

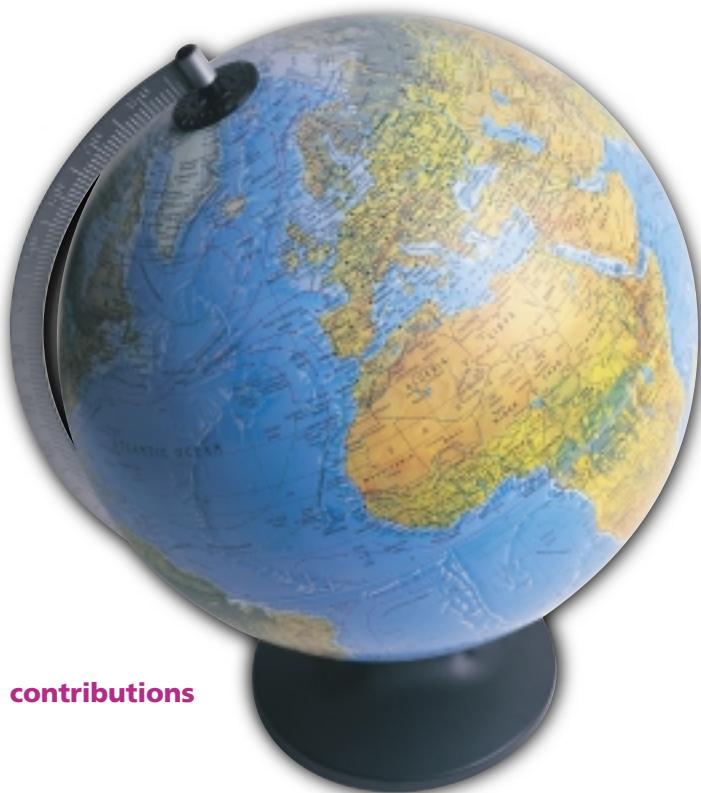
SA29 from October 2004

DWP Department for
Work and Pensions

Your social security insurance, benefits and
healthcare rights in the European Economic Area

Your social security insurance,
benefits and healthcare rights
in the

European Economic Area



A guide to

National Insurance contributions

Benefits

Medical services



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Introduction

This leaflet tells you about the European Community (EC) Regulations on social security. It also tells you:

- about National Insurance and other contributions;
- how and when to pay your contributions;
- what benefits, including healthcare, you may get; and
- how and when to claim your benefits.

The EC Regulations mean people from every country in the European Economic Area (EEA) are generally treated the same and have their benefit rights protected for as long as they are:

employed or self-employed;

or have been employed or self-employed and are getting benefit;

or a student who is studying or receiving vocational training leading to an officially recognised qualification – in this case, only limited rights arise.

EEA countries are:

- Austria
- Belgium
- Cyprus*
- Czech Republic*
- Denmark
- Estonia*
- Finland
- France
- Germany
- Greece
- Hungary*
- Iceland
- Ireland
- Italy
- Latvia*
- Liechtenstein
- Lithuania*
- Luxembourg
- Malta*
- Netherlands
- Norway
- Poland*
- Portugal
- Slovakia*
- Slovenia*
- Spain
- Sweden
- United Kingdom (UK)

Those countries starred joined the EEA on 1 May 2004.

The UK means England, Scotland, Wales and Northern Ireland, but not the Channel Islands or the Isle of Man.

The following countries also apply the EC social security rules but have some special conditions:

- **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 EU rules on social security will also largely cover Switzerland. However, the EU rules do not apply to you if you are a Swiss national going to or coming from Iceland, Liechtenstein or Norway or if you are a national of one of those countries going to or coming from Switzerland. The agreement between Switzerland and the EU has not yet been extended to the 10 new member states.

- **Gibraltar** – for everything in this leaflet except healthcare and child benefits, the UK applies the EC Regulations to Gibraltar as though it is another EEA country. Other EEA countries treat Gibraltar as though it is part of the UK.

The EC Regulations apply to you if you are:

- a national of any EEA country and at some time you have lived or worked or studied in an EEA country;
- a stateless person or refugee and you live in an EEA country;
- a dependant or the widow or widower of anyone who was covered

by the Regulations. In this case, it does not matter what your nationality is;

- the husband, wife or child of someone who has died, where the deceased worked in an EEA country and was not an EEA national or a stateless person or refugee. In this case, you must satisfy the rules of nationality yourself;
- if you are not an EEA or Swiss national you may be covered by the EC Regulations, but only in certain circumstances. From 1 June 2003 the EC Regulations changed. Non-EEA or non-Swiss nationals who move between certain member states have new rights for the payment of social security insurance. The rules for each benefit are different. You will need to be legally resident in the UK to help you satisfy the conditions for the payment of benefit or UK National Insurance (NI) contributions. If you want to know more about the benefit provisions for non-EEA or non-Swiss nationals, write to the Department for Work and Pensions, The Pension Service, International Pension Centre, Tyneview Park, Newcastle-upon-Tyne NE98 1BA, or ring them at 0191 218 7777 or if abroad at 44 191 218 7777. If you want to know more about UK NI contributions provisions for non-EEA or non-Swiss nationals, please write to the Inland Revenue, Centre for Non Residents, Room BP1301, Benton Park View, Newcastle-upon-Tyne NE98 1ZZ, or ring them at 0845 915 4811, or if abroad at 44 191 225 4811.

If you have never worked, the EC Regulations do not usually apply to you. But if in the past you have been employed or self-employed and you have paid social security insurance, they may apply to you.

There are special arrangements, called **reciprocal agreements**, between the UK and the other countries covered by the EC Regulations (except Czech Republic, Estonia, Greece, Hungary, Latvia, Liechtenstein, Lithuania, Poland and Slovakia). If you are not covered by the EC Regulations (and, in very limited circumstances, even when you *are* covered by these Regulations), you may be able to get cash benefits because of the reciprocal agreements. If you want to know more about these agreements, write to The Pension Service, Tyneview Park at the address on page 8.

If you want to know more about National Insurance contributions and related healthcare, or if you want a State Pension forecast (note, you cannot get a forecast if you are within four months of UK State Pension age – see page 27), write to:

Inland Revenue
Centre for Non Residents
Room BP1301
Benton Park View
Newcastle-upon-Tyne NE98 1ZZ

You can also phone or fax the Centre for Non Residents (Newcastle) Helpline on:
tel: 0845 915 4811
fax: 0845 915 7800

(UK calls and faxes will be charged at local rates except for some mobile phones.)

If you are phoning or sending a fax from outside the UK, dial the international code, then:

tel: 44 191 225 4811
fax: 44 191 225 7800

You can also get more information and can contact the Inland Revenue via the Inland Revenue website:

www.inlandrevenue.gov.uk

For details of UK Income Tax while you are abroad:

Inland Revenue
Centre for Non Residents
St John's House
Merton Road
Bootle
Merseyside L69 9BB
tel: 0845 070040

If you are phoning from outside the UK, dial the international code, then:
tel: 44 151 210 2222

If you want to know more about benefits and related healthcare cover write to:

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

When you write, please tell us:

- your full name;
- your date of birth; and
- your National Insurance number (if you know it).

If you are phoning or sending a fax from outside the UK, dial the international code, then:

tel: 44 191 21 87777

fax: 44 191 21 83836

You can phone or fax The Pension Service, Tyneview Park, on:

tel: 0191 21 87777

fax: 0191 21 83836

email:

TVP-IPC-Customer-Care@

thepensionsservice.gsi.gov.uk

If you are on holiday or you are visiting another EEA country for a short time, read leaflet **T6**, *Health advice for travellers*, instead. You can get a copy from any UK post office or from the internet at **www.dh.gov.uk/travellers**

Guides

Two guides published by the EC explain your rights when moving within the EU. One, *Your social security rights when moving within the European Union*, tells you more about the EC social security regulations and social security schemes in each of the other EEA countries. You can get this guide from either of the addresses on pages 7 and 8. You can also get it from the social security authorities in any other EEA country. The other, *The Community provisions on social security*, tells you about the EC social security regulations only. You can only get this guide online at **<http://bookshop.eu.int>**

Important note

In this leaflet we can only give you general information. You must not treat it as a complete and authoritative statement of the law. If you want to know about how the EC social security regulations work in any other country, you must ask the authorities who run the social security system in that country.

Insurance and contributions

1. Working in another EEA country

If you work in another EEA country

for an EEA employer (this includes a UK employer),

or as someone who is self-employed,

you are usually insured under the social security laws of the country you work in. You will not usually have to pay UK NI contributions.

But this is not always the case. Sections 2–11 tell you when UK NI contributions will still be due.

Note – In some EEA countries there is no compulsory state insurance or benefits scheme for self-employed people.

