

## Entitlements for Central and Eastern Europeans in England

On 1 May 2004 ten countries acceded to the European Union (EU). Eight of these – Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia – are known as A8 countries.

On 1 January 2007 Bulgaria and Romania acceded to the EU. These are known as A2 countries.

### Entitlements

This guidance aims to provide information on A8 and A2 nationals' entitlements to:

- the labour market and unemployment benefits
- statutory homelessness assistance
- housing/council tax benefit
- local authority accommodation
- Supporting People funding
- NHS services

### Advice from homelessness services

It is reported that many A8 and A2 nationals seeking advice from homelessness services are working illegally or seeking work and have not completed 12 months of legal work in the UK. As a general rule, these individuals are unlikely to be eligible for benefits, statutory homelessness assistance or local authority accommodation. They are entitled to primary NHS care, at a minimum, and to Supporting People funding<sup>1</sup>.

However, you should not make assumptions based on this general rule. A client's eligibility for benefits, services, accommodation or healthcare will be significantly affected by their personal circumstances.

### This document and legal advice

The information that follows gives an overview of the law and the differences based on nationality and personal or economic status (i.e. A8 or A2 national, worker or jobseeker).

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<sup>1</sup> Supporting People funding dependent on local eligibility criteria

We hope that this information is helpful, but you should not use it to make definitive judgements about eligibility. If you are uncertain about an individual's entitlement you should seek legal advice using this list of [legal advice providers](#).

## Free movement in the European Union

All EU citizens have rights to visit, live, study and work in other Member States, as well as to set themselves up in self-employment, subject to certain limitations and conditions.

A8 and A2 nationals have these rights as well. However, the Treaties of Accession concerning A8 and A2 countries allowed existing Member States to apply measures to restrict the right to work for the nationals of the new Member States. Note that this does *not* restrict A8 and A2 nationals' right to come to the UK to study, be self-employed, or to live here using their own resources.

These 'transitional arrangements' limiting access to the labour market must be lifted within 5 years of accession, or 7 years in exceptional circumstances. From that time, nationals of the Accession States will have the same rights as all other EU nationals living in other Member States.

It is important to remember that even without transitional arrangements, nationals from other Member States may not have exactly the same entitlement rights as UK citizens.

## Accessing the labour market and unemployment benefit

Under the transitional arrangements the following general rules apply. There are significant differences for people who were already here legally at the time of accession of their Member State. Advice should be sought in these circumstances.

### A8 nationals seeking work

A8 nationals can seek work in the UK, but only if they are self-sufficient (which means they cannot access benefits whilst looking for work).

A8 nationals seeking work cannot access benefits unless they have previously been working legally in the UK without interruption for 12 months. This includes registration with the Worker's Registration Scheme if appropriate, see below. If, after these 12 months, they cease to be employed they will be able to access the full range of benefits available to UK job seekers.

A8 nationals who lose or leave their job during the initial 12 months have 30 days to find alternative employment and re-register for the employment to be seen as continuous.

## **A8 nationals in work**

A8 nationals must apply to the Worker's Registration Scheme (WRS) within a month of commencing employment.

There are some exceptions to this such as those who are self employed and registered with the Inland Revenue, or those who have completed 12 months continuous employment in the UK whether that period started on, before or after the date of accession. You can see a [full list of WRS exemptions](#) in the CIH/HACT document.

When in work A8 nationals are entitled to the same benefits and other social advantages that UK nationals are entitled to..

The [Home Office pages on the WRS](#) include general information and downloadable leaflets in A8 languages.

## **Self employed A8 nationals**

All EU citizens have the right to establish themselves in other Member States as self-employed. Self-employed A8 nationals do not have to register on the Worker's Registration Scheme but must register with the Inland Revenue.

If A8 nationals cease to be self-employed, for reasons other than because they were temporarily unable to work as a result of illness or accident, they must be self-sufficient to remain in the UK. However, it may be possible to argue that they are entitled to access certain benefits. Contact the legal providers listed to discuss this possibility.

## **A2 nationals seeking work**

A2 nationals may seek work in the UK as long as they are self-sufficient (which, as with A8 nationals, means they cannot access benefits whilst looking for work). However, A2 nationals are only permitted to work in certain circumstances (see below).

A2 nationals seeking work cannot access benefits unless they have been working legally without interruption for 12 months. If, after such a period of work, they cease to be employed they will be able to access the full range of benefits available to UK job seekers.

