



Department of Social and Family Affairs

Mary Coughlan Minister For Social And Family Affairs Announces Restrictions On Access To Social Welfare

Mary Coughlan T.D., Minister for Social and Family Affairs today announced a series of restrictions aimed at securing and protecting the social welfare system.

"The Government has decided to put in place a number of measures which will restrict access to qualification for certain social welfare payments by introducing a "habitual residence test" which will act as an additional condition to be satisfied by a person claiming a social assistance payment or Child Benefit," said Minister Coughlan.

"The new condition is designed to restrict access to social assistance and Child Benefit payments for people from other countries who have little or no connection with Ireland."

"A person must establish a degree of permanence to be considered habitually resident in the State."

The new condition will require a claimant for social assistance to be habitually resident in the State or the rest of the Common Travel Area (U.K., Channel Islands and the Isle of Man) for a substantial continuous period (2 years). If they have been resident for less than the 2 year period it shall be presumed that they are not habitually resident. The onus will be on persons to prove otherwise. After the expiry of the 2 year period persons will still be required to satisfy the general requirements, as detailed overleaf, relating to habitual residence.

"People who claim welfare payments but do not satisfy the habitual residency test will be assisted to return home and the necessary arrangements will be made in co-operation with the Department of Justice," said Minister Coughlan

"I want to emphasise that these measures are being introduced to ensure our social welfare system does not become over burdened, it is a prudent and sensible measure."

"I also want to emphasise that this Government gave a commitment that EU citizens who want to come and work here from May 1st are very welcome to do so – and we will honour that commitment," added Minister Coughlan.

Up to now, non-nationals residing here could claim social assistance payments without satisfying a residency test. All other countries in the European Union impose residency restrictions on entitlement to social welfare benefits.

The new residence condition will apply to the following social assistance payments -

Unemployment Assistance; Old Age (Non-Contributory) and Blind Pension; Widow(er)'s and Orphan's (Non-Contributory) pensions; One Parent Family Payment; Carer's Allowance; Disability Allowance; Supplementary Welfare Allowance (other than once-off exceptional and urgent needs payments)

It will also apply to persons claiming Child Benefit.

However, it will not apply to social insurance-based payments such as Disability Benefit, Retirement Pensions and where entitlement is gained by the payment of social insurance contributions.



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The term "habitual residence" is intended to convey a degree of permanence in the person's residence here, clearly the duration and continuity of their residence would be important factors and also their intentions. The following factors, as set down by EU case law, will be considered in determining whether a person satisfies the "habitual residence test":-

- length and continuity of residence
- employment prospects
- reasons for coming to Ireland
- future intentions
- centre of interest (e.g. family, home, connections)

Each case will be examined on the facts and the person's degree of permanence in the State, and no single factor will be conclusive.

Ends March 2nd 2004

For further information:

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