

## Some tips on claiming Jobseeker's Allowance

### Moving Inside the UK

The good news is that a claim for JSA on posting within the UK should no longer be a problem, provided that you meet the key criteria:

- You should register as a Jobseeker at your new location within a few days and submit your claim. Don't be put off if the Jobcentre staff don't think you will be able to claim the actual allowance. You have a right to register and can only make a later case, if necessary, if you do so.
- You must be available and actively seeking work. Evidence of your search may be required and it is useful to have a file of letters you have written to prospective employers or seeking information about job opportunities.
- You must not have left your last job unnecessarily early. The Employment Service and the Benefit Agency will usually accept five days before the move - allowing time to pack and move using the Service Furniture Removal Scheme.
- You must not have left your last job voluntarily without just cause. The Employment Service now accepts a spouse's posting as just cause, particularly because you usually lose your home! The procedure for establishing just cause can be time-consuming but worthwhile in the end. It is especially useful to have a letter from your last employer confirming that your job cannot be transferred to the new location.
- You must have paid sufficient Class One National Insurance contributions during the last two Tax Years - i.e. the tax years ( which run April to April) which were completed before the start of the calendar year in which you make your claim.
- If you were born abroad or outside the EU, you may need to show your British passport.

It is important to remember that the Jobcentre's task is to help you to find employment, not to pay JSA! The Allowance is supposed to tide you over during your search for employment. You need to show that finding work is your absolute priority and that you intend to be unemployed for the shortest possible time.

If your claim is turned down, ask for a reason in writing. If you believe that you are being treated unfairly, you can take your case to a "Decision Maker" and onward, if necessary, to a Tribunal.

### Returning to the UK from Overseas

If you are returning from an overseas tour the procedure still involves registering promptly as a Jobseeker in the new location and the criteria for claiming JSA are essentially the same as for postings within the UK, with some exceptions:

#### *European Union (EU) countries*

If you are returning from another EU country (e.g. Germany, Belgium, the Netherlands and Gibraltar) you need to be sure that you have been paying National Insurance contributions to the UK. If you have, then follow the procedure for UK postings.

If you have been working on the local net and paying the foreign equivalent of National Insurance contributions, you should register for the local equivalent of JSA before you

leave. Seek advice from the local authorities as, if you are eligible, the allowance must be authorised and initiated locally.

### *Non - EU countries*

If you are returning from a non-EU country, everything hinges on any Reciprocal Agreement which may exist between the UK and the country where you have been working. It would be wise to check the implications with the DSS (Overseas Benefits Directorate), ideally before you go on such a posting.

### *Cyprus*

At present, it is not possible to claim JSA on return from Cyprus. A claimant must pay at least one Class 1 National Insurance contribution after returning to the UK in order to be eligible for JSA.

## Moving Overseas from UK

Judging by the number of enquiries I receive, exporting JSA overseas is still the biggest problem area. The basic qualifying criteria for JSA claims are essentially the same as for a UK posting but people continue to encounter difficulties due to misinformation from Jobcentre staff. Such as:

- You can't register as a Jobseeker or claim JSA. This is not so! You have a right to register and should do so; eligibility for the Allowance can be resolved later.
- You need to be registered and in receipt of JSA for four weeks before departure from the UK in order to export the claim. (Leaflet JSAL 22) This is true but overlooks a vital exclusion clause. According to paragraph 20.42 of the JSA Policy Guidelines, the four week registration period may be waived in the case of the accompanying partner of a person moving to another EU country to take up employment. This doesn't help those posted outside the EU but is good news for BFG and elsewhere.
- You musn't leave your job until the last possible moment. (Leaflet GL 26). This, too, is misleading. It is true that you must not leave unnecessarily early, but as you must be in receipt of JSA in the UK for at least one day before departure and since a claim for JSA always involves three "waiting days" while it is processed, you must register no less than four working days before departure. You should insist on being allowed to do so - it is monumentally difficult to fight a case retrospectively!
- You cannot export JSA outside the EU. This may be so, but it is worth checking to see if any Reciprocal Agreement exists with the country to which you are posted.

It is a wise precaution to chat to the Jobcentre well before your move about registering for JSA. On the day before your departure visit again to check that the claim has been processed and to collect supporting documentation. Ask for a bilingual letter in English and the language appropriate to the country to which you are posted and Forms E301 and possibly, E303, which are issued by the UK authorities before you leave.

On arrival in the new posting, visit the local equivalent of the Jobcentre (eg Arbeitsamt in BFG, FORUM in Belgium, etc) within five working days for your claim to be processed locally. Make sure you have all the documentation with you: bilingual letter, Forms E301 and 303, National Health and Insurance numbers, passport, a record of employment including the last four pay slips, P45, CV or record of qualifications and your bank account details. If you don't speak the language, take someone with you who does.

Follow the local procedures and, with luck, you will receive up to three months JSA - unless, of course, you find a job!

*Help*

Useful leaflets: GL26 Service Families Abroad and at Home; and JSAL 22 (about social security benefits abroad).

There are some very helpful people at the Pensions and Overseas Benefits Directorate (JBES), Room TC001, Tyneview Park, Newcastle upon Tyne NE98 1BA.  
Tel: 0191 2187652; Fax: 0191 2187147 / 2187077.