## **A2 nationals in work**

A2 nationals must, except where they are exempt from the requirement, obtain an Accession Worker Authorisation Document before they commence employment.

For some forms of employment<sup>2</sup> an A2 national can apply directly to the Home Office for this document. In all other cases the UK employer must register the employment under work permit arrangements and the worker must then apply for the document.

Highly skilled Bulgarian and Romanian migrants are eligible for registration certificates from the Home Office and, once they have obtained them, do not need worker authorisation, nor do people here to undertake Approved Seasonal Agricultural Work (SAWS).

When in work A2 nationals are entitled to the same benefits and other social advantages that UK nationals are entitled to..

### **Self employed A2 nationals**

All EU citizens have the right to establish themselves in other Member States as self-employed. Self-employed A2 nationals do not have to obtain a work permit but must register with the Inland Revenue.

If A2 nationals cease to be self-employed, for reasons other than because they were temporarily unable to work as a result of illness or accident, they must be self-sufficient to remain in the UK.

For further information see the Home Office's web page on [Bulgarian and Romanian Nationals](#).

### **Entitlement to homelessness assistance, housing/council tax benefit and local authority accommodation**

The following entitlement tables are taken from a Chartered Institute of Housing (CIH) and Housing Associations' Charitable Trust (hact) resource. The full document is available from [HACT's website](#).

In summary, A8 and A2 workers are generally eligible for these benefits if they are currently working legally, including registration or work permit where required, or are out of work having worked legally for a qualifying period of 12 months and are actively seeking employment and have a reasonable chance of being engaged.

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<sup>2</sup> These include airport based operational ground staff of an overseas air line; Au pair placement; Domestic worker in a private household; Minister of religion, missionary or member of a religious order; Overseas government employment; Postgraduate doctors, dentists and trainee general practitioners; Private servant in a diplomatic household; Representative of an overseas newspaper, news agency or broadcasting organisation; Sole representative; Teacher or language assistant; Overseas qualified nurses.

A8 nationals	<p>Eligible if:</p> <ul style="list-style-type: none"> <li>• they are self-employed in the UK (including a person who is temporarily unable to engage in their business due to sickness or injury); or</li> <li>• they are currently working whilst on the worker registration scheme or have applied to go on to it within the first 30 days of starting their job; or</li> <li>• they are currently working and have previously worked in the UK for an uninterrupted period of at least 12 months whilst on the worker registration scheme; or</li> <li>• they have completed an uninterrupted 12 month period of work in the UK whilst on the worker registration scheme; and <ul style="list-style-type: none"> <li>o although not now working have acquired some other right to reside (eg as a worker); and</li> <li>o are habitually resident in the common travel area;</li> </ul> </li> <li>• they have indefinite leave to remain in the UK which was granted before 01/05/04, and they are habitually resident in the common travel area.</li> </ul>
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A2 nationals	<p>Eligible if:</p> <ul style="list-style-type: none"> <li>• they are a person who is currently self-employed in the UK;</li> <li>• they are a person who is working, is subject to worker authorisation, has a worker authorisation document and who is fulfilling the conditions set out in that document;</li> <li>• they are a person who is working who is exempt from worker authorisation (including a person who has completed 12 months authorised work);</li> <li>• they are a person who is exempt from worker authorisation (including a person who has completed 12 months authorised work); and <ul style="list-style-type: none"> <li>o are habitually resident in the common travel area and have the right to reside in the UK; and</li> <li>o now has some right to reside in the UK (eg as a worker or former worker).</li> </ul> </li> </ul>
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*(Source: CIH and HACT: Opening Doors training module: the legalities)*

## Supporting People

Supporting People is a locally managed and delivered programme with local eligibility criteria and the decision on services funded and delivered by the programme is a matter for the Local Authority.

Under the existing Grant Conditions, SP funding can be used to provide housing related support services to Central and Eastern Europeans, but this will be subject to them meeting any local eligibility criteria in place and availability of services.

Where the individual has no recourse to public funds, e.g. not eligible for Housing Benefit, they may still access housing related support services if they meet the local eligibility criteria - but SP cannot be used to pay for accommodation costs.

## Entitlement to NHS services

### Primary care

During a temporary stay in the UK EEA nationals<sup>3</sup> are eligible for treatment that a GP (doctor) decides is medically necessary. Other treatment, including the treatment of a pre-existing condition, which in the medical opinion of the GP can wait until the individual returns home, is excluded.

