

Introduction

This Frequently Asked Questions provides an overview of key concepts in Universal Credit Managed Migration.

For free, tailored advice on any of the issues discussed in this briefing or other aspects of social security law, please call 028 9024 4401 and ask to speak to a welfare adviser.

What is Managed Migration?

Managed Migration is the process by which the Department for Communities will write to claimants notifying them that their existing “legacy” benefit will come to an end and inviting them to claim Universal Credit. People who claim Universal Credit (UC) through the managed migration process will have access to **Transitional Protection** (TP) to ensure they are no worse off at the point of transfer.

Who is Managed Migration for?

Managed Migration is for anyone that has correctly received a Migration Notice advising that the legacy benefit is ending and inviting a claim for UC. The current timetable for Managed Migration in Northern Ireland is **Tax Credit Only Claimants** at present.

Managed Migration Notices for other benefits will commence on the following basis:

- From April 2024 people claiming Tax Credits with Housing Benefit.
- From May 2024 people claiming Income Support.
- From July 2024 people claiming Housing Benefit only and people claiming Employment and Support Allowance (Income - Related) with Child Tax Credits.
- From September 2024 people claiming Jobseekers Allowance (Income - Based)
- Employment and Support Allowance (Income - Related) only and Employment and Support Allowance (Income - Related) with Housing Benefit which are scheduled to move in 2028/29.

What is a Migration Notice?

A Migration Notice informs a claimant that their award of Tax Credits will terminate, and they will need to make a claim for Universal Credit. This Notice will give a **Deadline Day** to make a claim for Universal Credit. The Deadline Day can be extended.

What is the Deadline Day?

A specified date by which a valid claim for Universal Credit must be made. Claimants have at least **three months** from the date their Migration Notice was issued to make their Universal Credit claim.

What is meant by an Extended Deadline?

The timing of a Universal Credit claim can be very important. Remember, it may be better to delay a claim until after benefit uprating or rental increases to maximise Transitional Protection.

The Deadline Day can be extended (*with good reason*) by contacting the Department for Communities/Universal Credit prior to the Deadline Date. There is no limit on the number of times an extension can be requested or allowed.

What happens if you do not claim Universal Credit before the Deadline Day?

If you do not make a claim before the Deadline Day your Tax Credit award will end the **day before** your Deadline Date/Extended Deadline (**Migration Day**) and Transitional Protection **may** be lost.

However, if you do miss the Deadline Day, do not panic, and take note that in this case you can avail of the **Final Deadline Day**.

What is meant by the Final Deadline Day?

A Final Deadline Day is **one calendar month** after the Deadline Day (or Extended Deadline Day.) To get Transitional Protection you **must** claim before this date. If a valid claim is made within this one calendar month of the Deadline Day, then the Universal Credit claim is treated as if it was made on the Deadline Day and Transitional Protection will apply.

What is Transitional Protection?

Transitional Protection ensures eligible claimants are no worse off at the point of migration to Universal Credit.

How is Transitional Protection achieved?

Transitional Protection is achieved with a **Transitional Element** (TE). This is an extra element in Universal Credit calculation to cover any loss in transition from a legacy benefit to Universal Credit. The Transitional Element *is not a normal element* and can be lost/eroded.

Can the Transitional Element be lost/eroded?

Yes, relevant changes in circumstances will result in the Transitional Element being lost/eroded. Examples include:

- A change in circumstances such as *adding/removing a partner to a claim or the addition of elements such as LCWRA ('limited capability for work-related activity') or carer element. An increase in the housing costs element will also erode the transitional element.**
- Through a nil award of Universal Credit for **more than three consecutive monthly assessment** periods (due to earnings).
- Through natural erosion. As benefit rates increase* this will reduce the amount of Transitional Element until the Transitional Element is nil.

*The timing of a claim may be important to ensure, where possible, the claim is made after benefit rates or housing costs have increased as this may then avoid initial erosion.

What happens if you are part of a couple?

If a claimant is part of a couple's claim, **each** claimant will receive their own Migration

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Notice and both claimants must make their own claim for Universal Credit. The separate claims will then be linked together as a joint claim via a linking code. Each claimant is responsible for their own claim and ensuring tasks and requests are complied with.

Is there a run-on of legacy benefit whilst in transition?

There is a 2-week run on payment for Income Support, income-based Job-Seekers Allowance, income related Employment and Support Allowance and Housing Benefit.

There is no run-on payment for Tax Credits. Therefore, the timing of your claim to Universal Credit is important. There is **approximately a five week wait before payment of Universal Credit**. It may be best to make the claim the day after Tax Credits is paid as this will help to bridge the gap.

What happens if there is a nil award of Universal Credit on Migration Day?

The claimant should receive a payment of Universal Credit to ensure they are no worse off at the point of transfer.

What is the impact of Managed Migration on a person's capital?

On Migration Day any amount of capital over £16k is subject to Transitional Protection and is therefore disregarded for **12 assessment periods**. Capital from £6,000-£16,000 is still taken into account.

Note: If a claimant spends capital before they migrate to Universal Credit, bringing their capital below £16k then Transitional Protection will not apply. Deprivation of Capital rules may be considered.

What is the impact of Managed Migration on full-time students?

Full-time students normally cannot make a claim for Universal Credit unless they have already completed a Work Capability Assessment and been found to have Limited Capability for Work.

If you are a full-time student and you receive a Migration Notice, you can make a claim

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to Universal Credit, and you will be allowed to complete any course you were on before you made your claim. The same rules apply in relation to deadline dates and extensions.

What is the impact of Managed Migration on Self Employed Persons on Tax Credits?

For persons migrating from Tax Credits who are considered *gainfully self-employed*, they will benefit from a **12-month grace start up period** before the Minimum Income Floor applies. Universal Credit will be calculated according to the claimant's actual earnings during this period. At the end of the 12-month period the Minimum Floor Income rules will be applied.

What is the impact of Managed Migration on a Qualifying Young Person (QYP)?

With Child Tax Credits a Qualifying Young Person in non-advanced education could be included in a parent's claim until the age of 20. Under Universal Credit the cut-off point is 31 August after the Qualifying Young Person's 19th birthday.

A claimant in these circumstances should **NOT** receive a Migration Notice. If they do, they should contact Universal Credit and have the Migration Notice cancelled.

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