Universal Credit: transitional protection

Alison Markantonis

THURSDAY 14 MARCH 2024

hqn TRAINING

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1 Message from Allie

Please see below links to find out more about All Things Managed Migration.

- gov.uk
- revenuebenefits.org.uk
- turntous.org.uk
- entitledto.co.uk
- askcpag.org.uk
- england.shelter.org.uk / scotland.shelter.org.uk
- policyinpractice.co.uk
- understandinguniversalcredit.gov.uk
- citizensadvice.org.uk

2 Caroline question re couples WTC -

Partner in prison:-

Who counts as a couple for working tax credits

If you're in a couple, you'll need to make a joint claim with your partner. You're counted as a couple if you're married or in a civil partnership, or if you live together.

If you're temporarily separated, but still legally married, you'll need to make a joint claim. HMRC treats you as a couple unless you're either:

- divorced
- legally separated under a court order
- permanently separated - ie you don't plan to get back together

Exceptions for couples with at least one child

You might be able to claim if both of the following apply:

- you and your partner work less than 24 hours a week between you
- you work at least 16 hours a week

One of the following must also apply:

- you're disabled
- you're aged 60 or above
- your partner is incapacitated (getting certain benefits because of disability or ill health)
- your partner is entitled to Carer's Allowance or (in Scotland only) Carer Support Payment
- your partner is in hospital or prison (sentenced for less than one year)

**Your Child Tax Credit will continue if you're in a couple and one of you goes on remand or to prison.

Posted overseas on operations as part of their work will come under temporary absence rules

https://revenuebenefits.org.uk/tax-credits/guidance/how-do-tax-credits-work/who-can-claim/

"The second exception is for Crown Servants who are posted overseas. For the purposes of the tax credit legislation, a Crown Servant posted overseas is a person performing the duties of any office or employment under the Crown in Right of the United Kingdom.

The Crown Servant must be ordinarily resident in the UK or must have been immediately before the posting or the first of consecutive postings. Alternatively, immediately before the posting, or the first of consecutive postings, they were in the UK in connection with that posting. This alternative requirement is of particular help to members of the armed forces who may be posted abroad too quickly to enable them to establish ordinary residence before they leave.

Partners of Crown Servants are also covered by this exception. There is no requirement for such partners to be ordinarily resident in the UK. However, regulations require them to be either present in the UK or accompanying the Crown Servant on their posting. The rules on temporary absence also apply to partners of Crown Servants, allowing absence from the UK itself or from the place where the Crown Servant is posted. For members of the armed forces who are deployed on operations away from an overseas base, the TCTM02050 confirms that:

'Where a member of the Armed Forces is posted or deployed from an overseas base to an operational area and is unaccompanied by their spouse or partner, then that spouse or partner in the country where the overseas base is situated shall continue to be treated as "in the UK".'

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