2. Working in another EEA country for a UK employer

If you are taken on by a UK employer when you are abroad, you will not have to pay UK NI contributions. You will be insured under the social security scheme of the country you work in.

Your UK employer may send you to work in another EEA country. If you are not expected to be there for more than 12 months, you will usually carry on

paying UK NI contributions. But you may be sent to take the place of someone else who works for the same employer and who has come to the end of their time working there. In this case, you cannot carry on paying UK contributions. But see also sections 4 and 6.

Similarly, if you are taken on by an employer or by an agency in the UK so that you can go straightaway to work for them in another EEA country, you can only carry on paying UK NI contributions if the employer or the agency normally carries out significant business activities in the UK.

For you to continue paying UK NI contributions, your UK employer must apply for form E101 in your name. If it can be issued, this form tells the social security authority in the other EEA country that you will carry on being insured under the UK scheme.

To do so, your UK employer must get an application form from the Inland Revenue at the address on page 7. Alternatively the form can be downloaded from the Inland Revenue's website at **www.inlandrevenue.gov.uk/cnr/osc.htm**. It should be completed and returned to the address shown on the form. As well as this, new employers, and employers who have not been in touch with the Inland Revenue before, must complete and return a form giving the company's details. You can also get this form from the Inland Revenue at the

address on page 7 or download it from the Inland Revenue's website as above.

If your employer hires you out to another client, you will not have to pay UK NI contributions. In this case, you will be insured under the social security scheme of the country you are working in. You can find out more by writing to the Inland Revenue. Their address is on page 7.

If all the rules are met, you and your employer will have to pay Class 1 NI contributions as if you were still in the UK. You will not have to pay into the scheme of the other EEA country. But see also sections 4, 6, 7 and 8.

If your job in another EEA country lasts longer than 12 months, although you did not expect it to, you can carry on being insured under the UK scheme for not more than another 12 months. But this is only if the insurance authorities of the EEA country you are working in agree to this extra time.

Make sure your UK employer asks for this extra time. They must ask before the end of the first 12 months you are working in the other EEA country. They need to apply on form E102. They can get a copy of the form from the Inland Revenue at the address on page 7.

3. Self-employed for a short time in another EEA country

You may be normally self-employed in the UK and go to work in another EEA country. As long as you do not expect to be there for more than 12 months, you will carry on being insured under the UK NI scheme.

You will have to pay Class 2 and possibly Class 4 NI contributions as if you were still in the UK. You will not have to pay into the scheme of the other EEA country.

You must apply for form E101. To apply for form E101, you must get an application form from the Inland Revenue at the address on page 7 or the form can be downloaded from the Inland Revenue's website at www.inlandrevenue.gov.uk/cnr/osc.htm If form E101 can be issued, it shows that you will carry on being insured under the UK scheme.

Self-employed construction workers in Germany

If you go to Germany to work in the construction industry, you must register at the local office of the Chamber of Handicrafts (*Handwerkskammer*). Take your form E101 with you.

To register with the *Handwerkskammer*, you have to prove that you are properly trained and qualified in your trade. You will be asked to provide a Certificate of Experience from the:

Certification Unit
British Chamber of Commerce
Westwood House
Westwood Business Park
Coventry CV4 8HS

You should apply for this before you leave. There is a non-refundable charge.

Note – If you do not register at the *Handwerkskammer*, you are not allowed to be self-employed in Germany.

Self-employment that unexpectedly lasts for more than 12 months

If your job in another EEA country lasts longer than 12 months, although you did not expect it to, you can carry on being insured under the UK scheme for not more than another 12 months. But this is only if the insurance authorities of the EEA country you are working in agree to this extra time.

You must ask to carry on being insured under the UK scheme before the end of the first 12 months of your work. You will need to fill in form E102, which you can get from the Inland Revenue at the address on page 7. But see also sections 5, 6 and 8.

4. Employed and working in two or more EEA countries

If you are employed in two or more EEA countries, but not as an International Transport Worker (see section 7), you are insured under the UK scheme if you:

either normally live in the UK, and the UK is one of the EEA countries you work in, or you work for several companies that are based in different EEA countries;

or do not normally live in any EEA country you work in, but the employer you work for is based in the UK.

If you think that you may be covered by this section please contact the Inland Revenue at the address on page 7 giving details of your work to find out more.

5. Self-employed in two or more EEA countries

If you are normally self-employed in two or more EEA countries, you will be liable to pay social security contributions to the insurance scheme of the country you live in. But you must do some of your work there. If you do not do any of your work in the country you live in, you will be liable to pay social security contributions to the scheme of the country where you do most of your work.

But if this means you are not covered for a social security pension, then you will be liable to pay social security contributions to the insurance scheme of one of the other countries in which you are self-employed.

If you think that you may be covered by this section please contact the Inland Revenue at the address on page 7 giving details of your work to find out more.

6. Self-employed in one EEA country and employed in another

You will pay contributions in the country where you are employed. You may also have to pay self-employed contributions in the country where you are self-employed. To find out what it means for you, write to the Inland Revenue. The address is on page 7. Get in touch with the insurance authorities in the EEA country you are going to, as well.

7. International transport workers

You may work as part of the travelling or flying staff of an employer that carries goods or passengers by road, rail, air or inland waterways.

If you work in two or more EEA countries, you are insured under the UK scheme **if**:

- the employer you work for has its registered office or place of business in the UK;
- or** the employer you work for has its registered office or place of business in another EEA country, and you work for a branch office in the UK;
- or** you live in the UK and you work mainly in the UK, even if your employer does not have a registered office or place of business in the UK.

If none of these apply to you, you are insured under the scheme of the EEA country where your employer has its main office.

If you think that you may be covered by this section please contact the Inland Revenue at the address on page 7 giving details of your work to find out more.

8. Special arrangements

Although you will usually be insured under the social security scheme of the country you work in, there are some instances when this will not apply. Two or more countries in the EEA may agree to treat you in a different way, as long as it is in your interests. For example, an agreement may be reached so that you stay insured under the UK social security scheme **if**:

- you have special knowledge or skills in the job you are doing;
- or** your employer has a special job that it needs you to do, in the other EEA country.

Agreements can be reached for other employees and self-employed people to be treated differently, but it must be in their interests.

To find out more, write to the Inland Revenue. The address is on page 7. See also section 2 of this leaflet.

Note – The Inland Revenue needs to get the foreign social security authority to agree that you can remain UK-insured. This means it may take some time to decide.

The following groups of people are treated in a special way:

- mariners;
- civil servants;
- members of the staff of diplomatic or consular posts;
- people who work for a member of the staff of a diplomatic or consular post;
- members of the staff of the European Community;
- members of Her Majesty's (HM) Forces; and
- civilians who work for an organisation that serves HM Forces, or for HM Forces in Germany.

If you are in any of these groups and you are not sure what NI contributions you should pay, write to the Inland Revenue. The address is on page 7.

9. Working in the UK for an employer that is based in another EEA country

If you usually work for an employer in another EEA country

who sends you to work in the UK for not more than 12 months;

and you are not sent to take the place of someone else who works for the employer and who has come to the end of the time they have to spend here,

you will still be insured with the other EEA country. You will not have to pay UK contributions.

Your employer in the other EEA country must obtain form E101 in your name from the insurance authorities of the other EEA country. Form E101 tells us that you will continue to be insured under the other country's social security scheme.

If you do not have a form E101, there may be a demand for you to pay UK contributions.

It may happen that your job in the UK lasts longer than 12 months, although you did not expect it to. You can carry on being insured under the other EEA country's scheme for not more than another 12 months. However, the Inland Revenue must agree to this extra time.

Before the end of the first 12 months your employer in the other EEA country should obtain form E102 from the insurance authorities of the country where your contributions are being paid. They can then use form E102 to ask for you to carry on being insured in the other EEA country. They should send the form to the Inland Revenue at the address on page 7.

Your work in the UK may still not be finished when the second 12 months is over. Or you may not be allowed to stay insured under the scheme of the other EEA country after the end of the first 12 months. If so, you must start paying contributions to the UK scheme.

If you are not covered by the rules described in this section and you work for an employer in the UK, you will usually have to pay UK contributions as soon as you start work. To do so, you must have a UK NI number.

If you do not have a UK NI number, you must apply for one in person, as soon as possible, at a Jobcentre Plus/social security office. You can obtain the address of your nearest office from the telephone directory. They can tell you more about paying contributions in the UK.

10. Self-employed in the UK

If you are normally self-employed in another EEA country and you come to do self-employed work in the UK, as long as you do not expect to be working in the UK for more than 12 months, you will stay insured with the other EEA country. You will not have to pay UK contributions.

You must have form E101, to tell us that you are still insured under the other EEA country's scheme. You must apply for and obtain form E101 from the insurance authorities of the country you usually work in.

