, the European Union and other countries</a></p> <p><a href="#">Legal background</a></p>	<p>This page explains who to contact for more help with a specific case on public funds.</p> <p>If you have read the relevant Immigration Rules and this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If they cannot answer your question, you may email administrative operational policy team (see related link) for guidance on the policy.</p> <p>Changes to this guidance can only be made by the guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must email the administrative operational policy team, who will ask the GRaFT to update the guidance, if appropriate.</p> <p>The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these by emailing the Guidance, rules and forms team.</p>	<p><b>Related links</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Information owner</a></p>
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## Public funds

### Information owner

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This page tells you about this version of the 'Public funds' guidance, and who owns it.

Version	13.0
Published for Home Office staff on	22 April 2016
Policy owner	Official sensitive
Cleared by director	Official sensitive
Director's role	Official sensitive
Clearance date	Official sensitive
This version approved for publication by	Official sensitive
Approver's role	Official sensitive
Approval date	Official sensitive

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### Related links

[Changes to this guidance](#)

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