

## Welfare Benefits and the National Insurance Number Requirement

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Refugees who apply for income related benefits can have problems, and be refused benefits, when the decision maker asks them to provide a National Insurance Number (NINO) and they have not yet received one.

This is a misunderstanding of the regulations and of relevant case law.

The Social Security Administration Act 1992 sets out the conditions which have to be satisfied when making a benefits claim. This can be done by giving the NINO together with evidence that it has been allocated to the person concerned, or by supplying evidence which will allow the NINO allocated to that person to be determined.

However it also allows the condition to be satisfied if "the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated".

The conditions have been interpreted by the Courts. The outcome of the Court decisions is essentially that it is not necessary to have been **allocated** a NINO to make a valid benefits claim. In general what is necessary is to have supplied all the information you could reasonably have been expected to when you made an application for a NINO. It is the submission of ID evidence that is critical.

In the case of refugees the critical evidence would normally be the Biometric Residence Permit issued by the Home Office, stating that the person concerned has been given refugee status, has the right to work, and to access public funds.

In the case of refusal of a benefit administered by DWP a possible course of action is to apply for a Short Term Benefit Advance, and if this is refused to seek legal advice on challenging the refusal.