

Coming from

abroad

and social security benefits



**A basic guide to special rules
for benefits if you have just
come to or returned to
Great Britain**

Coming from abroad and social security benefits

If you have just come to Great Britain, you may need to know about benefits you can get. You may be new to the country, or you may be returning after a period abroad.

The rules for some benefits are different if you have just come to Great Britain, even if you are a United Kingdom (UK) national.

If you are returning after a period abroad and already getting a UK social security benefit, contact:

International Pension Centre
Department for Work and Pensions
Tyneview Park
Newcastle-upon-Tyne
NE98 1BA

Phone **0191 213 5000**

Fax **0191 218 3836**

This leaflet adds to general information on benefits in other leaflets. It tells you how benefits are affected because you have just entered Great Britain, and what leaflet to get for the general rules for each benefit. We want to make sure you and your family get the right help, at the right time, in the right way.

You can get leaflets from your social security office or Jobcentre Plus office. See *Where to get help and advice* on page 12 of this leaflet for details. If you have a question which is not answered in the leaflet, or if you just want more advice, please contact your social security office or Jobcentre Plus office.

Other formats

This leaflet is also available in large print, braille, on audio cassette and in the following languages:

- Arabic
- Bengali
- Chinese
- Gujarati
- Punjabi
- Somali
- Urdu
- Vietnamese.

You can also get these from your social security office.

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The law relating to Child Benefit changed from April 2003.

For further details write to Child Benefit Office, PO Box 1, Newcastle-upon-Tyne, NE88 1AA. Telephone **0845 302 1444**. Textphone **0845 302 1474**.

Child Tax Credit and Working Tax Credit

Child Tax Credit (CTC) and Working Tax Credit (WTC) were introduced in April 2003. CTC is for families with children and is payable regardless of whether the adult(s) in the family are in work. WTC supports working people on low and middle incomes with extra amounts for people with disabilities. Tax credits are administered by and claimed from the Inland Revenue.

To find out more, see the tax credits website at **www.taxcredits.inlandrevenue.gov.uk/Home.aspx** or contact the helpline on **0845 300 3900** (open 7 days a week 8am-8pm).

Definitions

Great Britain (GB) means England, Scotland and Wales.

United Kingdom (UK) means GB and Northern Ireland.

The **European Economic Area (EEA)** is made up of all **European Union (EU)** countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, the Republic of Ireland, Spain, Sweden and the UK, plus Iceland, Liechtenstein and Norway. Switzerland is not a member of the EEA, but as a result of an agreement with the EU that came into force on 1 June 2002, the EC rules on social security also apply to Switzerland. Gibraltar is treated as a separate state for social security purposes.

Benefits you may be able to get

If you have just entered or returned to Great Britain, benefits you can get will depend on one or more of the following:

- National Insurance (NI) contributions you have paid over your working life
- NI contributions you have paid for a particular period of time (usually the last 2 whole tax years before you claim)
- Whether you are living in Great Britain now
- Whether you usually live in Great Britain
- Why you have come to or returned to Great Britain
- Whether your entry to Great Britain is subject to limitations or conditions.

There are some benefits you can only get if you have paid National Insurance (NI) contributions, and there are some which do not rely on NI contributions.

You will usually pay NI contributions in the UK if you earn above a certain amount. They help to pay for some social security benefits.

If you have never lived in the UK before, you will not normally have paid NI contributions. This will usually mean that you cannot get benefits which are based on NI contributions.

But if you have paid the equivalent of NI contributions in another country, this can sometimes help you to qualify for benefits in Great Britain. This only applies to some benefits, and only to countries in the European Economic Area (EEA), Switzerland and countries that have a special agreement with the UK.

There are special leaflets to tell you about this. Please see the following list.

Country	Leaflet
Countries in the European Community, Iceland, Liechtenstein, Norway and Switzerland	SA29
Barbados	SA43
Bermuda	SA23
Canada	SA20
Cyprus	SA12
Israel	SA14
Jamaica	SA27
Jersey and Guernsey	SA4
Malta	SA11
Mauritius	SA38
New Zealand	SA8
Philippines	SA42
Switzerland	SA6
Turkey	SA22
USA	SA33
Yugoslavia*	SA17

*applies to the State Union of Serbia and Montenegro, Bosnia-Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of Macedonia.