If you do not have form E101, you will be asked to pay UK NI contributions.

It may happen that your work lasts longer than 12 months, although you did not expect it to. You can carry on being insured under the other EEA country's scheme for not more than another 12 months. But the Inland Revenue must agree to this extra time. Before the end of the first 12 months you should ask for form E102. You can get it from the insurance authorities of the country where your contributions are being paid. Use form E102 to ask if you can carry on being insured in the other EEA country. Send the form to the Inland Revenue at the address on page 7.

Your work may still not be finished when the second 12 months are over. Or you may not be allowed to stay insured under the scheme of the other EEA country after the end of the first 12 months. If so, you must start paying contributions to the UK scheme.

If you are not included in the rules in this section and you work in the UK, you will usually have to pay UK contributions as soon as you start work. To do so, you must have a UK NI number.

If you do not have a UK NI number, you must apply for one in person as soon as possible at a Jobcentre Plus/social security office. You can obtain the address of your nearest office from the telephone directory. They can tell you more about paying contributions in the UK.

11. Voluntary contributions

If you are working in another EEA country, you will normally have to be insured under that country's scheme. But the EEA rules mean that if you move from one EEA country to another, you will not lose your social security rights, provided you follow the rules in this leaflet.

Whether or not you are working in another EEA country, you can usually decide if you want to pay into the UK NI scheme. These are called 'voluntary contributions' because you do not have to pay them if you do not want to. If you do pay 'voluntary contributions', they may help you get a UK State Pension and some other UK benefits. You need to decide if it would be in your interests to pay UK voluntary contributions. To help you, you should note that:

- if you are sent to work in another EEA country by your UK employer, and you are insured under that other country's scheme, you can get UK Incapacity Benefit, contribution-based Jobseeker's Allowance or Maternity Allowance when you come back to the UK. But you must have kept your normal home in the UK;

and

- you must not be able to get the other country's benefit;
- for all the weeks that you are doing work for which you are paid while you are abroad, you can usually pay voluntary contributions at either
 - the Class 2 rate; or
 - the Class 3 rate;

- for any other weeks you can pay at the Class 3 rate only;
- Class 2 contributions count for State Pension, bereavement benefits, Maternity Allowance and short-term Incapacity Benefit;
- Class 3 contributions count for State Pension and bereavement benefits; and
- you cannot use voluntary UK contributions to help you get UK contribution-based Jobseeker's Allowance, nor do they give you cover for healthcare (see section 38).

If you want to pay voluntary contributions to the UK NI scheme while you are in another EEA country, write to the Inland Revenue as soon as possible. The address is on page 7.

You must pay your voluntary contributions within certain time limits for them to count for benefit.

Note – You will not be able to pay voluntary contributions to the UK scheme if you are already paying voluntary contributions in another EEA country.

12. Jobseeker's Allowance

Jobseeker's Allowance (JSA) has both a contribution-based and an income-based element. If you have paid enough Class 1 National Insurance (NI) contributions, you will get a personal rate of contribution-based JSA as long as you are both available for and actively seeking work. Contribution-based JSA may be paid to jobseekers in EEA countries. See the rules in this section.

If you do not qualify for contribution-based JSA, or it does not fully meet your needs, you may qualify for income-based JSA. Income-based JSA is normally only payable to jobseekers who have a right to reside *and* are habitually resident in the UK, Ireland, the Isle of Man or the Channel Islands, and is not covered by the rules in this section. For more information about the right to reside contact your social security office, Jobcentre Plus office or Jobcentre.

Nationals from Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia who have been working for less than 12 months have a right to reside while they are in work and registered under the Worker's Registration Scheme. If they cease work their right to reside will usually depend on being self-sufficient and they are unlikely to qualify for income-related benefits. For more

information contact your social security, Jobcentre Plus office or Jobcentre.

UK contribution-based JSA in another EEA country

If you are getting UK contribution-based JSA,

and you have been registered as available for work, usually for four weeks, at a UK Jobcentre Plus office or Jobcentre,

you may be able to carry on getting UK contribution-based JSA for up to three months while you look for work elsewhere in the EEA. **But you must have been getting contribution-based JSA before you go abroad.**

UK contribution-based JSA is paid by the employment services in the EEA country in which you register for work. Payment is made in local currency at the rate of contribution-based JSA you were paid in the UK, and is authorised on form E303. This form is issued by The Pension Service, Tyneview Park, at the address on page 8.

If you can get UK contribution-based JSA in another EEA country, you can get a letter from your Jobcentre Plus office or Jobcentre to help you in registering for work in that country. Give it to the authorities who run the employment services in the other country.

If you can get UK contribution-based JSA in another EEA country and you are going to look for work in any of the following countries, you will also be given form E303:

- Austria
- Belgium
- Cyprus
- Czech Republic
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Italy
- Latvia
- Lithuania
- Malta
- Poland
- Portugal
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland.

But you must tell the Jobcentre Plus office or Jobcentre in good time before you go that you need it. If you do not, it will be sent to your address in the country you have moved to. If you are going to look for work in any other EEA country, then form E303 will be sent to a liaison office in that country.

In each country in which you are looking for work you must:

register for work;

and follow the rules of that country about being available for work.

You can only get benefit while you are registered at the employment office in the other EEA country. Normally, as long as you register before the end of seven days after you left the UK, you may carry on getting your UK contribution-based JSA without a break in your entitlement. But you should note there may be a delay before the other EEA country pays you, so try to make sure that you have enough money to last.

Once you have been paid UK contribution-based JSA for a time spent in another EEA country, you cannot get it again for another length of time when you are seeking work abroad, unless you have done more work and you have paid into the UK NI scheme.

If you fall sick while you are looking for work in another EEA country

If you fall sick while you are looking for work in another EEA country, you may get UK short-term Incapacity Benefit (see section 16), instead of UK contribution-based JSA. But you will only get it for as long as you can get UK contribution-based JSA.

Claiming benefit for unemployment after working in another EEA country

You may have become unemployed after working in another EEA country. If so, and you were last insured in that country's unemployment insurance scheme, the authorities there may be able to use your UK insurance as an employed person to help you get their unemployment benefit. The authorities who run the unemployment insurance scheme in the other EEA country will ask the Inland Revenue for details of your UK insurance record.

The Inland Revenue will send form E301 to them. They will usually need to get in touch with the employer you used to work for in the UK before they can send form E301.

When the authorities in the other country get form E301, they will look at your UK insurance record and decide if they can use it for your claim. **But note that form E301 does not give you any automatic right to receive unemployment benefit in another EEA country.**

When deciding your claim, the foreign authorities will use their own rules.

If you have been working in another EEA country and have paid UK Class 1 contributions as set out in section 2,

and the time you were sent there for has come to an end,

and you stay in the EEA country where you were working,

you may still be able to get unemployment benefit from that country in certain circumstances. **But note that you will not be able to get UK contribution-based JSA until you come back to the UK.**

Looking for work in the UK

If you paid unemployment insurance while you were employed in another EEA country, this may enable you to get UK contribution-based JSA following your return to this country. But you must have:

either worked as an employed person and paid Class 1 contributions since the last time you arrived in the UK;

or remained habitually resident in the UK during the time you were working in another EEA country.

If either of these apply to you, you may need a record of your unemployment insurance from the authorities who run the unemployment insurance scheme in the other country. If you can, ask them for form E301 before you return to the UK and keep it in case you need it. If you do claim contribution-based JSA, give form E301 to the Jobcentre Plus office or Jobcentre dealing with your claim. **But note that form E301 does not give you any automatic right to UK contribution-based JSA.**

For further information, contact The Pension Service, Tyneview Park, at the address on page 8.

If you are coming to the UK, or coming back here to look for work, you may be able to carry on getting the other EEA country's unemployment benefit in the UK for up to three months. To get it, you must:

normally have been getting that country's unemployment benefit just before you came to the UK;

and have been registered as available for work for at least four weeks, or for any shorter time that the other EEA country allows;

and register for work in the UK;

and claim benefit.

You can only be paid the other country's unemployment benefit for the time that you are registered, unless you fall sick (see section 16). As long as you register before the end of seven days after you were last registered with the employment services of the other country, you may normally carry on getting your unemployment benefit without a break in your entitlement. But there may be a delay before you are paid in the UK.

To get another EEA country's unemployment benefit in the UK, you will need form E303. Ask for it in the country you are about to leave.

Make sure that you do everything that you need to do to follow the rules before you leave. If you do not, you may lose benefit.

Give form E303 to the office at which you claim benefit in the UK. But note that some countries will not give you form E303. Instead they will send it direct to The Pension Service, Tyneview Park, at the address on page 8.

