

Benefits for refugees



April 2021

Child Poverty Action Group works on behalf of the one in four children in Scotland growing up in poverty. It doesn't have to be like this. We use our understanding of what causes poverty and the impact it has on children's lives to campaign for policies that will prevent and solve poverty – for good.

We provide training, advice and information to make sure hard-up families get the financial support they need.

Introduction

Have you recently received a decision on your asylum claim and have 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 *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

If you are between 18 years old and state pension age, and on a low income, you may be entitled to *Universal Credit*. You can qualify if 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; *or*
- you need help to pay your rent.

If you are under 18 or a student you can only qualify for *Universal Credit* in very limited circumstances so get advice (see below).

If you are over 'state pension age', you might not qualify for *Universal Credit* but may be able to claim *Pension Credit* and *Housing Benefit* if on a low income instead. See below for more details.

As well as *Universal Credit, Pension Credit or Housing Benefit*, you may also be entitled to *Child Benefit* or *Council Tax Reduction*. You may also be able to get other benefits to help you with the costs of disability and caring too. More details of who can get these benefits and how to claim are below.

How to claim *Universal Credit*

Normally, you must claim *Universal Credit* online. If you are part of a couple, you both make individual claims and follow the instructions to join them together. If you need help making your *Universal Credit* claim, you can ask your local jobcentre or Citizens Advice Bureau.

Once you complete the *Universal Credit* online claim form, you normally need to make and attend an appointment at your local jobcentre. If you are part of a couple usually both of you need to make separate appointments. You may be asked to bring information to prove your immigration status, your identity, your rent, that your children live with you, that you are unable to work or anything else that is relevant to your circumstances. If you do not have all the information that you are asked for, bring what you can including anything else that might help prove your circumstances and explain why you cannot provide what has been asked for. If you do not yet have a *National Insurance Number*, see 'When to claim' below.

When you attend the jobcentre, you will normally be expected to agree to the conditions in a 'claimant commitment'. These conditions will be things like having to spend time looking for work every week, attending interviews or doing things to help improve your chances of getting a job. Not everyone has to do all or any of these things, so for example, if you are caring for a child under the age of three you should not be expected to look for work. However, if you do not accept the claimant commitment, you are not entitled to *Universal Credit*, so it might be better to agree to a claimant commitment you are not happy with so you can be paid *Universal Credit* and try to persuade your jobcentre adviser ('work coach') to change it. If you are part of a couple claiming *Universal Credit*, each of you has to accept your own individual claimant commitment otherwise neither of you will get paid any *Universal Credit*.

How much *Universal Credit* will you get?

How much *Universal Credit* you get is worked out over a calendar month. The maximum possible amount of *Universal Credit* you can get for a month is worked out by adding together:

- an amount for you as a single person or as a couple;
- amounts for any children who live with you (but sometimes limited to only two children);
- extra amounts if any of the children who live with you get a disability benefit;
- an amount if you are a carer for a severely disabled person (even if you also work);
- an amount if you have been assessed as unfit for work and preparing for work;
- an amount if you have to pay for childcare while working;
- an amount if you pay rent (unless you are in temporary housing because you are homeless or live somewhere where you get care or support – see below)

From the maximum possible amount of *Universal Credit* for the month, some unearned income is deducted (for example, benefits such as carer's allowance, pensions or student funding) and also part of any earnings you receive during that month. If you are working as an employee, your employer should report your earnings to *Universal Credit* automatically. If you are self-employed, you must report your income and outgoings using your online *Universal Credit* account every month. Any *Universal Credit* that is left after deductions is then paid to you after the end of the month.

How *Universal Credit* is paid

Universal Credit is normally paid once a month directly into a bank account in either your name, your partner's name or a joint account. If you do not yet have a bank account, your *Universal Credit* can

be paid by other means for the first month or sometimes longer. You can ask for help with setting up a bank account from a Citizens Advice Bureau or another support organisation like the Scottish Refugee Council.

Your monthly *Universal Credit* payment is normally made on the same day every month. The day it is usually paid is 7 days after the calendar month it is paid for. So for example, if you make your claim for *Universal Credit* online on 5 May, the calendar month for your first payment lasts until 4 June and you will get your first payment of *Universal Credit* on 11 June, and then on the 11th of each month. This means you might have to wait for up to 38 days before you get your first payment of *Universal Credit*. If you need money to live on while waiting for your first *Universal Credit* payment you can ask for an 'advance' of *Universal Credit* but you will have to pay the advance back, normal over the next 24 months.

In Scotland, you have a right to ask that the amount for rent included in your *Universal Credit* is paid directly to your landlord. You also have a right to have half of your monthly *Universal Credit* paid to you twice a month instead of one monthly payment. Normally, you are only allowed to ask for these after you have had your first payment of *Universal Credit*.

If you live in temporary housing because you are homeless or somewhere you get care or support

Universal Credit will pay for your living costs if you live in temporary housing because you are homeless but not your rent. Instead, you need to claim *Housing Benefit* to get help with your rent. This may also be the case if you live somewhere you get care and support, for example because you are a young person or you have an illness or disability.

If you are state pension age or over

State pension age is currently 66 years old. If you are state pension age, or if you are a couple and both of you are state pension age, you may be able to claim *Pension Credit* to help with you and your family's living costs and *Housing Benefit* to help with your rent. You are not required to look for work. If you are part of a couple and only one of you is over state pension age, you have to claim *Universal Credit* instead.

