



S O C I A L  
S E C U R I T Y  
A G E N C Y

# Coming from abroad and getting your benefits

A basic guide to getting your  
benefits if you have just  
come to or returned to  
Northern Ireland



An agency within

**DSD**

Department for  
Social Development  
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# Coming from abroad and getting your benefits

If you have just come to or returned to Northern Ireland from abroad, you may need to know about benefits you can get or how your benefits are affected.

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

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

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

Phone: **0191 218 7777**

Textphone: **0191 2188 7280**

E-mail: *TVP-IPC-Customer-Care@thepensionservice.gsi.gov.uk*

If you are receiving Pension Credit and have been out of the country for longer than 4 weeks, you should have let the Pension Service, Carlisle House, Londonderry, know before you left the UK. To make sure you are receiving all your Pension Credit entitlement, please phone the Pension Service on 0845 601 8821.

This leaflet also tells you what supplementary leaflets you can get for general rules on each benefit.

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# Which countries are covered?

Although this leaflet covers every country in the world, different rules apply depending on which country you are from / have come from.

There are special co-ordinating rules that apply to the countries that make up the European Economic Area (EEA). The countries that apply these rules are listed below.

- 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
- Switzerland
- United Kingdom (UK)

There are also special arrangements between the UK and certain other countries listed on page 5. If you want to know more contact the International Pension Centre.

The co-ordinating rules cover European Economic Area (EEA) countries and Switzerland. The full list is:

Within this leaflet references to Great Britain (GB) covers England, Scotland and Wales. The United Kingdom (UK) covers Great Britain and Northern Ireland.

# What benefits can I get?

If you have just come to or returned to Northern Ireland, benefits you can get will depend on one or more of the following.

- National Insurance contributions you, your spouse/civil partner or late/former spouse/civil partner have paid over your working life.
- National Insurance contributions you have paid for a particular period of time.
- Whether you are living in Northern Ireland now.
- Whether you usually live in Northern Ireland.
- Why you have come to or returned to Northern Ireland.
- Whether your entry to Northern Ireland is subject to limitations or conditions.

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

You will usually pay National Insurance contributions in the UK if you earn above a certain amount.

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

However, if you or your spouse or civil partner have paid the equivalent of National Insurance in another country or in some cases have lived in another country, this can sometimes help you qualify for benefits in Northern Ireland. This only applies to some benefits, and

only to countries in the European Economic Area, 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.

<b>Country</b>	<b>Leaflet</b>
Countries in the European Economic Area, and Switzerland	SA29
Barbados	SA43
Bermuda	SA23
Canada	SA20
Israel	SA14
Jamaica	SA27
Jersey and Guernsey	SA4
Mauritius	SA38
New Zealand	SA8
Philippines	SA42
Turkey	SA22
USA	SA33
Yugoslavia*	SA17

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

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

# Benefits based on National Insurance contributions or earnings

## State Pension

## Bereavement Payment

## Widowed Parent's Allowance

## Bereavement Allowance

You may only get State Pension if you have paid National Insurance contributions in the UK. Sometimes it is the contributions of a spouse, late spouse/civil partner that count.

You may get Bereavement Benefits if your late spouse or civil partner has paid NI contributions in the UK. The equivalent of NI contributions, or residence in certain other countries may help satisfy the conditions.

However, you may not be entitled to a Bereavement Payment if your spouse or civil partner died while you were both abroad. Contact the International Pension Centre for more information (details are on page 2 of this leaflet).

- ▶ For information on the general rules for State Pension, get leaflet **RM1** 'Retirement' from the Pension Service, Windsor House, or your Social Security Office or Jobs & Benefits office.
- ▶ For information on the general rules for bereavement benefits, get leaflet **GL14** 'Are you a widow or widower?' from the Pension Service, Windsor House, or your Social Security Office or Jobs & Benefits office.