From 1 June 2003, non-EEA or Swiss nationals who move from one EU State to another have new rights. See page 8 and leaflet **SA29**.

The special agreement with Australia ended on 28 February 2001. But if you lived in Australia before 6 April 2001, the ending of the special agreement may still affect your benefits. For more information, contact the International Pension Centre. See *Coming from abroad and social security benefits* on page 2 for details.

Benefits based on NI contributions or earnings

You can only get benefits in this section if you have paid NI contributions in the UK or the equivalent of NI contributions in certain other countries.

State Pension

Bereavement Payment

Widowed Parent's Allowance

Bereavement Allowance

The Widow's Benefit scheme only applies to women bereaved before 9 April 2001. For all other cases, the Bereavement scheme began on 9 April 2001. For information on the Widow's Benefit scheme please contact your social security office or Jobcentre Plus office.

There are no special rules if you have just come to Great Britain.

- ▶ For information on the general rules for State Pension, get leaflet **RM1 Retirement** from your social security office or Jobcentre Plus office.
- ▶ For information on the general rules for bereavement benefits, get leaflet **GL14 Widowed?** from your social security office or Jobcentre Plus office.

Incapacity Benefit

Contribution-based

Jobseeker's Allowance

You may be treated as having paid the necessary NI contributions to get these benefits if you have:

- ✓ Paid enough UK NI contributions and the equivalent of NI contributions in certain other countries, or
- ✓ Been working abroad for an employer based in the UK and paid NI contributions for the first 52 weeks of that employment.

You may be able to get Incapacity Benefit even if you have not paid enough NI contributions if you:

- are under 20 (25 if your were in education or training before age 20) and have been sick for 28 weeks; and
- are present and resident in Great Britain and have been present for 26 weeks in the year before you claim. You may be treated as having been present in Great Britain if you are in special occupations such as the armed forces or have lived and worked in another state in the European Economic Area (EEA).

- ▶ For information on the general rules for Incapacity Benefit, get leaflet **SD1** *Sick or disabled* from your social security office or Jobcentre Plus office.
- ▶ For information on the general rules for contribution-based Jobseeker's Allowance, get leaflet **JSAL5** from your Jobcentre or **PFLJSAL5** from your Jobcentre Plus office *Jobseeker's Allowance – Helping you back to work*.

Statutory Sick Pay (SSP)

Statutory Maternity Pay (SMP)

There are no special rules if you have just come to Great Britain.

- ▶ For information on the general rules for SSP, get leaflet **SD1** *Sick or disabled* from your social security office or Jobcentre or Jobcentre Plus office.
- ▶ For information on the general rules for SMP, get leaflet **BC1** *Babies and children* from your social security office or Jobcentre or Jobcentre Plus office.

Maternity Allowance

To claim Maternity Allowance you must have worked in the UK for at least a week, earning at least £30 a week.

You may be able to use the equivalent NI contributions paid in certain other countries to help you qualify.

- ▶ For information on the general rules for Maternity Allowance, get leaflet **BC1** *Babies and children* from your social security office or Jobcentre or Jobcentre Plus office.

Benefits not based on NI contributions

You may be able to get Industrial Injuries Disablement Benefit or Reduced Earnings Allowance if one of the following applies:

- ✓ The accident or disease occurred after 1 October 1986 and during the first 52 weeks you were employed abroad, and you were paying NI contributions
- ✓ Your employer was paying NI contributions for you while you were working abroad
- ✓ You were paying special NI contributions for volunteer development workers.

If your accident or disease occurred before 1 October 1986, different rules apply.

- ▶ For information on the general rules for Industrial Injuries Disablement Benefit, get leaflet **SD1** *Sick or disabled* from your social security office or Jobcentre Plus office.

You **cannot** usually get the other benefits in this section if there is a **limit or condition on your entry to Great Britain**. See pages 9–11 of this leaflet.

