

Claimant or a member of the Claimant's family (see note, right) is an EEA National

Throughout this flowchart where the term **EEA National** is used, the test can apply to a National of an EEA State who is:  
 - the claimant;  
 - the claimant's spouse or civil partner;  
 - direct descendants of the claimant or of their spouse or civil partner, who are under 21 or dependants;  
 - dependant direct relatives in the ascending line of the claimant or of their spouse or civil partner.

Where this flowchart uses the term **Claimant**, the test must be applied to the claimant.

Is the **Claimant** in receipt of IS, ESA(IR) or PC?

Yes  
**Claimant is passported and eligible for HB and CTR**  
 Ensure eligibility is rechecked if passporting benefit ceases.

Is the **Claimant** in receipt of income-based Jobseekers' Allowance?

Yes  
 Have we received a notice from the DWP that the **Claimant** is an EEA Jobseeker?  
 No  
 Do the notes on CIS indicate that the **Claimant** is an EEA Jobseeker?  
 No

Is the **EEA National** currently employed?

Yes  
 Is the **EEA National** a Croatian National?  
 Yes → Examine if EEA National is subject to Worker Authorisation.  
 No  
 Over the last three months, has the **EEA National** been earning £153pw or more?  
 No → Examine if EEA National is subject to Worker Authorisation.  
 Yes  
 Is the employment "effective and genuine?"  
 Yes → **EEA National is a Worker.**  
 Worker's are excluded from the definition of "person from abroad" and are eligible for HB and CTR.  
 No

**Claimant has a derived right of residence to ensure EU National child can complete their education.**  
 This right will expire once the child completes their education and does not count towards the time period for a permanent right of residence.

Has the **EEA National** become unemployed or ceased work?

Yes  
 Is the **EEA National** a Croatian National?  
 Yes → Examine if EEA National is subject to Worker Authorisation.  
 No  
 For the last three months of employment, was the **EEA National** earning £153pw or more?  
 Yes → Examine if EEA National is subject to Worker Authorisation.  
 No  
 Was the employment "effective and genuine?"  
 No → Examine if EEA National is subject to Worker Authorisation.  
 Yes → **EEA National retains the status of Worker for a maximum of six months from the end of their employment.**  
 Workers are excluded from the definition of "person from abroad" and are eligible for HB and CTR.  
 Set a reminder to re-examine the **EEA National's** circumstances five months after their employment ended.

Has the **Claimant** resided in the UK for two or more years?  
 Yes → **EEA National retains the status of Worker for a maximum of six months from the end of their employment.**  
 No → Examine if the **Claimant** is Habitually Resident

Has either of the EU Child's parents been employed in the UK?  
 Yes → Is the EU National Child of school age?  
 No → Click to Page 2  
 Yes → Is the **Claimant** the primary carer of an EU National child? (Not a British child)  
 No → Click to Page 2  
 Yes → Is the **EEA National** currently employed?

This split of passporting benefits only applies to Housing Benefit. In Council Tax Reduction cases, a person in receipt of JSA(IB) remains passported to full entitlement.

**EEA National has a Permanent Right of Residence.**  
 EEA Nationals with a Permanent Right of Residence are excluded from the definition of "person from abroad" and are eligible for HB and CTR

Has the **EEA National** reached pensionable age or is taking early retirement?  
 Yes → **EEA National has a Permanent Right of Residence.**  
 No  
 Has the **EEA National** been employed for at least 12 months prior to stopping work?  
 Yes → Has the **EEA National** resided continuously for three years prior to stopping work?  
 Yes → **EEA National has a Permanent Right of Residence.**  
 No → Is the **EEA National** a Bulgarian or Romanian National?  
 Yes → Did the **EEA National** become unemployed or cease work before the 1st January 2014?  
 Yes → Examine if EEA National is subject to Worker Authorisation.  
 No → Has the **EEA National** embarked on vocational training?  
 Yes → Was the unemployment involuntary?  
 Yes → **EEA National retains the status of Worker.**  
 No → Is the vocational training related to the **EEA National's** previous employment?  
 Yes → **EEA National retains the status of Worker.**  
 No → Has the **EEA National** stopped work as a result of illness or accident?  
 Yes → Is the illness or incapacity temporary?  
 Yes → **EEA National retains the status of Worker.**  
 No → Has the **EEA National** resided in the UK continuously for more than two years prior to stopping their employment?  
 No → Is the **EEA National's** incapacity the result of an accident at work or an occupation disease which entitles the **EEA National** to a pension from a UK institution?  
 Yes → **EEA National has a Permanent Right of Residence.**  
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 No

Examine if EEA National is subject to Worker Authorisation.

Is the **EEA National** involuntarily unemployed?

Is the **EEA National's** incapacity the result of an accident at work or an occupation disease which entitles the **EEA National** to a pension from a UK institution?

