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Our Ref: FOI2020/52309

Date 9 October 2020

Dear Martin Williams,

Thank you for your Freedom of Information (FoI) request received on 11 September. You asked for:

- “1. We write further to our Freedom of Information (FoI) Request received on 31 July 2020 and your response dated 13 August 2020 under reference FOI2020/41717.
2. Our earlier request was turned down on grounds it would have costed more than £600 to provide the response and/or that it was thought our request would have required “new bespoke analysis”.
3. Your response provided the following assistance in compliance with the duty (in s.16 of the Act) to assist an applicant in narrowing their request so it fell below the £600 limit: For example, whilst we are able to provide the total number of HRTs completed for Universal Credit (UC) claimants, and HRT passes/fails by EEA nationals, we do not record on the UC system how many EEA claimants to UC had pre-settled status. However, we could look at the amount of time they have been resident in the UK as a proxy for the settled status they could be granted if they applied to the EUSS. In addition, we would be able to confirm the percentage of refusals of new claims for universal credit for each month from December 2019 to July 2020 (of all claims to UC, not split by nationality).
4. With regard to the claim that you cannot provide information split by nationality, we note that in FOI2020/378061 the applicant was provided with numbers of HRT failure decisions at the new claim stage broken down by nationality. The applicant there was provided with:
  - a. The number of “EEA HRT Fail” decisions taken for each month in the months from March 2019 to April 2020.
  - b. The same number of “EEA HRT Fail” decisions taken for this period but broken down by nationality and aggregated across various months (March 2019 to July 2019, August 2019 to November 2019, December 2019 to February 2020 and March 2020 to April 2020).
5. Accordingly, we would be grateful if you could provide the following information:
  - a. The number of “EEA HRT Fail” decisions for each of the months May 2020, June 2020, July 2020 and (if now available) August 2020.
  - b. The number of “EEA HRT Fail” decisions, broken down by nationality for each month from March 2019 to July 2020 (and August 2020 if now available) (that would require providing us with the data for each month rather than aggregated

into the periods that were requested in FOI2020/37806– so for example instead of the figures for nationality in period March 2019 to July 2019 please provide the same figures by month).

c. Additionally, please provide the number of British nationals who have failed the HRT for each month from March 2019 to July 2020 (and if possible August 2020).”

## **DWP Response**

I confirm that we hold the recorded information to respond to your request.

Eligibility for income-related (means-tested) social security benefits depends on a person's immigration status in the UK. Claimants must be exercising a qualifying legal right to reside and be habitually resident before they are eligible to claim income related benefit<sup>1</sup>. This is assessed through the Habitual Residence Test (HRT), which has been in place since 1994.

Table 1 below covers question a, it provides figures on the number of UC claims where a HRT has been undertaken, the number where the UC claim has been closed because the claimants has failed the HRT, and the proportion of total HRTs completed that have resulted in a ‘fail’ outcome. The table provides data on European Economic Area (EEA) nationals’ UC claims declared since March 2019, for each time period requested.

**Table 1: UC Full Service claims closed with an associated HRT granted ‘fail’ outcome, total number of HRT tests and fail rates for EEA nationals for each requested time-period**

<b>Month</b>	<b>Total EEA HRT fails</b>	<b>Total EEA HRT completed</b>	<b>EEA HRT fails as a % of EEA HRTs completed</b>
Mar-19	3,300	20,600	16%
Apr-19	2,700	18,200	15%
May-19	2,700	19,800	14%
Jun-19	2,400	18,300	13%
Jul-19	2,700	19,600	14%
Aug-19	2,300	17,600	13%
Sep-19	2,300	20,200	12%
Oct-19	2,700	21,300	13%
Nov-19	2,500	19,000	13%
Dec-19	2,000	15,000	13%
Jan-20	2,700	21,500	13%
Feb-20	2,300	19,000	12%
Mar-20	6,200	104,600	6%
Apr-20	8,700	113,000	8%
May-20	9,600	65,800	15%
Jun-20	7,100	41,000	17%
Jul-20	6,000	33,400	18%

### **Notes:**

1. All EEA figures in Table 1 are rounded to the nearest 100 and UK figures in Table 2 are rounded to the nearest 10. All figures in Table 3 and 4 are rounded to the nearest 5.