13. Statutory Maternity Pay

Statutory Maternity Pay is paid by employers to help women take time off work when they expect a baby. If you work for a UK employer, have done so for at least 26 weeks, and your earnings are on average at least equal to the lower earnings limit in the appropriate reference period, you can get Statutory Maternity Pay (SMP) while you are in another EEA country. Also, a woman who is absent from Great Britain in an EEA country during her SMP pay period, but who is normally in employed earner's employment in the UK, may continue to receive SMP. You do not need to be a national of any EEA country to get SMP in another EEA country. SMP is paid for up to 26 weeks. The rate of benefit depends on your average weekly earnings.

14. Maternity Allowance

Maternity Allowance is paid to help women take time off work when they are

expecting a baby. It can be paid for up to 26 weeks. To qualify, you must have been employed or self-employed in at least 26 of the 66 weeks before your baby is expected. The rate of benefit depends on your average weekly earnings.

UK Maternity Allowance in another EEA country

If, for any reason, you cannot get SMP in another EEA country, but you were last insured under the UK scheme, you may be able to get UK Maternity Allowance instead.

You can get UK Maternity Allowance **if**:

- you are living or working there;
- or** you are looking for work there and you are getting UK contribution-based Jobseeker's Allowance;
- or** you are already getting Maternity Allowance in the UK **and** you go back to the country where you usually live or you go to live in another EEA country. But you must get your Jobcentre Plus/social security office to agree that you can carry on getting your benefit;
- or** if the Department of Health tells you that you can go to another EEA country to get medical treatment. Leaflet **T6**, *Health advice for travellers*, tells you more about this. You can get a copy from any UK post office or from the internet at **www.dh.gov.uk/travellers**

If these do not apply to you, and you are going to another EEA country for a short visit, you may still be able to get Maternity Allowance. But you must be going abroad to get medical treatment for a medical condition which started before you left the UK, or you must have been unable to work for at least six months, with no gaps, before you go.

If you have your baby in any other EEA country, the rules for deciding if you may get UK Maternity Allowance are just the same as if you were living in the UK, unless you can get the same sort of Maternity Allowance from the EEA country you are living in.

If you are getting Maternity Allowance and you are going to another EEA country, check with your Jobcentre Plus/social security office well before you leave. Read the parts of this leaflet (sections 28–39) that tell you about healthcare, so that you can sort things out in good time.

Maternity benefit from another EEA country

If you have been working in another EEA country, you may have become insured for sickness since the last time you arrived there. If you have, and you claim maternity benefit under that country's scheme, your UK insurance may help you get it. The authorities there will ask the Inland Revenue NI Contributions Office for details of your UK insurance record.

The Inland Revenue NI Contributions Office will send on to them form E104. They will usually need to get in touch with the employer you used to work for in the UK before they can send form E104. The authorities who run the foreign maternity scheme will decide your claim using their own rules.

UK Maternity Allowance in the UK

If you are insured under the UK scheme while you are working for your employer, you can usually get SMP (see section 13). If for any reason you cannot get SMP in the UK, you may be able to get UK Maternity Allowance instead.

If you claim UK Maternity Allowance in this country, the sickness insurance paid in another EEA country may be used to help you get UK benefit. But this is only if, since coming to the UK, you have worked and earned at least a certain amount a week or, if you are self-employed, you have paid insurance contributions or hold a Small Earnings Exception.

Before you return to the UK, get a record of your sickness insurance from the authorities in the other EEA country. Ask them for form E104 and keep it in case you need it. If you do claim UK Maternity Allowance, give the form to the Jobcentre Plus/social security office dealing with your claim.

If you have not paid any UK NI contributions or have not earned a certain amount since you last arrived in the UK,

you may still get UK Maternity Allowance **if you:**

- worked in another EEA country for a UK employer and for the first 52 weeks of your employment abroad you either paid, or were deemed to have paid, employed-rate UK contributions;
- or** paid contributions to the country where you were working;
- and** you were *ordinarily resident* in the UK for the whole time you were abroad and immediately before the start of your employment.

For further information, contact The Pension Service, Tyneview Park, at the address on page 8.

Benefits from two or more EEA countries

If you could claim maternity benefit from more than one EEA country, you can usually get it only from the country your baby is born in. If you cannot get benefit in that country, you can claim it from the country where you were insured last.

15. Statutory Sick Pay

Statutory Sick Pay is paid by employers for up to 28 weeks to employees unable to work because they are sick. If you work for a UK employer and your earnings are on average at least equal to the lower earnings limit in the appropriate reference period, you can get Statutory Sick Pay

(SSP) while you are in another EEA country. Such entitlement may continue even if your employer ceases to be liable to pay Class 1 contributions during your period of entitlement to SSP. You do not need to be a national of any EEA country to get SSP in another EEA country.

16. Incapacity Benefit

UK Incapacity Benefit can be paid to people who cannot work because they are sick or disabled and are too young to get a UK State Pension – under 60 for women and under 65 for men.

The rules for UK Incapacity Benefit and the amount you get depend on whether your incapacity is short-term or long-term. Benefit is usually paid at three basic rates:

- short-term (lower rate) for the first 28 weeks;
- short-term (higher rate) from the 29th to 52nd week; and
- long-term rate from the 53rd week.

If you want to know more about the rules, read leaflet **IB1**, *A guide to Incapacity Benefit*.

UK short-term Incapacity Benefit in another EEA country

If, for any reason, you cannot get SSP in another EEA country, but you were last insured under the UK scheme, you may be able to get UK short-term Incapacity Benefit instead **if**:

you fall sick while visiting another EEA country (for example, on holiday), but only if you need urgent medical treatment there;

- or** you fall sick while you are living or working there;
- or** you fall sick while you are looking for work there and while you are getting UK contribution-based JSA;
- or** you are already getting short-term Incapacity Benefit in the UK and you go back to the country where you usually live or you go to live in another EEA country. But you must get your Jobcentre Plus/social security office to agree that you can carry on getting your benefit;
- or** the Department of Health tells you that you can go there to get medical treatment. Look at leaflet **T6**, *Health advice for travellers*. You can get a copy from any UK post office or from the internet at **www.dh.gov.uk/travellers**

If these do not apply to you, and you are going to another EEA country for a short visit, you may still be able to get short-term Incapacity Benefit for up to 26 weeks. But you must be going abroad to get medical treatment for an illness which started before you left the UK; or to get treatment for an industrial injury; or you must have been unable to work for at least six months, with no gaps, before you go.

If you are getting UK short-term Incapacity Benefit in the UK and you are

going to another EEA country, you should check with your Jobcentre Plus/social security office well before you leave. They will be able to tell you if going abroad will affect your benefit. Make sure you read the parts of this leaflet (sections 28–39) that tell you about health care, so that you can sort things out in good time.

When your period of UK short-term Incapacity Benefit runs out, you may then be able to get UK long-term Incapacity Benefit. For more information, read the paragraphs on long-term Incapacity Benefit later in this section.

Benefit for short-term sickness from another EEA country

If you have been working in another EEA country, you may have become insured for sickness since the last time you went there. If you have, and you claim benefit under that country's scheme, your UK insurance may help you to get it. The authorities there will ask the Inland Revenue for details of your UK insurance record.

The Inland Revenue NI Contributions Office will send on to them form E104. They will usually need to get in touch with the employer you used to work for in the UK before they can send form E104. The authorities who run the foreign sickness scheme will decide your claim using their own rules.

If you have worked and become insured in another EEA country, and you then fall

sick, you may wish to come back to the UK. If this happens, you may get the other country's sickness benefit in the UK. But you should claim the benefit before you come back to the UK.

UK short-term Incapacity Benefit when you come to the UK

If you are insured under the UK scheme and you fall sick while you are working for your employer, you can usually get SSP. But if, for any reason, you cannot get SSP in the UK, you may get UK short-term Incapacity Benefit instead.

If you claim UK short-term Incapacity Benefit in this country, the sickness insurance you paid in another EEA country may be used to help you get UK benefit. But only if you have worked and paid insurance contributions under the UK scheme as an employed or self-employed person since the last time you arrived in the UK.

Before you return to the UK, get a record of your sickness insurance from the authorities in the other EEA country. Ask them for form E104 and keep it in case you need it. If you do claim UK short-term Incapacity Benefit, give the form to the Jobcentre Plus/social security office dealing with your claim. Note that you cannot usually get benefit from more than one country for one lot of sickness.

If you have not paid any UK NI contributions since you last arrived in the UK, you may still get short-term Incapacity Benefit, but only **if you:**

worked in another EEA country for a UK employer and paid contributions for the first 52 weeks of your employment abroad;

and you were ordinarily resident in the UK for the whole time you were abroad and immediately before the start of your employment.

For further information, contact The Pension Service, Tyneview Park, at the address on page 8.

