

# 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 for whom one or more of the following conditions apply:

- subject to immigration control
- not habitually resident in the UK
- aged under 18, (for exceptions to this refer to under 18s guide)
- 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 receive 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 qualifying young person 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, their earnings may be reported via Real Time Information.

Where the ineligible partner does not have a National Insurance number, the eligible claimant must self-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. Refer to the Habitual Residence 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 is not a full list.

The adult who is absent 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**

In the case of couples where one person is aged 18 or over but the other member is under 18 (and does not meet the exceptions criteria), the younger person is not eligible for Universal Credit. Therefore, they are not part of the of the benefit unit but are part of the assessment unit. Refer to the Under 18s guide.

## **Mixed age couples**

In the case of a mixed age couple, if the claimant who is under State Pension age becomes ineligible for Universal Credit, the claimant who is over State Pension age can no longer claim Universal Credit. They must claim Pension Credit if they wish to continue receiving payment.

## **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.

Individual members in a couple can be allocated to different regimes and the earnings of one partner can affect the regime allocation of the other. The earnings of an ineligible partner must also be considered when determining the household Conditionality Earnings Threshold.

In cases where a couple claim Universal Credit but one partner is ineligible, the ineligible partner is not required to accept a Claimant Commitment and will not be subject to any work-related requirements. The ineligible partner must remain in the work group that the service allocates.

## **Ineligible partner and eligible partner split**

When the joint claim containing an ineligible partner is split, the single claim for the ineligible partner is closed. This is because they are not eligible for Universal Credit.

The claim is closed from the date that the joint claim is split.

The remaining eligible partner will be able to continue claiming as a single person.

If the ineligible partner wants to claim Universal Credit, they must make a new claim and have their eligibility fully assessed. A decision can then be made on whether they are entitled to Universal Credit as a single person