



Access to benefits

The benefits you are entitled to will depend on your immigration status. European nationals, and their family members, will generally fall into 5 categories:

1. People with ‘settled status’,
2. People with ‘pre-settled status’,
3. Frontier workers,
4. People with visas issued under the UK’s post-Brexit immigration system, and
5. People who have no immigration status.

Settled status

Settled status is granted to European nationals, and their family members, who started living in the UK before 31 December 2020 and have lived in the UK for 5 years.

If you have settled status, you are entitled to benefits on the same basis as a British citizen. You need to meet the eligibility requirements for the particular benefit you are applying for. There are no additional requirements regarding your immigration status.

Pre-settled status

Pre-settled status is granted to European nationals, and their family members, who started living in the UK before 31 December 2020, but have not yet lived here for 5 years.

Benefits you are entitled to

If you have pre-settled status you are entitled to some benefits such as Carer’s Allowance, Personal Independence Payment, and Disability Living Allowance. The main residence requirements for these benefits are:

1. You are habitually resident in the UK (i.e., you have made the UK your main home),
2. You are present in Great Britain and have been here for at least 2 years over the course of the last 3 years.
3. You are not subject to immigration control.

A person with pre-settled status is not “subject to immigration control”. As such, if you meet the other residence requirements, you can access the above benefits.

If you live in Scotland, you can also apply for Child Disability Payment. This requires habitual residence in the UK, presence here, and residence for at least 26 weeks over the course of the last year.

To meet the ‘habitual residence’ requirement, you must show that you have a settled intention to reside in the UK and have been resident here for an “appreciable period of time”. There is no fixed period of time you need to have lived here. Habitual residence is decided on a case-by-case basis by looking at when you entered the UK, where your family and friends reside, where you work, where you own or rent property, and where you are registered with a doctor. The UK needs to be your main home i.e., your usual or regular place of residence. British citizens must also meet this test: it is not an immigration-based requirement.



As someone with pre-settled status, you are also entitled to all the services listed in the ‘Post Brexit visas’ and ‘People with no immigration status’ sections below.

Benefits with additional requirements

If you have pre-settled status, you are not automatically entitled to UK-wide income-related benefits such as Universal Credit, Income-related Job-seekers Allowance, Income-related Employment Support Allowance, Pension Credit, Child Benefit, and Council Tax Reduction.

You are also unable to claim many Scottish benefits (such as a Best Start Grant, Best Start Foods, Scottish Child Payment, and Funeral Support Payment) which generally require you to be receiving one of the above UK-wide benefits (although there are some exceptions if you are under 18, see below). You also cannot receive housing if you are unintentionally [homeless](#).

To be eligible for these benefits you must show that you:

1. Are a European national who is working in the UK,
2. Are the family member of a European national who is working in the UK, or
3. Have acquired permanent residence under EU law by spending 5 years in the UK as a worker, student, or self-sufficient person.

You can still be treated as ‘working in the UK’, even if you have stopped working, if you are:

- Temporarily unable to work due to an illness or accident,
- A registered jobseeker who previously worked and is currently looking for further work,
- Undertaking vocational training, or
- On maternity leave.

You may have acquired permanent residence, even if you do not have a permanent residence document. This is because permanent residence is acquired automatically: it is not necessary for a document to be issued.

If you are relying on time spent in the UK as a student or self-sufficient person, you must have held Comprehensive Sickness Insurance (such as private health insurance or a European Health Insurance Card issued by your country of nationality). See here for more information of Comprehensive Sickness Insurance - <https://www.freemovement.org.uk/comprehensive-sickness-insurance-what-is-it-and-who-needs-it/>

Frontier workers

[Frontier workers](#) are European citizens who work in the UK but live in another EEA country. If you started working in the UK before 31 December 2020, you can apply for a frontier workers permit. As a frontier worker, you are exempt from immigration control and can access benefits. As with people who have settled status, you must meet the eligibility requirements for the particular benefit you are applying for.

Post-Brexit visas

European citizens who entered the UK on or after 1 January 2021 will most likely have a post-Brexit visa such as a Skilled Worker visa, spouse visa, or student visa (unless you joined a



European family member already in the UK). These are all granted with a ‘no recourse to public funds condition’. This condition is usually shown on your Biometric Residence Permit.

This means that you cannot access most benefits. However, not all services provided by the Government are ‘public funds’. For instance, you can still receive:

- Full access to the National Health Service.
- [Bereavement Support Payment](#), providing you are ordinarily resident in the UK. This is essentially the same as the habitual residence test mentioned above.
- All of the public services listed under the ‘People with no immigration status’ section below.

People with no immigration status

If you have not yet applied for pre-settled or settled status, have no other UK visa, and have not become a British citizen, you have no immigration status in the UK. The deadline for applying was 30 June 2021. You should make a [late application](#) as soon as possible.

If you have made a late application, and are waiting for this to be considered, you will be able to access benefits on the same basis as a person with pre-settled status whilst you wait.

If you have been granted pre-settled status, but this has expired and you did not make a further application before the expiry date, you have no immigration status in the UK.

People who do not have immigration status in the UK cannot generally access any benefits. However, there are some services and benefits which do not have any immigration requirement, such as:

- Certain NHS treatment – for instance treatment at an accident and emergency department, family planning services, and treatment for specific diseases.
- Primary and secondary school education for your children.
- Employment benefits which are based on national insurance contributions or employment in the UK. It is not currently required that you have a right to work in the UK. These include:
 - Contribution-based (a.k.a. ‘new style’) [Employment and Support Allowance](#). All that is required is that you are physically in Great Britain.
 - Contribution-based (a.k.a. ‘new style’) [Jobseeker’s Allowance](#). As above, all that is required is physical presence in Great Britain.
 - [Maternity allowance](#).
 - Statutory [maternity](#) and [paternity](#) pay.
 - [Statutory sick pay](#).
- [Council tax discounts](#) for, for instance, living alone or being a student.
- [Young Carer Grants](#), which no longer has an immigration requirement.
- [Best Start Grants and Best Start Foods](#), providing you are under 18.

You can still access these services/benefits even if you do not have any immigration status (or if you have a no recourse to public funds condition on your visa).

Where can I get more help or advice?



- Citizens Advice - <https://www.citizensadvice.org.uk/benefits/claiming-benefits-if-youre-from-the-EU/>
- Child Poverty Action Group - <https://cpag.org.uk/welfare-rights/legal-test-cases/current-test-cases/eu-pre-settled-status>
- The Home Office's Guidance on access to public funds can be found here - <https://www.gov.uk/government/publications/public-funds>
- More information about habitual residence can be found here - <https://commonslibrary.parliament.uk/research-briefings/sn00416/>

PLEASE NOTE: this factsheet only gives a summary of the rights you might be entitled to. It does not give a full description of your legal rights and should not be regarded as legal advice. If you want more detailed information on your legal rights, and how it might affect your personal circumstances, you should take advice from a qualified lawyer or other advisor.

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