UK long-term Incapacity Benefit

If you have been insured for sickness in the UK only, you may be able to get UK long-term Incapacity Benefit anywhere you live or stay in the EEA as long as you satisfy the rules and continue to be unfit for work.

If you have been insured in the UK **and** in another EEA country, the benefit you can get depends on which other country or countries you have been insured in. This is because there are different rules for working out your benefit (see below for more information).

Benefit for long-term sickness from another EEA country

If you have been insured in the UK and also in any of the following countries:

- Belgium
- Finland (only for national pensions for persons who are born disabled or become disabled at an early age)

- France (except if you were employed as a miner or you were self-employed – but not as an agricultural worker)
- Greece (in the agricultural scheme only)
- Ireland
- Netherlands
- Spain (except the special schemes for civil servants, the armed forces and the judicial administration)

and from 1 May 2004, also:

- Estonia (only certain special schemes)
- Latvia (except invalidity benefits granted under Group I and Group II disability)

only one of them will pay you benefit. This is usually the country in which you were last insured when your sickness began. If you were last insured in the UK, you will get full rate long-term Incapacity Benefit and you may also get an increase for your dependants, if you satisfy the rules.

If you were last insured in one of the above countries, you will get that country's invalidity benefit. Previous periods of UK insurance may help you to satisfy the rules of the country from which you claim your benefit.

The country that pays your benefit may also pay you extra for an adult who depends on you. It does not matter if they live in another EEA country. As long as your husband or your wife does not work, you may also be paid extra for any children who depend on you.

Benefit for long-term sickness from more than one EEA country

If you have been insured at any time in the UK and also in any of the following countries:

- Austria
- Denmark
- Finland (except for national pensions for persons who are born disabled or become disabled at an early age)
- France (but only if you worked as a miner; or if you were self-employed – but not as an agricultural worker)
- Germany
- Greece (but not if you were insured under the agricultural insurance scheme)
- Iceland
- Italy
- Liechtenstein
- Luxembourg
- Norway
- Portugal
- Spain (only the special schemes for civil servants, the armed forces and the judicial administration)
- Sweden
- Switzerland,

and from 1 May 2004, also:

- Cyprus
- Czech Republic
- Estonia (except certain special schemes)
- Hungary
- Latvia (only invalidity benefits granted under Group I and Group II disability)
- Lithuania
- Malta
- Poland
- Slovakia
- Slovenia

you may be able to get UK long-term Incapacity Benefit **and** also an invalidity benefit from each of the other countries where you were insured.

Each country where you have been insured will work out how much of their benefit they can pay you. Different rules apply to any extra you may get for an adult and child(ren) who depend on you. See also 'How your claim is worked out' on page 28 and 'Getting extra for your dependants' on page 30.

If you are getting benefit from only one of the countries where you were insured, ask the authorities that pay your benefit to send your claim to the other country or countries where you were insured. They will then consider whether they can pay you their benefit.

17. Severe Disablement Allowance

From 6 April 2001 Severe Disablement Allowance (SDA) is no longer available to new claimants, but anyone who was in receipt of SDA at the point of change can continue to get it in the future as long as they satisfy the entitlement conditions. If this applies to you and you want to go to another EEA country and take your SDA with you, get in touch with The Pension Service, Tyneview Park. The address is on page 8.

18. Attendance Allowance, Carer's Allowance, Working Tax Credit, Disability Living Allowance

If you get any of these allowances and you go to live in another EEA country, you will usually **not** be able to go on getting them. Going to visit another EEA country may also affect your UK allowance. If you are planning to go to another EEA country, either to live or to visit, you should write to the office that pays your allowance to find out more. See also leaflet **GL29** *Going abroad and social security benefits*.

If the EEA country you go to live in has a benefit like one of the UK allowances, any time you spent working as a self-employed person or for an employer in the UK, or any time you lived here, may help you to be able to claim the foreign benefit.

You should also note that similar rules apply if you claim a UK allowance in the UK. Any periods spent working in another EEA country as a self-employed person or for an employer, or any time you lived there, may help you to satisfy the rules in this country for getting a UK allowance.

Note – From April 2003 two new tax credits, a Child Tax Credit and a Working Tax Credit, were introduced to replace Working Families' Tax Credit, Disabled Person's Tax Credit and Children's Tax Credit. Both of these new credits are administered by and claimed from the Inland Revenue.

19. Benefits for accidents at work and for occupational diseases

If you are bereaved and your spouse died because of an accident at work or from one of the industrial diseases on the official list, you may be able to get bereavement benefits. This applies even if you don't meet the insurance rules for bereavement benefits.

If you are disabled or cannot work because of an accident at work or because you have one of the industrial diseases on the official list, you may be able to get Industrial Injuries Disablement Benefit. The Pension Service, Tyneview Park, will tell you more. Their address is on page 8.

If you worked in two or more EEA countries in a job which gave you one of the industrial diseases on the official list, you will only get benefit from the country where you were working last in the job that gave you the disease. **Note** – This does not apply if you have pneumoconiosis. There are special rules for this.

If your disease gets worse and you are getting, or if you used to get, benefit from an EEA country, that country will usually pay you any extra benefit that you may be able to have. You will need to have a further medical assessment.

If you are getting benefit from one EEA country and you are now doing the same job that gave you the same disease, but in a different EEA country, the first country will not pay you any extra benefit. Instead, the second country will pay you benefit, and they will use their own rules to decide how much you should get. They will look at how much worse your disease has become.

20. State Pension

If you want to ask about your own pension rights in another EEA country, you must ask the authorities who run the pension scheme in that country.

UK State Pension age

UK State Pension age is 65 for men and 60 for women. But over a 10-year period starting on 6 April 2010, UK State Pension age for women will change from age 60 to age 65. This means:

- women born on or before 5 April 1950 will reach State Pension age at age 60;
- women born on or after 6 April 1955 will reach State Pension age at age 65;
- women born on or after 6 April 1950 and on or before 6 April 1955 will reach State Pension age at 60 plus 1 month for every month or part month their date of birth is after 5 April 1950. For these women, State Pension will always be awarded from the 6th of the same month.

See the following example.

Example

A woman is born on 21 November 1950. Number of months from 6 April 1950 to 21 November 1950 = 8 (November counts as one month).

UK State Pension age = July 2011 (age 60 is November 2010 plus 8 months = July 2011). State Pension will be paid from 6 July 2011.

UK State Pension forecast

If you are not within four months of UK State Pension age (see above for UK State Pension age), you can ask for a forecast of what UK State Pension you can expect to get. It will tell you what your State Pension is now and whether or not you can get more by the time you reach UK State Pension age. But it will not include any insurance you have paid in another EEA country.

If you are living in another EEA country or you are going abroad soon, write to the Inland Revenue and ask for an application form. The address is on page 7. If you are living in the UK and you are not going to live in another EEA country for some time, you should get application form BR19 from your Jobcentre Plus/social security office.

How to claim your State Pension

Every EEA country has its own rules. You must follow these rules before a State Pension can be paid to you. The age that you can start to get your State Pension may also be different in other countries.

You can claim your State Pension directly from any EEA country in which you have been insured. Or you can claim from the EEA country you live in when you are getting near State Pension age.

If you have been insured in the UK, we will usually send you a claim form about four months before you reach UK State Pension age. The form will ask you if you want to claim a UK State Pension. It asks you to tell us about any insurance and residence you may have in other countries.

Remember to tell The Pension Service, Tyneview Park, when you change your address, or the form may not get to you. The address is on page 8.

If you claim State Pension in the EEA country where you live, that country will pass details of your claim to any other EEA country where you have been insured.

How your claim is worked out

Each EEA country where you have paid insurance towards a State Pension will look at your insurance under its own scheme and will work out how much State Pension you can have. As long as you meet the rules, you will get a State Pension from each country.

Each country will also look at any insurance you have in another EEA country. This can help you to get a State Pension, or a higher State Pension, under its own scheme.

To do this, each country sends details of your insurance record to the others.

Each country then works out how much to pay you.

They do it in two ways:

- **Method A**

Each country works out how much State Pension you can get, just from what you have paid into its own social security scheme.

- **Method B**

Each country adds together your insurance in all countries. Then each one sees how much State Pension you would get if your insurance had all been paid into its own social security scheme. But each country only has to pay you part of this. How much it pays you depends on how much you have paid into its scheme.

For example, if one-third of the insurance you have paid was from the UK, then the UK would pay one-third of the total State Pension it has worked out you could get. All the other countries usually work out how much they are going to pay in the same way.

If a country has worked out your State Pension using Method A, it will usually pay it to you while you wait for Method B to be calculated. If your State Pension is higher under Method B, you will get the higher one without having to ask.

Any UK graduated contributions you have paid are not used in working out Methods A and B. But you can get a State Pension from these contributions whether or not you get a State Pension using Methods A or B above.