In addition, any person living in the UK lawfully and on a settled basis is regarded as resident in the UK and therefore entitled to free primary medical services.

The Department of Health states that on taking up residence in the UK it is advisable to approach a GP practice and apply to register onto its list of NHS patients. The practice may choose to accept or decline an application.

An application may be refused if the practice has reasonable grounds for doing so, such as if an individual is living outside the practice area. A practice would not be able to refuse an application on the grounds of race, gender, social class, age, religion, sexual orientation, appearance, disability or medical condition.

When registering, GPs may request some proof that the prospective patient intends to stay in the UK for a settled period. GPs have discretion as to what type of documentation is required for registration but as a guide, any form of lawful documentation that states or proves that the overseas visitor intends to stay in the UK for a settled period is acceptable, e.g. letter from employer, visa papers, utility bills.

Other medical services accessed through GP referral are only free of possible charges if the treatment is deemed to be medically necessary. Examples include mental health or detox services.

Further information is available from the document [EU enlargement and overseas visitors' rights to primary care treatment in the UK](#)

### Hospital (secondary) care

The following services provided in a hospital or by staff employed by a hospital are provided free of charge to all:

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<sup>3</sup> The EEA consists of the member states of the European Union, plus Norway, Liechtenstein, Iceland and Switzerland.

- Treatment given in an accident and emergency department (excludes emergency treatment given elsewhere in the hospital);
- Treatment given in a walk-in-centre providing similar services to those of an accident and emergency department of a hospital
- Treatment for certain communicable diseases (excluding HIV/AIDS where it is only the first diagnosis and connected counselling sessions that are charge free)
- Compulsory psychiatric treatment
- Family planning services

All other hospital treatment is free to anyone who is deemed to be ordinarily resident in the UK.

A [full list](#) of situations in which an individual is exempt from charges is available on the Department of Health [overseas visitors](#) webpage. Some important situations where charges will not apply are:

- Anyone who is working in the UK for an employer who is based in the UK or is registered in the UK as a branch of an overseas employer (this includes self employed people). An individual must be actually working, not just looking for work
- Anyone who has been lawfully living in the UK for twelve months immediately prior to treatment
- Anyone, including a refugee, stateless person or a member of the family of any of them, who normally lives in another EEA member state and is visiting the UK<sup>4</sup>

In the case of treatment given in an accident and emergency department or walk in centre, services will be subject to possible charge, depending on exemptions, once the patient is formally admitted as an in-patient (this will include emergency operations and admittance to high dependency units) or registered at an outpatient clinic.

Medical services, such as mental health or detox services, accessed through referral by a GP but not deemed medically necessary will also be subject to possible charge depending on an individual's exemption from charges.

### European Health Insurance Cards

A separate system coordinating sickness insurance schemes exists at EU level for EEA nationals. An EEA national (including A8 and A2 nationals) should be able to access 'all the types of medical care and treatment that the patient's state of health necessitate to enable him to continue his stay in [the] country under safe medical conditions'<sup>5</sup>, which may go further than the treatment listed above. However to access these services you need a European Health Insurance Card

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<sup>4</sup> Treatment is limited here to treatment required for any condition that occurred after arrival in the UK (including pre-existing conditions which acutely exacerbate whilst here) and treatment for chronic conditions, including routine monitoring

<sup>5</sup> [http://ec.europa.eu/employment\\_social/healthcard/prestataires\\_en.htm#5](http://ec.europa.eu/employment_social/healthcard/prestataires_en.htm#5).

(EHIC), which the authorities of home states provide. An individual who does not have the EHIC can also ask for a provisional replacement certificate from their home state's authorities. Follow the link for further [information for obtaining the card from national authorities](#).

This system was aimed at EEA nationals *temporarily* in another member state who fell ill. However, the EHIC system is also meant to cover unemployed individuals seeking work in another member state, and so should apply to A8 and A2 nationals seeking work (whose stay as a visitor is temporary inasmuch as they are seeking work and will soon be covered under the NHS system). However, the care is intended to be temporary and may be limited in time or scope if it is something that is more appropriate to be taken care of in the country where the person is insured.

### **Further information**

The DH has produced leaflets that offer an [Introduction to the National Health Service](#) in a variety of languages, which explain the basic processes of registering and making appointments.