If you are paying council tax

You may be able to claim a *Council Tax Reduction* if you have to pay Council Tax and are on a low income. You can claim *Council Tax Reduction* whether you are working or not, and whether you get any other benefits or not. The amount you get will depend on what other money you have and who else lives with you.

If you have children

You can claim *Child Benefit* for any children you look after, or young people under 20 years old who are still in school or other full-time further education. You cannot get *Child Benefit* for a child in 'higher education', which usually means a university level course. You can claim *Child Benefit* whether you are working or not. You may also get amounts of *Universal Credit* or *Pension Credit* for the same children or young person but *Child Benefit* does not affect this. Both can be paid at the same time. You should not have to wait for a decision about *Child Benefit* before *Universal Credit* or *Pension Credit* are paid for any child or young person who lives with you.

In Scotland, if you are on a low income you may be entitled to the *Scottish Child Payment* for any child under 6 years old. To qualify you need to be getting certain other benefits, which include *Universal Credit* or *Pension Credit*.

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 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 may also be asked to provide the letter granting you leave to remain and a *National Insurance Number*. If you do not 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 do not 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 down and you will have to start again. It is a good idea to make a note of any phone calls you make about this, keep a copy of any letters you write and take screenshots of any online messages you send in case there are any problems later.

Where to claim

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

To claim *Pension Credit*, call the Pensions Service on 0800 99 1234.

To claim *Child Benefit* you should usually complete the form at www.gov.uk/child-benefit/how-to-claim 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 *Scottish Child Payment* you can apply online at www.mygov.scot/scottish-child-payment/how-to-apply/ or call Scottish Social Security on 0800 182 2222 which offers help in over 100 languages.

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 an *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 an *Advance* if you need money to live on.

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, you are only paid this 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.

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).

Help with setting up home in Scotland

If you are setting up home and need things like furniture, a cooker or a fridge, you may be able to claim a *Community Care Grant*. This can 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 *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 your 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.

Help if you have a disability or long-term illness, or care for someone who does

If you are under pension age 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 with looking after yourself 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 over pension age who need help to look after themselves may be able to claim *Attendance Allowance* instead. If you get any of these, they do not reduce the amount of *Universal Credit*, *Pension Credit*, *Housing Benefit* or *Council Tax Reduction* you get, and might mean you are entitled to more of them instead.

To make a claim it is usually best to phone 0800 917 2222 to claim *Personal Independence Payment*, 0800 121 4600 to claim *Disability Living Allowance* or 0800 731 0122 to claim *Attendance Allowance*. It is a good idea to get help with filling in these forms from an advice agency if you can. Note for all these benefits, and *Carer's Allowance* (see below), you usually need to meet a 'past presence test' which can stop you getting them until you have been in Great Britain for 2 years, but special rules mean that this should not apply if you or a close family member have *Refugee Leave* or *Humanitarian Protection*.

If you look after someone who is getting *Disability Living Allowance*, *Personal Independence Payment* or *Attendance Allowance* you may be able to claim *Carer's Allowance*. If you want 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/carers-allowance/how-to-claim but can call 0800 731 0297 for help.

If you are pregnant or have children

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

- *Best Start grants*;
- *Best Start foods* credits;
- 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 11 and 25 years old;

- free school meals and school clothing grants

Speak to an advice agency to check if you may be entitled to any of these. You can also download CPAG in Scotland's factsheet about what you may be entitled to for young children here:

cpag.org.uk/scotland/welfare-rights/earlyyears.

If your family are joining you

In Scotland, if you have *Refugee Status* or *Humanitarian Protection* and your family is granted permission to join you under 'family reunion' rules, you can apply for a special grant from the *Scottish Welfare Fund*. These grants are made through the British Red Cross and you should contact them on 0141 331 4170 once you know your family will be joining you.

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

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

If you have *Refugee Status* you can sometimes 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.

You cannot usually make new claims for *Tax Credits* now but have to claim *Universal Credit* or *Pension Credit* instead. But there are special rules which mean you should still be able to make backdated *Tax Credit* claims for the time when you were an asylum seeker. Call 0345 300 3900 and say that you want to make a backdated claim to the date when you claimed asylum. If they will not allow you to make a claim, get advice immediately (see below). Not everyone will get backdated *Tax Credit*, it will depend on what money you had while you were waiting for your claim for asylum to be decided.

There is no rule that allows backdating of *Universal Credit* or *Pension Credit* for the time you were waiting for a decision on your asylum application. However, this does not affect *Child Benefit* and you may be able to claim *Tax Credit* under the rules above for any period before you claim *Universal Credit* or *Pension Credit*.

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 arrange that someone visit 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 agencies in your area for advice about claiming benefits. You can find these in the phone book or your local council website or online at advice.local.uk. If you are a housing association tenant, your housing association may have its own welfare rights officers who can help you.

If you live in Glasgow, you can search the Glasgow Advice and Information Network website at www.gain4u.org.uk or call 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 or the British Red Cross on 0141 331 4170.

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

© CPAG in Scotland April 2021

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.

Child Poverty Action Group is a charity registered in England and Wales (registration number 294841) and in Scotland (registration number SC039339). Company limited by guarantee registered in England (registration number 1993854). Registered office: 30 Micawber Street, London, N1 7TB.

CPAG in Scotland's advice services are funded by the Scottish Government.