How your State Pension will be paid

Each EEA country decides how it will pay your State Pension. If you have any questions about this, get in touch with the authorities who run the State Pension scheme in that country. If you are in the UK, you can be paid a State Pension from any other EEA country. But if you are, any UK Income Support that you have been getting may be reduced or stop.

You can be paid a UK State Pension (with an extra amount if you are aged 80 or more), in any other EEA country. You will get the same as you would get in the UK.

You will usually be paid straight into your bank or building society account in the

UK or your bank account abroad, if you have one. Or, if you wish, you can choose to have payment by payable orders sent straight to you by post. Whichever you choose, payment is made every one (only to accounts in the UK), four or 13 weeks in arrears.

Any arrears of State Pension which may be due from before you started being paid your State Pension will usually be paid straight to you. But:

if you are in the UK and the arrears of State Pension are from another EEA country,

and you have been getting Income Support for the time that the arrears cover,

we can take back all, or part, of what we paid you in Income Support out of the money the other country owes you.

If you are in another EEA country, the authorities there may have been helping you by paying you benefit while you have been waiting for your State Pension to be paid from the UK. When your UK State Pension is paid, the other country can then take off the amount they paid you from your UK State Pension. If there is anything left over, it will be paid to you.

Getting extra for your dependants

If you get a State Pension from any EEA country, you may also be paid extra for certain adults who depend on you. You may get this extra State Pension even if the person who depends on you is in another EEA country. The extra State Pension will be worked out in the same way as the rest of your State Pension. Look at 'How your State Pension will be paid' on page 29 to find out more details.

There are special rules for children who depend on you. If the EEA country you live in pays you a State Pension, it should pay the benefits for your children too. It will base them on its own scheme.

If you do not get a State Pension in the country where you live, and you and your husband or your wife are not working, the benefits for your children will be paid by either:

the country that you get a State Pension from;

or if you get a State Pension from two countries, the country where you were insured for the longest time.

The insurance you have paid in the UK may be used by other EEA countries when they decide what benefit you can get.

21. Winter Fuel Payments

Winter Fuel Payments can in certain circumstances be paid to people living in the EEA or Switzerland. If you have received or would have been eligible for a Winter Fuel Payment in the UK before moving to one of these countries you may be able to continue receiving it.

For more information about Winter Fuel Payments if you reside in an EEA country or Switzerland, contact Winter Fuel Payment Centre, Southgate House, Cardiff, Central, Royal Mail, Cardiff, UK CF91 1ZH. Telephone 029 2042 8635 or 44 29 2042 8635 when dialling from abroad.

For more information about Winter Fuel Payments in the UK, get leaflet **WFPL1**, *Your guide to Winter Fuel Payments 2004*, from your Jobcentre Plus/social security office, Jobcentre or pension centre or ring the Winter Fuel Payment helpline on **08459 15 15 15**. If you use a textphone, the number is **0845 601 5613**. Calls to these numbers are charged at local rate.

22. Widows' benefits and bereavement benefits

From 9 April 2001, the bereavement benefit scheme has operated. Bereavement benefits are available to men and women and are based on the National Insurance contribution record of

their late spouse. Women who were already receiving Widow's Benefit before that date will continue to do so for as long as they satisfy the qualifying conditions.

If your spouse dies when you are in one EEA country but he or she was insured in another EEA country, you may claim widows' benefits or bereavement benefits in either of the countries. If you claim in the EEA country where you live, that country will pass details of your claim to any other EEA country where you or your late spouse have been insured.

UK widows' benefits or bereavement benefits are payable in another EEA country at the same rate as if you were living in the UK. In the same way, if you can get benefits from another EEA country, you will get the same rate in the UK as you would if you were in that country.

If your late spouse did not pay enough insurance contributions in the UK for you to get UK Widow's Benefit or Bereavement Benefit, we may use their foreign insurance contributions in a similar way as a person's insurance contributions may be used for State Pension. The section 'How your claim is worked out' under **State Pension** tells you about this.

In the same way, if your late spouse did not have enough insurance contributions in another EEA country for that country to pay you their Widow's Benefit or

Bereavement Benefit, the authorities there may use your late spouse's UK insurance contributions to work out if you can get their benefits.

Benefits for children of workers who have died

There are special rules about benefits for children of someone who has died. If you have been bereaved and your late spouse was insured only in one EEA country, that country pays the benefits for a child. It will work out what the benefits are using its own rules under its own scheme. They may be child benefits, orphan's pension or extra widow's pension, or some of each.

If your late spouse was insured in more than one EEA country, it will usually be the country where the child lives that pays the benefits. But your late spouse must have been insured in that country, and there must be some benefit to be paid for the child.

If your late spouse was not insured in the country where the child usually lives, or that country cannot pay any child benefits, the EEA country where your spouse was insured for the longest period has to pay the child's benefits.

Other EEA countries may use your late spouse's insurance when they work out if you can get benefit for the child.

23. Benefits for children

UK Child Benefit, Working Tax Credit and Child Tax Credit

If you are in the UK or another EEA country:

- and** you are employed or self-employed in a job in which you **must** pay contributions under the UK scheme,
- or** you are getting one of the following UK benefits:
 - contribution-based Jobseeker's Allowance
 - Guardian's Allowance
 - Incapacity Benefit
 - State Pension
 - Widow's Benefit/Bereavement Benefit
 - Industrial Injuries Disablement Benefit,

you can usually get UK Child Benefit for your children, even if they are living in another EEA country.

You may also be able to get UK Working Tax Credit and Child Tax Credit. But see the note on page 26 on the changes affecting tax credits.

Children's allowance from another EEA country

If you are in another EEA country:

- and** you are employed or self-employed;
- and** you are insured under that country's insurance scheme;
- or** you are getting one of the following foreign benefits:
 - unemployment benefit
 - benefit for orphans
 - benefit for sickness
 - old age pension
 - benefit for an accident that happened when you were at work
 - benefit because you have an industrial disease on the official list,

you can usually get the children's allowance paid by that country. You can get it even if your child stays, or your children stay, in the UK. Any UK insurance you have paid may help the other country decide if they can pay you their children's allowance.

Getting benefit from two different countries

It may be that you and your husband or wife could both get benefit from two different EEA countries for the same child. If so, both countries will not have to pay

all the benefit. The country where one of you works and pays into the social security scheme will usually pay.

If you or your husband or wife are working in different countries and you are both paying into the social security scheme in each country, the country the child lives in will usually pay benefit. The other country may pay something too. They may do this if you would get more for the child in their country. They may pay the extra you would have got there.

If you want to know more about Child Benefit, write to:

Inland Revenue
Child Benefit Office (GB)
Washington
Newcastle-upon-Tyne NE88 1AA
UK
email: child.benefit@ir.gsi.gov.uk

Or visit www.inlandrevenue.gov.uk/childbenefit

If you are in the UK, you can phone the Child Benefit Office (GB) on:
tel: 0845 302 1444

If you are phoning from outside the UK
tel: 44 191 225 1000

To find out more about Working Tax Credit and Child Tax Credit, visit www.inlandrevenue.gov.uk/taxcredits

You can also phone the Inland Revenue by calling the Helpline on the following numbers:

England, Scotland and Wales –
0845 300 3900
Northern Ireland only – 0845 603 2000
Textphone for people with hearing or speech difficulties:
England, Scotland and Wales –
0845 300 3909
Northern Ireland only – 0845 607 6078

24. Benefits for children where one or both of their parents have died

You may want to claim benefit for a child or children where one or both parents have died. Any insurance paid by the parent(s) in another EEA country may sometimes help you with your claim.

To find out more about this, write to:

Inland Revenue
Guardians Allowance Unit
Child Benefit Office (GB)
Washington
Newcastle-upon-Tyne NE88 1AA
UK

If you are in the UK, you can phone or fax the Child Benefit Office (GB) on:
tel: 0845 302 1464 (Guardian's Allowance)
fax: 0191 225 1543 (Guardian's Allowance)

If you are phoning from outside the UK, dial the international code, then:
tel: 44 191 225 1536 (Guardian's Allowance)

fax: 44 191 225 1543 (Guardian's Allowance)
email: child.benefit@ir.gsi.gov.uk

Having UK benefits paid in another EEA country

If you are getting UK Guardian's Allowance or Child's Special Allowance, you can usually get it when you, or the child or children you are getting it for, are in any other EEA country.

Benefit from another EEA country

Another EEA country may pay you benefit for a child which has lost either one or both its parents. If so, you can usually carry on getting it in the UK.

25. Pension Credit, Income Support and income-based Jobseeker's Allowance

If you have come to the UK from another EEA country, you may be able to get some help from Pension Credit, Income Support or income-based JSA. This will depend on your immigration status or whether you have a *right to reside* and are *habitually resident* in the UK, the Channel Islands, the Isle of Man or Ireland.