**Women widowed prior to 9 April 2001 who return from abroad may be entitled to Widow's Benefit providing all the conditions are met.**

## Incapacity Benefit

## Contribution-based Jobseeker's Allowance

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

- ✓ paid enough UK contributions and/or the equivalent of National Insurance contributions in certain other countries.

**You may be able to get Incapacity Benefit, even if you have not paid enough National Insurance contributions, if you:**

- ▶ are under 20 (25 if you were in education or training before age 20) and have been sick for 28 weeks; and
- ▶ live in Northern Ireland and have been present for 26 weeks in the year before you claim. You may be treated as having been present in Northern Ireland 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 Jobs & Benefits office.

- ▶ For information on the general rules for contribution-based Jobseeker's Allowance, get 'Your Guide to Our Services' leaflet from Social Security Office or Jobs & Benefits offices.

# Benefits based on National Insurance contributions or earnings

## Statutory Sick Pay (SSP)

### Statutory Maternity Pay (SMP)

There are no special rules if you have just come to Northern Ireland.

- ▶ For information on the general rules for SSP, get leaflet **SD1** 'Sick or disabled' from your Social Security Office or Jobs & Benefits office.
- ▶ For information on the general rules for SMP, get leaflet **BC1** 'Babies and children' from your Social Security Office or Jobs & Benefits office.

## Maternity Allowance

To claim Maternity Allowance you must lastly have worked in the UK for at least a week, earning at least £30 a week. Your employment in certain other countries may be used to help you qualify.

- ▶ For basic information on the general rules for Maternity Allowance, get leaflet **BC1** 'Babies and children' from your Social Security Office or Jobs & Benefits office.

# Benefits not based on National Insurance contributions

## Industrial Injuries Disablement Benefits

### Reduced Earnings Allowance

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

- You had an accident or contracted a disease in the course of your work after 1 October 1986 and you were paying Class 1 NI contributions at the time, or
- You were paying special National Insurance contributions as a volunteer development worker.

If you had an accident or contracted a disease 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 Jobs & Benefits office.

You **cannot** usually get the other benefits in this section if there is a **limit or condition on your entry to Northern Ireland**. See pages 9, 10 and 11 of this leaflet.

You may be able to get them if you:

- have humanitarian protection or discretionary leave to remain;
- are a refugee;
- have exceptional leave to enter or remain in Northern Ireland;
- are an EEA national or a Swiss national, or a member of your family is;

- have been living in a country that has a special agreement with the UK, (see page 5);
- are a national of Algeria, Morocco, Tunisia, Turkey or San Marino lawfully working in the UK;
- are living as a member of the family of a national of Algeria, Morocco, Tunisia, Turkey or San Marino who is lawfully working in the UK; or
- are not an EEA or Swiss national, but only in certain circumstances.

### Attendance Allowance

### Disability Living Allowance

### Carer's Allowance

- You must be ordinarily resident and be in Northern Ireland when you make your claim, and not be subject to immigration control. You are ordinarily resident if you normally live here and have come here with the intention of making a settled home as a regular part of your life.
- You must usually have lived in Northern Ireland, Great Britain, the Isle of Man, Jersey or Guernsey for 26 weeks in the last 12 months (the period is 13 weeks for babies under 6 months old, and does not apply at all for people paid under special rules because they are not expected to live more than 6 months). You may be treated as having lived in Northern Ireland if you have been living in an EEA country or Switzerland. See the section What benefits can I get? on page 5 of this leaflet.

# Benefits not based on National Insurance contributions

- You may be treated as being in Northern Ireland if you are a member of HM Armed Forces serving abroad or a member of their family, a mariner, or airman, or working on the UK sector of the continental shelf – for example, on an oil rig.
- ▶ For information on the general rules for these benefits, get leaflet **SD1** 'Sick or disabled' from your Social Security Office or Jobs & Benefits office.

## Child Benefit

### Guardian's Allowance

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

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 humanitarian protection or discretionary leave to enter or remain in the UK;
- are an EEA or Swiss national or a member of an EEA or Swiss National's family;
- are an Algerian, Moroccan, San Marino, 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, or
- have come to live in the UK from a country with a special agreement with the UK covering Child Benefit.

