

Q1 year 2 - Case study 1

Client came to Citizens Advice outreach for help because their Jobseekers Allowance had been stopped. The Jobcentre had stopped the JSA because they said the client did not have a right to reside in the UK.

The client is a Polish national who has lived in the UK for 10 years, they have worked while living in the UK and have never been unemployed up until recently.

When the client found themselves unemployed they made a claim for Jobseekers Allowance, Housing Benefit and Council Tax Support. After a period of 6 months the client was told he could no longer receive JSA but was not told why, their Housing Benefit and Council Tax Support stopped at the same time.

When the client came to the outreach we were able to contact the Jobcentre and confirm why the JSA was stopped – we were told it was because the client had no legal right to reside in the UK anymore and his JSA could no longer be paid unless the client had an offer of a job – they did not.

The Citizens Advice carried out some in-depth research into welfare law in relation to 'right to reside' regulations for EEA nationals from Poland – we found out that as the client had worked legally for at least 5 years in the UK and had registered their employment correctly with the Home Office they had in fact obtained the right to reside in the UK. This meant they were entitled to receive JSA, Housing Benefit and Council Tax Support while they were unemployed the same as a UK citizen.

Citizens Advice put together a comprehensive Mandatory Reconsideration in writing on behalf of the client arguing they had not considered the welfare laws in respect to the client and that they did have a right to reside in the UK.

In the meantime, the client did not wish to accept any help from any local foodbanks saying they had a friend who owned a local Polish food shop who was giving them food. The client was actively seeking work during all this period of time with a number of local agencies.

A month later the client returned to the outreach to thank Citizens Advice for our help as the Mandatory Reconsideration we had done was successful. The Jobcentre had contacted the client to apologise for their error and the JSA that was due was backdated. The clients Housing Benefit and Council Tax Support were also backdated therefore avoiding arrears and they had been able to find employment again.