



Northern Ireland

Employment Fact Sheet: Migrant Workers and Working Tax Credit

Who is a migrant worker? A migrant worker is someone who has come from

FACTSHEET

Workers who come from abroad

Workers from the European Economic Area and Switzerland

If you come from a European Economic Area (EEA) country or Switzerland, you'll be able to claim WTC, as long as you meet the conditions about how many hours you work, how much you earn and how old you are. You must be working legally in the UK.

Workers who come from countries outside the EEA

If you're from a country outside the EEA, you may be able to get WTC. You will need to meet the usual conditions about how many hours you work, how much you earn and how old you are. You will also need to prove that you can meet certain **residency conditions**.

What are the residency conditions?

Under the residency conditions, to get WTC you must:

- not be **subject to immigration control**
- be **physically present** in the UK
- **have your main home in the UK**. This means that you've chosen to live and settle here for the time being
- only go abroad for short periods, like on holiday.

Examples of people who **aren't** subject to immigration control include if:

- you've claimed **asylum** and you've been told by the Home Office that you can stay in the UK as a **refugee**
- the Home Office has told you that you are **allowed to stay in the UK indefinitely**, without any conditions attached.

Examples of people who **are** subject to immigration control include if:

- the Home Office has given you permission to stay in the UK (known as **leave to enter or remain**) but only on the condition that you don't claim benefits, tax credits or housing help paid by the UK government. This is known as having **no recourse to public funds**
- you need permission to stay in the UK (leave to enter or remain) but you don't have it.

People from some countries are able to claim WTC, even though they're subject to immigration control. These are countries like **Croatia, Turkey** and **Macedonia** which have a social security agreement with the UK that covers tax credits.

If you're subject to immigration control but your partner isn't, for example, if they are a UK or an EEA national, they may be able to claim WTC for both of you.

For more information about whether you might be subject to immigration control, go to the HMRC website at www.hmrc.gov.uk.

If you're not sure whether you're subject to immigration control, you should get advice

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB visit www.citizensadvice.co.uk or look under C in your phone book.

The Tax Credit Helpline

The Tax Credit Helpline can give you advice about whether you can get tax credits. It's open from 8.00 am to 8.00 pm every day except Christmas Day, Boxing Day and New Year's Day. The numbers to ring are **0845 300 3900** or textphone **0845 300 3909** - if you are deaf or have a hearing or speech impairment.

If you're calling from overseas you can also contact the Tax Credit Office on **+ 44 289 053 8192**. You can ask the Helpline for someone to translate for you when you call.

UK Border Agency

For more information about immigration matters, visit the UK Border Agency website at www.bia.homeoffice.gov.uk. Go to Working in the UK and then to For European citizens.

This fact sheet is produced by Citizens Advice, an operating name of The Northern Ireland Association of Citizens Advice Bureaux. It is intended to provide general information only and should not be taken as a full statement of the law. The information applies to Northern Ireland only.

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