If you are:

an EEA national who has the right to live in the UK because you are or have been employed or self-employed here,

or a refugee or a person with exceptional leave to stay in the UK, or Humanitarian Protection or Discretionary Leave,

or a national from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia or Slovakia who is working and registered with the *Worker Registration Scheme* or self-employed,

you may be treated as *habitually resident* here.

Otherwise, the overall circumstances of your case will be considered when a decision is made as to whether you are *habitually resident*. You will be asked, among other things, why you have come to the UK and how long you are going to stay here.

26. Benefits from other EEA countries

The benefits you can get in most other countries depend on:

- how much insurance you have;
- or how much, or how little money you have got.

In some EEA countries, social security is based on residence. If you go to live in another EEA country, you will not get any benefits that are based on insurance unless

you have paid into the social security scheme there. But if you are bereaved, you may get benefits if your husband or wife has paid into the scheme.

If you cannot get any benefits that are based on insurance and you need help with money, ask the welfare authorities in the country where you live about any other benefits that you can get. They will be able to tell you if you have lived in that country long enough to qualify.

Claiming UK or other countries' benefits when in another EEA country

Claim in the country you are in. Go to the authorities who run the insurance scheme there.

27. How to claim benefits

Claiming if you are in the UK

You have to claim within a certain time. Do not delay in making your claim or you may lose benefit.

Contribution-based Jobseeker's Allowance

Go to your Jobcentre Plus office or Jobcentre. It is listed in the business numbers section of the phone book, under Jobcentre Plus, Employment Service or Benefits Agency.

Statutory Sick Pay and Statutory Maternity Pay

Contact your employer.

Other benefits

Go to your Jobcentre Plus/social security office. For your nearest office, look for the display advert under 'Jobcentre Plus' or 'social security office' in the business numbers section of the phone book.

28. Gibraltar

The UK does not treat Gibraltar as though it is another EEA country for healthcare (see under **Introduction** on page 5). Gibraltar has its own healthcare system based on contributions, which is quite different from the UK National Health Service. If you are moving between the UK and Gibraltar, then sections 29–39 do not generally apply to you.

Special arrangements on healthcare exist between the UK and Gibraltar. Any medical treatment that is needed by UK **pensioners** who live or go to live in Gibraltar is provided by the Gibraltar authorities without payment of insurance contributions. You will have to pay prescription charges. A UK pensioner is someone who gets long-term Incapacity Benefit, Severe Disablement Allowance, State Pension, widow's benefits or bereavement benefits.

Urgent medical treatment is also covered and applies only to **visitors** to Gibraltar for stays up to 30 days. See leaflet **T6**, *Health advice for travellers*. If you are sent to Gibraltar to work for more than 30 days, you should get in touch with the Gibraltar Health Authority. They will tell you if you can stay covered by the agreement or if you will need to pay into the Gibraltar Group Practice

Medical Scheme. To find out more about the Gibraltar healthcare system, write to:

Gibraltar Health Authority
17 Johnstone's Passage
Gibraltar

If you go to live in Gibraltar and you are not a UK pensioner, you are not covered by the special arrangements and you must:

- either** join the Gibraltar Group Practice Medical Scheme,
- or** take out private medical insurance cover,

otherwise you will have to pay your own healthcare costs.

29. Other EEA countries

You usually have to pay into a state sickness insurance fund or a private healthcare scheme to be covered for healthcare in most other EEA countries. This depends on the law of the country you go to. The contributions you pay usually cover you for both cash sickness benefits and healthcare.

To help you meet the rules of the other EEA country, the UK national insurance contributions you paid when you were self-employed or working for an employer may be used. You may need form E104. This tells the other country about times

when you were insured in the UK. You can get it from the Inland Revenue. The address is on page 7.

The UK can only cover you for healthcare in another EEA country if sections 30–37 apply to you. If you remain insured in the UK, you will be able to get healthcare under the other country's scheme as though you were insured there. But you may have to pay part or all of the costs of some services which are free of charge under the NHS.

30. Visiting another EEA country

If you visit an EEA country (or Switzerland) you are covered for any medical treatment which may become necessary during your time there. This includes treatment for care you may have been receiving for chronic conditions in the UK but it does not cover the cost of care if the sole reason for your visit is to obtain treatment for an existing condition.

Usually you will need form E111, available from any UK post office. Ask for leaflet **T6**, *Health advice for travellers*, which includes an application form. The form E111 is no longer a family-based form so you will need a separate E111 for yourself and each member of your family. Blank E111s are no longer printed in the leaflet but you can ask post offices for as many E111s as you need; or you can download them from the internet (see page 8).

Complete the E111s you need and hand them and the application form to the post office counter clerk, who will sign and stamp them (they cannot be used until this is done).

Old-style, family-based E111s are valid until the end of 2004. During 2005 the UK will replace E111s with a plastic European Health Insurance Card. Details of how to apply for it will be publicised prior to introduction of the card.

31. Employed or self-employed in another EEA country

Paying insurance in another EEA country

If you work in another EEA country

either for an EEA employer (this includes a UK employer),

or as someone who is self-employed,

you are usually insured under the social security laws of the country you work in. You usually have to pay contributions into a state sickness insurance scheme in that country. If so, you and any members of your family who depend on you, and who are living with you, will be able to get full benefits from that country's health services.

If you are insured under a state sickness insurance scheme in another EEA country and members of your family who depend on you live in the UK, ask your sickness insurance authorities to send form E109 to The Pension Service, Tyneview Park. You will find the address on page 8.

If you or any members of your family who depend on you and live with you leave the other EEA country where you are insured, to visit another EEA country, ask your sickness insurance authorities for form E111. This will cover you for any treatment that becomes necessary.

Members of your family who depend on you and live in the UK must get their E111 from a UK post office as explained in section 30.

Not paying insurance in another EEA country

In some EEA countries, you may not have to pay into a state sickness insurance scheme if you work for an employer but earn more or less than a certain amount, or if you are self-employed. Check with the state sickness insurance scheme of the other EEA country to see if this applies to you. If it does, you may be able to pay voluntary contributions to their scheme. If you cannot, you should think about taking out private medical insurance.

It is your responsibility to see that you have healthcare cover. If you are not insured in a country that has a healthcare scheme based on insurance, and the

section 'Paying UK National Insurance contributions' below does not apply to you, then you will not be covered. You will have to pay all your healthcare costs in full on a private basis. This also applies to any members of your family who depend on you and who are living with you. The UK cannot pay these costs for you.

Paying UK National Insurance contributions

Sections 2–7 tell you when you may carry on being insured under the UK NI scheme if you are employed or self-employed in another EEA country. If you do, the sickness insurance scheme of that country will give you, and any members of your family who depend on you and who live with you, full healthcare cover. But you will only get this in the country where you work, and you must normally take the right E form with you.

If you are working in another EEA country for a UK employer, or you are self-employed there for a short time, you will need a separate form E111 for yourself and any members of your family who depend on you and who move with you. Get leaflet **T6** *Health advice for travellers* from the post office. Form E111 covers you and your family for any treatment that becomes necessary as long as you remain insured under the UK scheme. Medical treatment will be given on the same terms that are available to 'insured' residents of the country you have gone to work in. You can get the form from the Inland Revenue at the address on page 7.

If you or any members of your family who depend on you and live with you visit an EEA country other than the one you live in, you will need form E111 for any treatment which becomes necessary. Preferably, you should obtain it from any UK post office before you leave the UK but if you are unable to do so, it may be obtained from the Inland Revenue at the address on page 7.

Section 8 tells you about special arrangements that may apply to you. If they do, you will normally need form E106 to cover you for full healthcare in the country where you work. Medical treatment will be provided on the same terms that are available to 'insured' residents of the country you have gone to work in. The form will also cover any members of your family who depend on you and move with you. You can get it from the Inland Revenue at the address on page 7. When you get form E106, give it to the local state sickness insurance office in the other EEA country you are working in.

If you or any members of your family who depend on you and live with you visit an EEA country other than the one you live in, you will need form E111 to cover you for any treatment which becomes necessary. Preferably, you should obtain it from any UK post office before you leave the UK but, if you are unable to do so, it may be obtained from the Inland Revenue at the address on page 7.

But if you are working in the Netherlands a different rule applies. You must get your form E111 from the local state sickness insurance office where you have registered your form E106.

32. If you are out of work in another EEA country

If you go to another EEA country to look for work and you can get UK contribution-based Jobseeker's Allowance (JSA) in that country, as explained in pages 16 and 17, you and any members of your family who go with you will be able to get any medical treatment that becomes necessary. You should get form E111 from the post office before you go. Ask for leaflet **T6**, *Health advice for travellers*.