<sup>1</sup> For information regarding qualified rights to reside, you may wish to refer to Regulation 9 of the 2013 Universal Credit (UC) Regulations: <https://www.legislation.gov.uk/ukdsi/2013/9780111531938/regulation/9> supported by DWP guidance ‘Universal Credit Chapter C1 – International Issues’ published on gov.uk – [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/687074/admc1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687074/admc1.pdf)

2. EEA refer to nationals from Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Bulgaria, Romania as well as Iceland, Liechtenstein, Norway and Switzerland. We have also included Ireland in the EEA figures, although this is also part of the Common Travel Area with the United Kingdom.
3. The month used in this data is the month in which the UC claim was declared (regardless of when the closure for the claim occurred because of a failed HRT)
4. Information on Universal Credit Full service claims may be subject to future change; this is because claim data may be entered retrospectively for past months. Any retrospective changes are most likely to affect recent months; for this reason, we have provided data up to the end of July 2020.
5. The figures provided are the number of HRT completed by UC claimants split by the month in which the UC claim was declared. The figures do not include any HRT appeals or mandatory reconsiderations.
6. Subtracting the number of HRT fails from the total number of UC HRTs undertaken would not provide the number of HRT passes, as this also includes HRTs where the outcome could not be determined, for example, a claim was withdrawn before the HRT result was recorded.
7. We have combined nationality information directly from the UC Management Information system and that recorded on the Migrant Worker Scan (MWS), which records the nationality of a non-UK national when they register for a National Insurance number.
8. The statistics presented in this FoI response were derived from the UC full service data which has been collected for internal Departmental use. The statistics are considered experimental and have not been quality assured to National Statistics or Official Statistics publication standards. They should be treated with caution and are subject to change. The statistics are consistent with what the Department for Work and Pension has made available in the public domain previously on the UC HRT.

Table 2 below covers question c, providing figures on the number of UC claims where a HRT has been undertaken, the number where the UC claim has been closed because the claimants has failed the HRT, and the proportion of total HRTs completed that have resulted in a 'fail' outcome. The table provides data on UK nationals UC claims declared since March 2019, for each time period requested.

**Table 2: UC Full Service claims closed with an associated HRT granted 'fail' outcome, total number of HRT tests and fail rates for UK nationals for each requested time-period**

<b>Month</b>	<b>Total UK fails</b>	<b>Total UK HRT completed</b>	<b>UK HRT fails as a % of UK HRTSs completed</b>
Mar-19	390	2,800	14%
Apr-19	370	2,900	13%
May-19	320	2,800	12%
Jun-19	400	2,800	14%
Jul-19	490	3,400	14%
Aug-19	360	3,200	11%
Sep-19	310	4,000	8%
Oct-19	300	3,300	9%
Nov-19	290	3,100	9%
Dec-19	310	2,700	11%
Jan-20	280	3,600	8%
Feb-20	240	3,200	7%
Mar-20	320	19,300	2%
Apr-20	100	12,900	1%
May-20	40	4,400	1%
Jun-20	40	3,000	1%
Jul-20	50	3,000	2%

**Notes:**

1. See Table 1 notes

Tables 3 and 4 below cover question b, showing the UC claims with an associated HRT 'fail' outcome from EEA nationals, by nationality split for the same time-periods as Table 1.

**Table 3: UC Full Service claims closed with an associated HRT granted 'fail' outcome – March 2019 to November 2019 -.**

	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19
<b>Austria</b>	10	15	20	5	10	10	5	15	10
<b>Belgium</b>	30	25	25	30	25	30	30	25	30
<b>Bulgaria</b>	130	105	90	100	110	95	95	150	140
<b>Croatia</b>	5	10	5	5	10	10	5	5	5
<b>Cyprus</b>	15	20	10	20	10	15	10	20	10
<b>Czech Republic</b>	150	100	110	80	100	100	85	85	95
<b>Denmark</b>	10	10	15	10	20	10	10	10	10
<b>Estonia</b>	5	10	5	5	5	10	10	5	5
<b>Finland</b>	5	10	10	10	15	10	10	10	5
<b>France</b>	135	100	95	100	90	110	105	120	95
<b>Germany</b>	65	70	55	60	60	55	45	50	55
<b>Greece</b>	60	55	40	45	40	35	60	50	55
<b>Hungary</b>	100	80	90	90	95	70	70	110	70
<b>Iceland</b>	0	0	0	0	0	0	0	0	0
<b>Ireland</b>	5	5	0	5	10	10	5	5	5
<b>Italy</b>	350	250	275	195	205	195	230	270	235
<b>Latvia</b>	110	100	90	85	110	65	75	70	70
<b>Lithuania</b>	160	110	110	105	130	110	120	105	105
<b>Luxembourg</b>	0	0	0	0	0	0	0	0	0
<b>Malta</b>	5	5	5	5	5	0	5	5	0
<b>Netherlands</b>	135	110	125	100	105	100	95	105	75
<b>Norway</b>	15	15	20	15	25	25	35	25	30
<b>Poland</b>	545	490	460	415	455	370	325	345	300
<b>Portugal</b>	305	240	225	245	255	175	200	205	190
<b>Romania</b>	495	380	420	385	430	380	370	560	530
<b>Slovakia</b>	220	180	210	155	180	140	165	190	180
<b>Slovenia</b>	5	5	5	5	5	0	5	0	0
<b>Spain</b>	185	145	145	105	120	130	120	130	105
<b>Sweden</b>	45	30	30	40	45	40	40	40	35
<b>Switzerland</b>	0	0	5	5	5	5	5	5	0