You may be able to get them if you:

- are a refugee
- have exceptional leave to enter and remain in Great Britain
- are an EEA national or Swiss national or a member of their family
- have been living in a country that has a special agreement with the UK, see page 5
- are a national of Algeria, Morocco, Slovenia, Tunisia, Turkey or San Marino lawfully working in the UK
- are living as a member of the family of a national of Algeria, Morocco, Slovenia, Tunisia, Turkey or San Marino who is lawfully working in the UK
- are not an EEA or Swiss national, but only in certain circumstances.

From 1 June 2003 the EC regulations changed. Non EEA or Swiss nationals who move from one EU State to another have new rights. The rules for each benefit are different. You will need to have been legally resident in the UK. If you want to know more about the provisions for non EEA or Swiss nationals, write to the:

Department for Work and Pensions
The Pension Service
International Pension Centre
Tyneview Park
Newcastle-upon-Tyne
NE98 1BA

or telephone **0191 213 5000**.

Attendance Allowance

Disability Living Allowance

Carer's Allowance

- You must usually have lived in Great Britain, Northern Ireland or the Isle of Man for 26 weeks in the last 12 months, and be in Great Britain when you make your claim.
 - You may be treated as having lived in Great Britain, Northern Ireland or the Isle of Man for 26 weeks in the last 12 months if you have been a member of HM Armed Forces serving abroad, a mariner or airman, or working on the UK sector of the continental shelf – for example on an oil rig.
 - You may be treated as having lived in Great Britain, Northern Ireland or the Isle of Man if you have been living in an EEA country or a country which has a special agreement with the UK. See **Benefits you may be able to get** on page 5 of this leaflet.
 - If you have earnings on which you do not have to pay UK tax, there are special rules and you have to have lived in Great Britain for 156 weeks in the 4 years before those earnings started.
- For information on the general rules for these benefits, get leaflet **SD1 Sick or disabled** from your social security office or Jobcentre Plus office.

Child Benefit and Guardian's Allowance

To get Child Benefit you must be ordinarily resident in the UK, and be responsible for a child or children. You are ordinarily resident if you normally reside in the UK, and you have come to live in the UK with the intention of making a settled home in the UK as a regular part of your life.

However, you cannot usually get Child Benefit if your right to remain in the UK is subject to immigration control, for example your right to enter or remain in the UK is subject to the condition that you have no recourse to public funds. But you may be able to get Child Benefit if you:

- have been given refugee status
- have exceptional leave to enter or remain in the UK
- are an EEA national or a member of their family
- are an Algerian, Moroccan, Slovenian, Tunisian or Turkish national lawfully working in the UK or a member of the family of such a person living in the same household
- have leave to enter or remain in the UK that is not subject to any limitation
- have come to live in the UK from a country with a special agreement with the UK covering Child Benefit.

You and your child must be present in the UK when you claim.

Entitlement to Guardian's Allowance **also** depends on:

- at least one of the child's parents being born in the UK **or**
- the parent who died had been present in the UK for at least 52 weeks in any period of two years since they were 16 years old.

For further details, write to:

Inland Revenue Child Benefit Office
PO Box 1
Newcastle-upon-Tyne
NE88 1AA
Telephone **0845 302 1444**
Textphone **0845 302 1474**

Income-based Jobseeker's Allowance

Income Support

Pension Credit

- You can only get income-based Jobseeker's Allowance, Income Support or Pension Credit if you are habitually resident in the UK, the Republic of Ireland, the Isle of Man or the Channel Islands.
- A Decision Maker will decide if you are habitually resident by asking you things like:
 - Whether you have worked in the UK
 - How long you have lived abroad
 - Why you have come to the UK
 - How you plan to support yourself in the UK
 - How long you plan to stay in the UK.

- We may be able to treat you as habitually resident if you:
 - Are an EEA national who is a *worker* or has the *right to reside* under EC law
 - Are a member of the family of an EEA national who has recently been a *worker*
 - Have refugee status
 - Have been given exceptional leave to enter or remain in the UK
 - Have been given Humanitarian Protection or Discretionary Leave to remain in the UK
 - Left Montserrat after 1 November 1995 because of the volcanic eruption
 - Have been deported to the UK.
- If you are a sponsored immigrant or asylum seeker, you are unlikely to be entitled to Income Support, Pension Credit or income-based Jobseeker's Allowance.
- For more information, contact your social security office or Jobcentre Plus office.

