

Ineligible partner

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Introduction

Universal Credit is an income-related benefit for both single people and couples with or without children. Universal Credit is paid to the benefit unit, which includes eligible adults and relevant child dependants. An eligible adult is one who meets all the basic entitlement conditions for Universal Credit. A relevant child dependant is one who is cared for by an eligible adult and is under 16 (or up to 20 in certain circumstances).

The benefit unit will therefore include one of the following:

- an eligible adult claiming on their own (possibly with another connected adult in the assessment unit)
- an eligible adult and a relevant child or children (possibly with another connected adult in the assessment unit)
- a couple (2 eligible and connected adults)
- a couple (2 eligible and connected adults) and a child or children

Ineligible adult

An ineligible adult is someone who meets one or more of the following conditions:

- subject to immigration control
- not habitually resident in the UK
- aged under 18 (see under 18 for exceptions)
- a single claimant in relevant education (a claimant who is part of a couple can be in relevant education and be eligible)
- abroad for longer than the permissible period
- under a prison sentence imposed by a court
- serving a sentence of imprisonment detained in hospital
- detained in custody pending trial or sentence upon conviction
- on temporary release from custody
- a member of a religious order who is fully maintained by their order

Standard Allowance

There are 4 Standard Allowance rates for single people and couples. The amount they get depends on their age. These are:

- single rate (aged under 25)
- single rate (aged 25 and over)
- couple rate (both aged under 25)
- couple rate (one or both aged 25 and over)

If an eligible claimant adds a new partner to their claim, they get the Standard Allowance at the couple rate, as long as the new partner is eligible for Universal Credit.

If the new partner is ineligible for Universal Credit, the benefit unit continues to get the Standard Allowance, and any other components, at the single rate.

Assessment unit

The term 'assessment unit' captures both members of a couple where one adult is not eligible for Universal Credit. This means that their income, earnings and capital, including that of the ineligible partner is taken into account in adjusting the actual Universal Credit award.

Ineligible partners with children

A person is responsible for a child or QYP, who is normally living with them, regardless of whether they are the child of an ineligible partner.

If the eligible and ineligible partners are living together as a couple, the child is part of the Universal Credit claim for the eligible partner. The eligible partner will be awarded the additional amount for children (subject to the 2 child maximum) and taken into account when awarding housing costs on the eligible partner's claim.

Reporting the ineligible Partner's earnings

If the ineligible partner has a National Insurance Number (NINO) their earnings may come via Real Time Information.

Where the ineligible partner does not have a NINO the eligible claimant must report those earnings.

Subject to immigration control

A person is subject to immigration control if any of the following circumstances apply:

- they need permission to enter or remain in the UK and do not have it

- they have permission to enter or remain in the UK, subject to the condition that they do not have the option to receive public funds
- they have permission to enter or remain in the UK because a person has agreed to be responsible for their accommodation and upkeep

In practice, it is non-EEA nationals who are subject to immigration control. In order to be eligible for Universal Credit, a non-EEA national must satisfy both parts of the Habitual Residence Test. See Habitual Residency Test for more details

Temporary absences

An adult within the benefit unit may be temporarily absent, for example:

- abroad for longer than the permissible period
- under a prison sentence imposed by a court
- detained in custody pending trial or sentence upon conviction

This list is not a full list.

The absent adult ceases to be treated as part of the benefit unit. However, they remain within the assessment unit as an ineligible adult during the first 6 months of their temporary absence period.

Under 18s

For couples where one person is aged 18 or over but the other member is under 18 (and does not meet the exceptions criteria) then the younger person is not eligible for Universal Credit. Therefore they are not part of the benefit unit but are part of the assessment unit.

Illustrative Example:

Petra and Terry are married and living together in a rented flat; Petra is aged 17 and Terry is 19. They claim Universal Credit but Terry is required to claim for himself as a single person because Petra is under 18 years old and as such does not satisfy the basic conditions.

If Petra fell into one of the prescribed circumstances, for example if she was pregnant and within 11 weeks of her expected date of confinement, then Petra and Terry could make a joint claim as a couple. This is because Petra would now fall into one of the prescribed circumstances where the minimum age of 16 applies. See Under 18s.

Conditionality

In a household where one of the adults (joint claimants or including an ineligible partner of a claimant) earns above the household Conditionality Earnings Threshold, both claimants will be placed in the Working enough regime, regardless of whether they are both working or not.

Individuals in a couple can be allocated to different regimes and the earnings of one partner can affect the regime allocation of another. The earnings of an ineligible partner should also be considered when determining the household earnings thresholds.

In cases where a couple claim Universal Credit but where one partner is ineligible, the ineligible partner is not required to accept a Commitment and will not be subject to any work-related requirements

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