**Table 4: UC Full Service claims closed with an associated HRT granted 'fail' outcome – December 2019 to July 2020 -.**

	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20
<b>Austria</b>	5	5	10	20	20	15	15	10
<b>Belgium</b>	25	25	20	40	55	40	25	35
<b>Bulgaria</b>	115	180	115	420	600	655	540	400
<b>Croatia</b>	0	5	5	30	20	15	5	15
<b>Cyprus</b>	10	15	15	30	40	30	10	15

<b>Czech Republic</b>	75	115	100	165	220	270	225	195
<b>Denmark</b>	10	10	10	15	25	15	10	15
<b>Estonia</b>	0	10	10	20	20	15	5	10
<b>Finland</b>	5	5	10	15	15	5	15	10
<b>France</b>	55	120	90	220	220	215	155	135
<b>Germany</b>	35	50	40	100	95	70	55	55
<b>Greece</b>	50	60	50	195	250	190	110	70
<b>Hungary</b>	70	70	70	200	295	265	210	185
<b>Iceland</b>	0	0	0	0	0	0	0	0
<b>Ireland</b>	10	10	5	5	5	5	5	5
<b>Italy</b>	200	255	210	755	910	635	395	360
<b>Latvia</b>	65	75	50	135	165	115	80	75
<b>Lithuania</b>	95	115	80	230	280	220	140	125
<b>Luxembourg</b>	0	0	0	0	0	0	0	0
<b>Malta</b>	5	5	0	5	0	0	0	5
<b>Netherlands</b>	85	75	70	130	150	130	70	65
<b>Norway</b>	15	25	25	35	45	30	20	40
<b>Poland</b>	235	315	320	695	985	910	730	530
<b>Portugal</b>	135	240	195	385	520	440	350	330
<b>Romania</b>	405	580	520	1590	2565	3740	2730	2315
<b>Slovakia</b>	150	220	155	260	595	1090	805	700
<b>Slovenia</b>	5	5	0	5	5	5	5	5
<b>Spain</b>	100	125	115	380	485	405	280	265
<b>Sweden</b>	40	40	35	75	95	70	70	55
<b>Switzerland</b>	0	5	0	15	10	10	0	10

**Notes:**

1. See Table 1 notes

There were unprecedented levels of demand for Universal Credit in the period immediately following the introduction of restrictions throughout the country as a result of the coronavirus (COVID-19) pandemic. Claims started increasing on 16 March 2020, when the Government recommended that people work from home where possible. The number of claims peaked in the week ending 26 March 2020, and then gradually reduced week on week. They have now returned to levels similar to before the coronavirus pandemic.<sup>2</sup>

Not all claims that are made will go on to start on Universal Credit. This can be because, for example, the circumstances of some people who have made a claim may change before they start on Universal Credit, and they may close their claim before starting.

If you have any queries about this letter, please contact me quoting the reference number above.

Yours sincerely,

Policy Group Fol Team  
Department for Work and Pensions

<sup>2</sup> <https://www.gov.uk/government/publications/universal-credit-statistics-29-april-2013-to-9-july-2020/universal-credit-statistics-29-april-2013-to-9-july-2020>

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## **Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dpw.gov.uk](mailto:freedom-of-information-request@dpw.gov.uk) or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF  
Web: [ico.org.uk/Global/contact\\_us](http://ico.org.uk/Global/contact_us) or telephone 0303 123 1113 or 01625 545745