► For information on the general rules for income-based Jobseeker's Allowance, get leaflet **WK1** from your Jobcentre or leaflet **PFLWK1** from your Jobcentre Plus office *Financial help if you work or are looking for work*.

► There is a range of leaflets that give basic information on the general rules for Income Support and Pension Credit. For detailed information on the rules for Income Support, get leaflet **IS20 A guide to Income Support**. For detailed information on the rules for Pension Credit, get leaflet **PC10S A guide to Pension Credit**. You can get these from your social security office or Jobcentre Plus office.

Housing Benefit

Council Tax Benefit

- You can only get Housing Benefit and Council Tax Benefit if you are habitually resident in the UK, the Republic of Ireland, the Isle of Man or the Channel Islands.
 - You may be treated as habitually resident if you:
 - are an EEA national who has recently been employed or self-employed in the UK
 - are a refugee
 - have exceptional leave to enter or stay in the UK
 - have been given Humanitarian Protection or Discretionary Leave to remain in the UK.
 - If you have come into the United Kingdom within 2 years of your claim for benefit, your local council will ask you for some more information.
 - If you are an asylum seeker or sponsored immigrant, you are unlikely to be entitled to Housing Benefit or Council Tax Benefit.
- ▶ For information about the general rules for Housing Benefit, get leaflet **GL16** *Help with your rent* from your social security office or Jobcentre Plus office.
- ▶ For information about the general rules for Council Tax Benefit, get leaflet **GL17** *Help with your council tax* from your social security office or Jobcentre Plus office.

Winter Fuel Payments

Winter Fuel Payments are annual, tax-free payments to help older people with their winter fuel bills.

- If you normally live in Great Britain or Northern Ireland and are aged 60 or over during the relevant qualifying week, you may be entitled to a Winter Fuel Payment. The qualifying week is the week beginning with the third Monday in September.
 - If you are aged 80 or over during the qualifying week for the winter of 2003/04 and you are entitled to a Winter Fuel Payment, you will also be entitled to the 80+ Annual Payment.
- ▶ For more information about Winter Fuel Payments and the 80+ Annual Payment, get leaflet **WFPL1** *Your Guide to Winter Fuel Payments* from your social security office or Jobcentre Plus office, or ring the Winter Fuel Payment helpline on **0845 915 1515**. If you use a textphone the number is **0845 601 5613**. Calls to these numbers are charged at local rate. If you have access to the internet, you can visit our website at: **www.thepensionservice.gov.uk/winterfuel**

Where to get help and advice

To get more information or other leaflets get in touch with your social security office or Jobcentre Plus office. For your nearest social security office or Jobcentre Plus office look for the **Jobcentre Plus office, social security office or Jobcentre** display advert in the business numbers section of the phone book.

You can get more information from the DWP website. The address is:
www.dwp.gov.uk

To contact us by email see the *Contact Us* section of the website.

Child Tax Credit and Working Tax Credit

Child Tax Credit (CTC) and Working Tax Credit (WTC) were introduced in April 2003. CTC is for families with children and is payable regardless of whether the adult(s) in the family are in work. WTC supports working people on low and middle incomes with extra amounts for people with disabilities.

Tax credits are administered by and claimed from the Inland Revenue.

To find out more, see the tax credits website at
www.taxcredits.inlandrevenue.gov.uk/Home.aspx or contact the helpline on **0845 300 3900** (open 7 days a week 8am-8pm).

You can get information on benefits from other leaflets:

WK1 Financial help if you work or are looking for work. A basic guide to benefits and back to work schemes if you are working, looking for work or starting a job

RM1 Retirement. A basic guide to benefits for people who are retiring or have retired

SD1 Sick or disabled. A basic guide to benefits for people of any age with a physical or mental illness or disability – and people who look after them

GL23 Social security benefit rates.

Remember that this leaflet is a general guide to benefits and is not a full and authoritative statement of the law. We have made every effort to ensure that the information in this leaflet is correct at the date shown on the cover. However, changes in the law may make the leaflet become gradually less accurate.

Leaflet GL28 December 2003. Replaces leaflet GL28 from October 2003.
Produced by DWP Communications (Leeds).