**EEA National retains the status of Worker for a maximum of six months from the end of their employment.**  
 Workers are excluded from the definition of "person from abroad" and are eligible for HB and CTR.  
 Set a reminder to re-examine the **EEA National's** circumstances five months after their employment ended.

Does the **EEA National** have evidence that they are seeking work and have a genuine chance of being employed?

Has the **EEA National** been unemployed for more than six months?

Has the **EEA National** registered their unemployment with the JobCentre Plus?

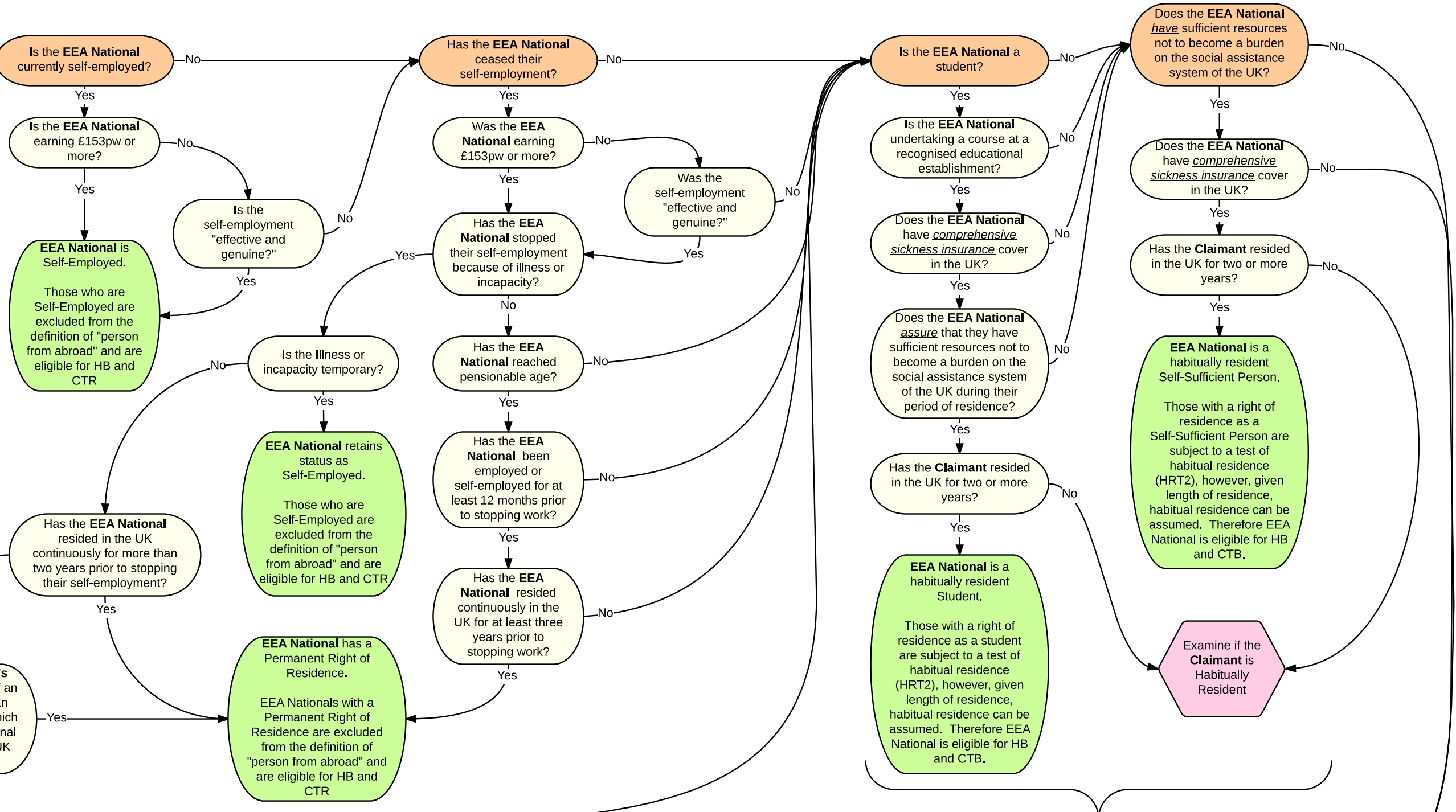
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Does the **EEA National** have "compelling" evidence that they are seeking work and have a genuine chance of being employed?

Was the **EEA National** employed for more than a year before becoming involuntarily unemployed?

Continuing from Page 1 (Click to return)



It is important to note the different requirement to demonstrate *sufficient resources* between EEA Students and EEA Self-Sufficient Persons. EEA Students need only assure the Secretary of State (by means of a declaration or otherwise) that they will not become a burden on the social assistance system. However, EEA Self-Sufficient Persons must have sufficient resources not to become a burden, meaning they are subject to more scrutiny about their ability to support themselves and their family.

