



Department  
for Work &  
Pensions

**The Rt Hon THERESE COFFEY MP**  
**Secretary of State for Work & Pensions**

30 April 2020

Dear Mr Piper,

Thank you for your letter of 19 April 2020. Please accept this letter as a joint response from my Department and the Home Office.

The Government has taken steps to provide reassurance to and protect the rights of EEA citizens resident in the UK by the end of the transition period on 31 December 2020, so that they will be able to continue their lives in the UK much as before. In order to give effect to this, on 30 March 2019, the Home Office fully launched the EU Settlement Scheme (EUSS).

As of 31 March 2020, there had been over 3.4 million applications to the EUSS and over 3.1 million applications concluded, around 58 per cent of which were grants of settled status. EEA citizens who have not yet applied have until 30 June 2021 to do so, and we have committed to permitting late applications for those with reasonable grounds for having missed the deadline.

By being granted status under the EUSS, EEA citizens living in the UK are able to continue to work, study and access benefits and services in the UK on the same basis as they did before we left the EU. EEA citizens with pre-settled status are eligible to claim DWP income-related benefits such as Universal Credit if they are exercising a qualifying EU Treaty Right. This includes those with a worker or self-employed status and EEA workers with retained worker status who have lost their jobs through no fault of their own.

The longstanding requirement to be exercising a qualifying Treaty right to access income-related benefits is in line with EU law and aligned to Article 24 of the Citizens' Rights Directive, to which Article 23 of the Withdrawal Agreement refers. Our approach is consistent with the Withdrawal Agreement. This means that EEA citizens who are granted pre-settled status under the EUSS and who are exercising a qualifying Treaty right continue to be eligible for such benefits, whereas EEA citizens who are not exercising a qualifying Treaty right may not be. EEA citizens with pre-settled status can also claim contributory benefits providing they meet eligibility criteria.

The decision to keep access to benefits rules the same as prior to the introduction of the EUSS for those with pre-settled status has recently been upheld by the High Court, which found that the effect of Regulation 9(3)(c)(i) of the Universal Credit Regulations 2013 does not give rise to unlawful discrimination and is justified. The detailed judgment of this case can be found via the following link: <https://www.judiciary.uk/judgments/fratila-v-secretary-of-state-for-work-and-pension/>.

Government measures to support workers and their families through Covid-19 are also available for EEA citizens with pre-settled status under the EUSS who meet the eligibility criteria, including the Coronavirus Job Retention Scheme, and the Self-employed Income Support Scheme.

A handwritten signature in blue ink that reads "Thérèse Coffey". The signature is written in a cursive, flowing style.

**Rt Hon Thérèse Coffey MP**  
SECRETARY OF STATE FOR WORK AND PENSIONS