You must normally be present in the UK when you claim and have the right to reside here.

### Guardian's Allowance

Guardian's Allowance is an allowance for people bringing up a child or children because one or both of their parents has died. You must be getting Child Benefit for the child(ren) to be entitled to Guardian's Allowance.

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 more details, write to:

HM Revenue & Custom's Child Benefit Office  
PO Box 1  
Newcastle upon Tyne  
NE88 1AA  
Phone: **0845 603 2000**  
Textphone: **0845 607 6078**  
Website: [www.hmrc.gov.uk/childbenefit](http://www.hmrc.gov.uk/childbenefit)

# Benefits not based on National Insurance contributions

## 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 have a right to reside and are 'habitually resident' in the UK, the Republic of Ireland, the Isle of Man or the Channel Islands.
- Habitual residence is a question of fact decided by looking at all the circumstances in each case. An important factor is establishing a settled intention to reside. We will decide by asking questions such as:
  - 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; and
  - how long you plan to stay in the UK.
- We may be able to treat you as habitually resident if you have a right to reside, and:
  - are an EEA or Swiss national who is a worker or has the right to reside under EC law;
  - are a member of the family of an EEA or Swiss 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 Monserrat after 1 November 1995 because of the volcanic eruption; or
- have been deported to the UK; or
- 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.

Once awarded Pension Credit, income based Jobseeker's Allowance or Income Support you are required to notify the Pension Service, Jobs & Benefits office or Social Security Office of any periods of absence abroad.

- For more information, contact your Social Security Office or Jobs & Benefits office.
- ▶ 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 Jobs & Benefits office.

# Benefits not based on National Insurance contributions

## Housing Benefit

- You can only get Housing Benefit if you have a right to reside and 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 have a right to reside, and:
  - are an EEA or Swiss national who has recently been employed or self-employed in the UK;
  - are a refugee;
  - have exceptional leave to enter or remain in the UK; or
  - have been given Humanitarian Protection or Discretionary Leave to remain in the UK.
- If you have come into the UK within two years of your claim for benefit, the Northern Ireland Housing Executive (NIHE) or the Rates Collection Agent (RCA) 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.
- ▶ For information about the general rules for Housing Benefit, contact the Northern Ireland Housing Executive.

## Winter Fuel Payments

Winter Fuel Payments are annual, tax-free payments made to eligible older people to help them with their winter fuel costs.

- If you normally live in Northern Ireland or Great Britain 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 on the third Monday in September.
- You cannot get a Winter Fuel Payment if during that week your right to remain in the UK is subject to immigration control, for example, you right to enter or remain in the UK is subject to the condition that you have no recourse to public funds.
- ▶ For more information about Winter Fuel Payments, get leaflet WFPL1 'Your guide to Winter Fuel Payments' from your Social Security or Jobs & Benefits office. You can also call the Winter Fuel Payments helpline on

Phone: Helpline **0845 915 1515**

Textphone: **0845 601 5613**

Calls to these numbers are charged at local rates.

Website:

[www.thepensionservice.gov.uk/winterfuel](http://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 Jobs & Benefits office. For your nearest Social Security Office or Jobs & Benefits office, look in the business numbers section of the phone book for the **Social Security Agency** display advert or the **Department for Social Development** listings.

You can get more information from the **DSD** website at [www.dsdni.gov.uk](http://www.dsdni.gov.uk).

You can get information on benefits from other leaflets.

## **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 or adults 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 HM Revenue & Customs.

To find out more, see the tax credits website at [www.hmrc.gov.uk/taxcredits](http://www.hmrc.gov.uk/taxcredits) or contact the helpline on **0845 603 2000** (open seven days a week 8am to 8pm).

## **RM1 Retirement**

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

## **SD1 Sick and 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 statement of the law. We have made every effort to make sure 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 from June 2006.