33. Living (but not working) in another EEA country

If you are going to live, but not work, in another EEA country, you may get healthcare cover from the UK for yourself, and for any members of your family who depend on you and who go with you, under the state scheme of the other country. But this cover will only be for a limited time. How long it lasts will depend on whether you could still get UK short-term Incapacity Benefit if you claimed it. When this period ends, the UK cannot give you any more healthcare cover unless anything in sections 34–37 applies to you.

Before you move abroad, ask The Pension Service, Tyneview Park, whether you meet the rules for form E106. The address is on page 8. Give the following information about yourself and include the same details for your wife or your husband if they also wish to apply for a form in their own right:

- your full name and address in the UK;
- your address abroad;
- your maiden name (if applicable);
- your date of birth;
- your nationality;
- your UK National Insurance number;
- the full name and postal address of everyone you have worked for in the last three years;
- the date on which you finished, or will finish, work;
- the date when you leave the UK; and
- whether you are going to find work abroad.

When you get forms E106, register the forms by giving it to the authorities who run the sickness insurance scheme in the country where you live. If you have family members who cannot be issued with form E106 in their own right, they may be covered as members of your family on your own form E106, but this is a matter for the authorities there. Ask them if they can include your family members when your form E106 is registered.

If you visit a third EEA country and need form E111 for medical cover while you are there, get one by writing to The Pension Service, Tyneview Park. The address is on page 8.

If you begin work again, you will need to pay into a sickness insurance scheme so that you can get benefits in the country where you are living.

If you do not meet the rules for form E106 yourself, and cannot be covered as a member of the family of someone who you depend on and live with, you may be able to pay voluntary contributions to the state sickness insurance scheme of the country you move to. This depends on the law of that country. If not, you will have to take out private medical insurance. In most other EEA countries, you must prove that you have adequate healthcare cover before you will get a right of residence.

34. Getting long-term Incapacity Benefit, Severe Disablement Allowance, widow's benefits, bereavement benefits or State Pension when you are living in another EEA country

You may be able to get one of the above benefits from the UK when living in another EEA country. If so, you may also get healthcare cover from the UK for yourself and for any members of your family who depend on you and who live with you.

Note – Any medical treatment you need will be given by the health services in the country where you live.

Write to The Pension Service, Tyneview Park, to ask for form E121 as soon as possible before you go. The address is on page 8. You may need a separate E121 form for yourself and each member of your family. When you get them, give them to the authorities who run the sickness insurance scheme in the country where you live.

If you visit any other EEA country and need form E111 for medical cover while you are there, get one from the sickness insurance authorities in the country in which you live.

If your UK benefit stops for any reason, you will no longer get healthcare cover from the UK. Also, the UK might not give you healthcare cover **if**:

you get a pension from the country where you live or go to live;

and you can get healthcare cover under that country's rules.

It is possible that you may have to pay into a sickness insurance scheme in the other country. The sickness insurance authorities there will be able to tell you if you have to do this. If you can, ask them about this before you go to live there.

Note – If you are going to live in Spain, you will be charged for treatment if you do not have form E121. If this happens, you may be able to get a

refund. But only if you tell the local Spanish sickness office **before treatment** that you wish to be treated under the EEA rules and that you have applied for form E121. To get a refund, you must make a claim to the *Instituto Nacional de Seguridad Social* (INSS) when you have your form E121.

Until your form E121 has been registered at the local sickness insurance office, you are not covered for healthcare. There is sometimes a delay before you are issued with a residence permit in Spain. The sickness insurance authorities may refuse to register your E121 until you have the permit. Therefore, where you are submitting the form E121 for registration, but the application for residencia has not yet been approved, you should submit a copy of the residencia application form. Temporary healthcare would be provided until a full decision on the residencia application is made. Even then, they may not backdate the registration. You may wish to take out private medical insurance to cover you during this period.

35. Getting Maternity Allowance or short-term Incapacity Benefit when you are living in another EEA country

If you are getting Maternity Allowance or short-term Incapacity Benefit from the UK and you go to live in another EEA country, you may get healthcare cover

from the UK for yourself and for any members of your family who depend on you and who go with you. Any medical treatment you need will be given by the health services in the country where you live. You will be covered for as long as you can get Maternity Allowance or short-term Incapacity Benefit. But if you are in the UK, you must first get the Jobcentre Plus/social security office to agree that you can carry on getting your benefit in the other country.

36. Getting Industrial Injuries Disablement Benefit when you are living in another EEA country

If you are getting UK Industrial Injuries Disablement Benefit and you go to live in another EEA country, you can get healthcare cover from the UK. Any medical treatment you need will be given by the health services in the country where you live. But this only covers the disability you get your benefit for and it does not cover any members of your family who depend on you and who go with you.

You will be covered for as long as you can get Industrial Injuries Disablement Benefit. But before you leave the UK, you should contact your social security office to make sure you can carry on getting your benefit in the other country. If you can, you will normally be given healthcare

cover on form E123, which is issued by The Pension Service, Tyneview Park, at the address on page 8.

Note – Form E123 is not needed in all EEA countries. For example, in Ireland all you need is proof that you are getting UK Industrial Injuries Disablement Benefit. The Pension Service, Tyneview Park, will tell you more.

37. Getting Working Tax Credit, Disability Living Allowance, Attendance Allowance or Carer's Allowance

You may be getting one of these allowances and you go to live in another EEA country. The allowances cannot usually be paid to you abroad, but if you can get one of them, you and any members of your family who depend on you and who go with you, may be able to have your healthcare cover from the UK.

Write to the authority that pays you your allowance to find out more. Look at the back of your order book to find the address.

See also the note on page 26 about the two new tax credits.

38. What healthcare you can get in other EEA countries

The healthcare you get in the other EEA country is exactly the same as the healthcare given to people who are insured there. The guide (see page 8) which tells you about other EEA countries' schemes will give you more information. Or you can ask the authorities who run the local sickness insurance scheme in the other country.

You should note that if you pay voluntary insurance contributions to the UK scheme, this does not mean that the UK will pay for your healthcare while you are abroad.

39. Social services in the EEA – care homes

Important note

When you are thinking about going to live in another EEA country, you should also think about how you would cope when you become older or if you became ill, or if you were left on your own.

There may be very few care homes that are paid for by the state or local authority and places in them may be rare. It costs a lot for a place in a home that is run privately and the UK government cannot help you with the cost.

40. UK health services

If you come to the UK to work, or to look for work, or to live here without working, you and the members of your family who are with you, will be able to have healthcare under the National Health Service. You can find out more from the Primary Care Trust in the area where you come to live. If you are in Scotland, get in touch with the Health Board. You can get their address from your local UK post office or the business numbers section of the phone book.

If you are self-employed or working for an employer and your family is in another EEA country, they will be able to use the healthcare services in that country and may need forms E109. But you must be paying UK National Insurance contributions. Ask the Inland Revenue for these forms. The address is on page 7.

If you have forms E109 you can send them to your family and tell them to give the forms to the authorities who run the sickness insurance scheme there. When you ask for forms E109, tell the Inland Revenue:

- your full name;
- your maiden name (if applicable);
- your address in the UK;
- your date of birth;
- your UK National Insurance number;
- your nationality;

- the date when your work began and, if it is work that is only for a certain time of the year, the date you expect your work to end; and
- for each member of your family who depends on you
 - their full name
 - their maiden name (if applicable)
 - their address in the other EEA country
 - their date of birth.

Some helpful leaflets

You can get information about UK benefits from other leaflets. You can also get more information from the Department for Work and Pensions website: **www.dwp.gov.uk**

You can get the following leaflets from your local Jobcentre Plus/social security office or, if you are abroad, from The Pension Service at Tyneview Park. You can find their address on page 8.

<i>Babies and children</i>	BC1
<i>Widowed?</i>	GL14
<i>Social security benefit rates</i>	GL23
<i>If you think our decision is wrong</i>	GL24
<i>Coming from abroad and social security benefits</i>	GL28
<i>Going abroad and social security benefits</i>	GL29
<i>A guide to Incapacity Benefit</i>	IB1
<i>A guide to Income Support</i>	IS20
<i>Jobseeker's Allowance – Helping you back to work</i>	JSAL5
<i>A guide to maternity benefits</i>	NI17A
<i>Social security abroad</i>	NI38
<i>A guide to State Pensions</i>	NP46
<i>A guide to Pension Credit</i>	PC10S
<i>Sick or disabled?</i>	SD1

<i>Ill or diseased because of a disease or deafness caused at work?</i>	SD6
<i>Disabled because of an accident at work?</i>	SD7
<i>Financial help if you work or are looking for work</i>	WK1
<i>Your guide to Winter Fuel Payments</i>	WFPL1

This leaflet is only a general guide to benefit 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.

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