

**Report on “the Worker Registration Scheme”
(to be abolished as of 1st May 2011) – 19/04/2011**

On the 1st May 2011 the Worker Registration Scheme will cease to exist. This is a scheme, which requires nationals of the A8 countries to be registered for 12 months before having access to public benefits.

Nationals of A8 countries are citizens of the eight countries that accede to the EU on 1st May 2004 and consist of the following:

- *The Czech Republic,*
- *Estonia,*
- *Hungary,*
- *Latvia,*
- *Lithuania,*
- *Poland,*
- *Slovakia,*
- *Slovenia*

The scheme is a way for the UK Government to control the labour market and economy. Under the scheme, nationals of these countries must register before they begin to work in the UK. The UK can monitor where citizens of these countries are coming into UK labour market, the type of work they are doing, and the impact they are having on UK economy. **About 1.1 million people from these eight countries registered under the scheme from May 2004 to the end of 2010.**

The Worker Registration Scheme is being closed because the terms of the Treaty of Accession mean that the UK cannot apply restrictions on access to the labour market to nationals of those Member States for more than seven years from the date of accession.

As a result of the new law, any A8 national, whether or not they have registered with the WRS, will have access to **income-based jobseeker’s allowance, housing benefit and council tax benefit** by signing on as a jobseeker at the Jobcentre Plus and meeting the required criteria like those imposed on British jobseekers. As the law currently stands, A8 workers are unable to access benefits if they have not registered with the WRS or have not completed enough time in registered work in order to be able to access benefits. The rights of A8 nationals will be similar to those of other EU country nationals (EEA nationals)

The current situation of EU migrants in the UK, in order to access benefits, includes a ‘right to reside’ test. This applies to Housing Benefit, Council Tax Benefit, Income Support, income-based Jobseeker’s Allowance, income-related Employment and

Support Allowance, Child Benefit, Child Tax Credit, Working Tax Credit and State Pension Credit as well as housing and homelessness assistance.

However, other benefits do not have this test and thus any migrant that meets the requirements imposed on British citizens should be able to freely access the following types of benefits:

Disability Living Allowance,

Maternity Allowance,

Contribution-based Jobseeker's

Allowance and contribution-based Employment and Support Allowance

With regards to National insurance contributions, of EU migrants, in the UK and social security contributions in other EU Member States, Jobcentre Plus is required to count the contributions made elsewhere in the UK as if they were NI contributions for the purpose of deciding whether the person has made sufficient contributions in order to get contribution based benefit. The law of the UK states that EEA nationals have an entitlement to access benefits **if they are Jobseekers.**

EEA nationals seeking work in the UK and who meet the requirements imposed on British jobseekers are entitled to access income-based Jobseeker's Allowance as well as Housing Benefit and Council Tax Benefit. Furthermore, they are entitled to other benefits a British citizen in a similar position would receive (this does not include housing or homelessness assistance). EEA nationals are able to obtain these benefits on the basis of being a jobseeker for at least six months or longer where they are able to demonstrate that they are in continuous search of a job and have a genuine prospect of engaging in employment.

EEA national workers/self-employed has entitlements to all in-work benefits (such as Housing Benefit) similar to those British citizens are entitled to. Further, they are able to claim housing and homelessness assistance.

EEA national workers who are temporarily unable to work due to illness or accident are **able to access out-of-work benefits including income-related Employment and Support Allowance, as well as housing and homelessness assistance.** The same is applicable where an EEA national worked for at least one year and is registered as a jobseeker with Jobcentre Plus. such a person is not required to rely on 'jobseeker' status (as stated above) as they remain to be considered as a 'worker' with the difference being that they continue to have access to benefits as well as housing and homelessness assistance.

An EEA worker who has completed a fixed-term contract of less than one year is also able to maintain his 'worker' status in the event that they sign on at a Jobcentre

Plus however; the 'worker' status may be reviewed after 6 months (In such a situation, the person concerned can always return to being a jobseeker as above). EEA migrants that cease work and enter vocational training related to their previous employment can retain their 'worker' status.

Those who were made unemployed involuntarily and are in vocational training then they are not required to demonstrate a link between the vocational training and the last employment.

EEA nationals are able to acquire permanent residence in the UK once they have resided 'legally' in the UK for a continuous period of five years. This is an automatic right.

Where an EEA national has resided in the UK for two years and worked for one year and subsequently became permanently incapacitated, then that person can acquire permanent residence prior to accumulating the necessary five years. Those whose permanent incapacity is a result of occupational injury, have no conditions as to the length of residence required. This also applies to some pensioners.

Family members of the above are considered being spouses, civil partners, children (and stepchildren) under 21, older dependent children and stepchildren and dependant relatives in the ascending line of the EEA national and or their spouse. **These individuals need not be EEA nationals nor have current residence documentations.**

Extended family members (durable partners, cousins, aunts, nephews) who have been provided with residence documentation by the UK Border Agency are also able to access benefits. EEA nationals can usually access Child Benefit and Child Tax Credit regardless of their work status where they can demonstrate they are otherwise self-sufficient

1st May 2011

The UK will not be permitted to treat A8 nationals different from non accession nationals i.e. EU nationals. They will be able to access benefits on the same basis as other EEA nationals.

It must be noted however that a minority of A8 nationals who are unable to work or sign on as jobseekers with the Jobcentre Plus (by failing to meet the requirements to demonstrate that they are seeking work) and who are unable to demonstrate that they have retained their worker status will face problems. Individuals may end up in such a situation where they are currently unable to seek work due to health reasons

and have never completed 12 months' work under the WRS in the past. They may be able to argue that they can obtain benefits where they can establish permanent residency (where they have been in the UK for five years) however, proof of residence is required. Such proof includes demonstrating that they were in the UK as a worker, self-employed person, self-sufficient and or student at all times, where a person has limited proof they are likely to face problems and those who worked but failed to register under the WRS are unlikely to be recognised as permanent residents. Persons who have worked for any amount of time *after* 1st May 2011 will be able to maintain their worker status and access benefits and housing.

A2 nationals

These consist of Bulgarian and Romanian nationals, known as A2 Nationals and who face a set of restrictions which will remain in place beyond 1st May 2011. Persons under this category must obtain a worker authorisation (a work permit) if they wish to work. One of the easiest ways for A2 nationals to get access to benefits is to be self-employed as in such a situation there is no restrictions on self-employment for A2 nationals. A2 nationals are permitted to work in particular where they have permission to work in the UK in the past or where they are family members of British citizens or other EU nationals. A2 family members of A2 nationals who are self-employed, self-sufficient or students can enjoy the right to work and obtain residence documentation from the UK Border Agency as proof. These restrictions are set to remain in place until 1st January 2012 and may even continue for a longer period if there is a 'serious disturbance to the labour market'.