

Migrant workers and Working Tax Credit

Who is a migrant worker

A migrant worker is someone who has come from abroad to work in the UK. Migrant workers often work in hotels or restaurants, food processing, fruit picking and shellfish gathering.

What is Working Tax Credit

Working Tax Credit (WTC) is a payment for people who are working and on a low income. It is paid by HM Revenue and Customs. You can claim WTC by phoning the tax credit helpline on 0345 300 3900. If your claim is accepted, HMRC will make the payments directly into your bank or building society account, or into a post office account.

Who can get Working Tax Credit

If you're a UK national, you can get WTC as long as you live in the UK and you meet certain conditions. To meet these conditions you must:

- be aged 16 or over
- earn below a certain amount
- work at least 30 hours a week.

In some circumstances, you may be able to claim WTC even if you only work 16 hours a week. These are if you're:

- caring for children, or
- disabled, or
- over 60.

You don't have to have children to qualify for WTC but if you do have children, you may be able to get extra money to help with childcare costs. Also, you may be able to get Child Tax Credit as well as WTC or instead.

You can't get WTC if you're under 25, unless you're disabled or have children. This is regardless of how many hours you work a week.

Also, if you're in a couple and have children, you'll have to work at least 24 hours a week between the two of you, with one of your working at least 16 hours a week.

If you have a partner, you must usually make a joint claim. HMRC will take your partner's income into account when they work out whether or not you are entitled to any WTC.

Workers who come from abroad

Workers from the European Economic Area and Switzerland

If you come from a European Economic Area (EEA) country or Switzerland, you'll be able to claim WTC, as long as you meet the conditions about how many hours you work, how much you earn and how old you are. You must be working legally in the UK.

Workers who come from countries outside the EEA

If you're from a country outside the EEA, you may be able to get WTC. You will need to meet the usual conditions about how many hours you work, how much you earn and how old you are. You will also need to prove that you can meet certain **residency conditions**.

What are the residency conditions?

Under the residency conditions, to get WTC you must:

- not be **subject to immigration control**
- be **physically present** in the UK
- **have your main home in the UK**. This means that you've chosen to live and settle here for the time being
- only go abroad for short periods, like on holiday.

Examples of people who **aren't** subject to immigration control include if:

- you've claimed **asylum** and you've been told by the Home Office that you can stay in the UK as a **refugee**
- the Home Office has told you that you are **allowed to stay in the UK indefinitely**, without any conditions attached.

Examples of people who **are** subject to immigration control include if:

- the Home Office has given you permission to stay in the UK (known as **leave to enter or remain**) but only on the condition that you don't claim benefits, tax credits or housing help paid by the UK government. This is known as having **no recourse to public funds**
- you need permission to stay in the UK (leave to enter or remain) but you don't have it.

People from some countries are able to claim WTC, even though they're subject to immigration control. These are countries like **Croatia, Turkey** and **Macedonia** which have a social security agreement with the UK that covers tax credits.

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If you're subject to immigration control but your partner isn't, for example, if they are a UK or an EEA national, they may be able to claim WTC for both of you.

For more information about whether you might be subject to immigration control, go to the HMRC website at: www.hmrc.gov.uk.

If you're not sure whether you're subject to immigration control, you should get advice from an experienced adviser before claiming WTC. You can also phone the Tax Credit Helpline for advice (see below).

If you make a claim for WTC when you're not entitled, it could affect your right to stay in the UK.

If you've come to the UK but your family has stayed behind

If you've come to the UK from a country that is outside the EEA or Switzerland you can only claim WTC for your family when they actually arrive in the UK. You won't be able to claim WTC for you or your family if you're subject to immigration control.

If your family lives in another EEA country you will sometimes be able to claim tax credits for them.

To check whether you can get WTC if your family doesn't live in the UK, go to the HMRC website at: www.hmrc.gov.uk. You can also phone the Tax Credit Helpline or get advice from an experienced adviser (see below).

Countries in the European Economic Area (EEA)

- Austria
- Belgium
- Denmark
- Finland
- France
- Germany
- Greece
- Iceland
- Cyprus
- Malta
- the Czech Republic
- Estonia
- Hungary
- Latvia
- Lithuania
- Poland
- Slovenia
- Slovakia
- Italy
- Liechtenstein
- Luxembourg
- Netherlands
- Norway
- Portugal
- Republic of Ireland
- Sweden
- the United Kingdom
- Bulgaria
- Romania
- Spain

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

The Tax Credit Helpline

The Tax Credit Helpline can give you advice about whether you can get tax credits. It's open from 8.00 am to 8.00 pm every day except Christmas Day, Boxing Day and New Year's Day. The numbers to ring are: tel 0345 300 3900 or textphone 0345 300 3909 - if you are deaf or have a hearing or speech impairment.

If you're calling from overseas you can also contact the Tax Credit Office on Tel + 44 289 053 8192. You can ask the Helpline for someone to translate for you when you call.

UK Border Agency

For more information about immigration matters, visit the UK Border Agency website at www.bia.homeoffice.gov.uk. Go to Working in the UK and then to For European citizens.

Other information on Adviceguide which might help

- Migrant workers – rights at work
- Migrant workers – tax and national insurance
- Working Tax Credit
- Benefits and tax credits for people in work
- Child Tax Credit
- Help with immigration problems

This fact sheet is produced by [Citizens Advice](#), an operating name of The National Association of Citizens Advice Bureaux. It is intended to provide general information only and should not be taken as a full statement of the law. The information applies to England, Wales and Scotland.

This fact sheet was last updated on 6 April 2012, and is reviewed regularly. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - www.adviceguide.org.uk - where you can download an up-to-date copy.