



Fact sheet: Roma from EU Member States and access to benefits in the UK

Roma are the largest ethnic minority in Europe and regarded as the most vulnerable and marginalised group. The first Roma from Eastern Europe came to the UK in the 1990s seeking asylum to escape persecution. Since the enlargement of the EU in 2004 and 2007, many more Roma have moved legally to the UK to find work, equal opportunities and a good education for their children (economic and social rights largely denied them in their countries of origin), and to escape racism and discrimination. They have established significant communities in the north of England, the East Midlands, Kent and north and east London. It is not known how many Roma live in the UK¹. The best estimate is around 500,000. Many Roma avoid declaring their ethnicity.

Right to Reside in the UK and Habitual Residence Tests

The UK government uses 'right to reside' and 'habitual residence' tests to restrict access to benefits by nationals from some other EEA countries² who live in the UK. Broadly speaking the right of residence in the UK is given to any national from another EEA country who is working in employment or as self-employed, or can prove that they can support themselves economically³. The right to reside, and with it access to benefits and tax credits, is not given to an unemployed person who has yet to complete a period of 12 months of continuous registered employment. Sometimes a habitual residence test is used at an interview to check the length, continuity and general nature of actual residence, the reasons for coming to the UK and the claimant's future intentions. The legality of the right to reside test under EU law is being questioned by the European Commission. Even without this questionable legality, some government officials are not applying the tests correctly in determining a person's eligibility for benefits.

Roma from A8 countries and benefits

Nationals from the A8 countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia) who reside in the UK may receive free NHS treatment and their children should enroll at a local state school. Nationals in work (full or part-time, in employment or as self employed) can obtain child benefit and in-work benefits such as tax credits for as long as they are in registered employment (under the Workers Registration Scheme). If the person is on a low income they may be entitled to housing benefit and council tax benefit. They may not claim jobseekers allowance or income support until they have worked in the UK without interruption for a period of 12 months of registered continuous employment. If they become unemployed before 12 months of registered continuous employment has been reached they are not entitled to housing

¹ More information on Roma in the UK at <http://equality.uk.com/Roma.html>

² Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Gibraltar, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom (plus Switzerland)

³ Section 5 of EU Directive 2004/38/EC states "the right of all Union citizens to move and reside freely within the territory of the Member States should, if it is to be exercised under objective conditions of freedom and dignity, be also granted to their family members, irrespective of nationality."

benefit, council tax benefit, allocation of social housing or the provision of homelessness assistance, or income support or job seekers allowance. Once an A8 national has legally worked for 12 months they no longer have to register under the Workers Registration Scheme and are not restricted in their access to benefits.

However from 1 May 2011 any national from an A8 country who is seeking work will be able to claim jobseekers allowance and other benefits without having to show that they were employed for 12 months.

Roma from A2 countries and benefits

Nationals from the A2 countries (Bulgaria and Romania) who reside in the UK may receive free healthcare under the NHS and should enroll their children at a local state school.

Nationals of A2 countries are covered by the Worker Authorisation Scheme (different to the worker registration scheme for A8 nationals). An A2 national wishing to work in the UK must, except where they are exempt from the requirement when self-employed, obtain a work permit and Accession Worker Card before they commence employment. The potential employer has to satisfy the UK Borders Agency that the job could not be undertaken by a suitably qualified person not subject to employment restrictions, which may make it very difficult to obtain a work permit. It is recommended that self-employed persons register with HM Customs and Revenue, and pay tax and national insurance contributions. Nationals in work (full or part-time, in employment with an Accession Worker Card or as self employed) can obtain child benefit and in-work benefits such as tax credits for as long as they are in employment or self-employed. If the person is on a low income they may be entitled to housing benefit and council tax benefit. They may not claim jobseekers allowance or income support until they have legally worked in the UK without interruption for a period of 12 months of continuous employment. If they become unemployed before 12 months of continuous employment has been reached they are not entitled to housing benefit, council tax benefit, allocation of social housing or the provision of homelessness assistance, or income support or job seekers allowance. An A2 national who has worked legally in the UK without interruption for a period of 12 months is exempt from worker authorisation and has the same rights as other EEA nationals which means that they may apply for benefits such as jobseekers allowance and income support, housing benefit, council tax benefit, child benefit and child tax credits.

The change in the rules for A8 nationals from 1 May 2011 does not apply to A2 nationals. It is expected that the restrictions on A2 nationals will be in place until at least 31 December 2011.

Advice and help

The rules on access to benefits are complicated and often not fully understood by the officials whose job is to regulate and pay benefits.

If in any doubt, please contact an independent adviser, for example Equality, a local Citizen's Advice Centre, or a Law Centre.

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