



HM Revenue
& Customs

Child Benefit if you are coming from abroad or going abroad

Please keep these notes for future reference

CH5 Notes

Contents

Introduction	3
Definitions	3
How to contact us for help	4
Coming to the United Kingdom	5
Immigration control and Child Benefit	5
The European Economic Area	6
Presence, ordinary residence and right to reside	7
Meaning of presence	7
Meaning of ordinary residence	7
People deported to the United Kingdom	8
Meaning of right to reside	8
Serving abroad as a Crown Servant	10
Agreements with other countries	11
Isle of Man	12
Going abroad	12
Going abroad to another EEA country	12
Going abroad permanently	13
Going abroad temporarily	13
If your child goes abroad	14

These notes are for guidance only and are not an authoritative statement of the law. They do not affect any right of appeal.

About these notes

Please read these notes carefully and keep them in a safe place. You may need to look at them again.

Introduction

These notes tell you about special Child Benefit rules if you are:

- coming to the United Kingdom from abroad or
- leaving the United Kingdom

either permanently or temporarily.

Definitions

Abroad means anywhere outside the United Kingdom.

United Kingdom (UK) is England, Scotland, Wales and Northern Ireland.

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

European Economic Area (EEA) is Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Republic of Ireland, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

Permanent absence means an absence abroad that is likely to last for more than a year when it begins.

Temporary absence means an absence abroad that is unlikely to last more than a year when it begins.

Subject to immigration control means either:

- the Home Office says your leave to enter or remain in the UK is on the condition that you do not have recourse to public funds, or
- you require leave to enter or remain in the UK but do not have it.

How to contact us for help

To contact us:

- phone the helpline between 08:00 and 20:00, seven days a week.

If you are in the United Kingdom

helpline **0845 302 1444**

minicom/textphone **0845 302 1474**

If your preferred language is Welsh **0845 302 1489**

If you are overseas

helpline **00 44 161 210 3086**

- go to www.hmrc.gov.uk/childbenefit

- write to us at

Child Benefit Office
PO Box 1
Newcastle upon Tyne
NE88 1AA

We can reply to you in a different format if you ask us to.

For example, Braille, audio cassette or large print.

When you contact us, please tell us your full name, your National Insurance number, your Child Benefit number and a daytime phone number.

Coming to the United Kingdom

You can normally get Child Benefit if you and the child or children you are responsible for usually live in the UK. Short absences abroad will not affect your right to Child Benefit and some people may have the right to Child Benefit even if they do not live in the UK. There are also some extra rules about:

- **immigration control**
- **presence**
- **ordinary residence** and
- **right to reside.**

These rules may affect your right to get Child Benefit and we explain them below.

You may not be able to get Child Benefit if you are subject to immigration control. For Child Benefit purposes, you are subject to immigration control if the Home Office says your leave to enter or remain in the UK is on the condition that you do not have recourse to public funds, or if you require leave to enter or remain in the UK but do not have it.

If you are subject to immigration control you may still have the right to get Child Benefit if you are:

- a sponsored immigrant under Home Office rules
- a national of Algeria, Morocco, San Marino, Tunisia or Turkey who is a lawful worker in the UK, or a member of the family of such a person and you are living with them. By lawful worker we mean someone who has permission to work and is working or retired, or whose work has been interrupted because they are sick, unemployed, bringing up children or caring for someone.
- a national of, or have come to live in the UK from, a country that has a special agreement with the UK covering Child Benefit. See 'Agreements with other countries' on page 11.
- a family member of a person who is a UK, Swiss or EEA national.

You are not subject to immigration control if you are:

- a UK national or
- a national of another country in the EEA or Switzerland.

You are also not subject to immigration control for Child Benefit purposes if you have been given:

- leave to enter the UK, without restriction on your access to public funds
- leave to stay in the UK
 - for a limited period (unless this is on the condition that you do not have recourse to public funds) or
 - indefinitely (including those with discretionary, humanitarian or exceptional leave to stay)
- asylum in the UK
- the right of abode in the UK.

If you are not sure whether you are subject to immigration control, please contact us.

The European Economic Area

There are special rules if you are in the UK or another EEA country and:

- employed or self-employed and pay UK National Insurance contributions or
- get
 - contribution-based Jobseeker's Allowance
 - Incapacity Benefit
 - contribution-based Employment & Support Allowance
 - State Pension
 - Widow's Benefit or Bereavement Benefit
 - Guardian's Allowance
 - Industrial Injuries Disablement Benefit

from the UK. You can usually get Child Benefit even if your child or children live in another EEA country.

You can find out more about these special rules if you go to www.dwp.gov.uk and look for the country you have left or are going to.

If you go to another EEA country see 'Going abroad' on page 12.

Presence, ordinary residence and right to reside

A person must be present, ordinarily resident and have a right to reside in the UK to get Child Benefit.

Meaning of presence

Normally, you have to be physically present in the UK every day during the period of a Child Benefit award. But there are rules that allow your right to Child Benefit to continue during short temporary absences. Please see 'Going abroad temporarily' on page 13.

Meaning of ordinary residence

You are ordinarily resident if:

- you normally live in the UK (apart from occasional temporary absences) and
- you have chosen to live and settle in the UK for the time being.

We have given some examples below that may help to show whether you are ordinarily resident in the UK. Normally, none of these examples on their own will show that a person is, or is not, ordinarily resident:

- If you are here for recreational or temporary purposes (such as a holiday), this is likely to be a sign that you are not ordinarily resident.
- If you intend to leave the UK in the near future (apart from occasional temporary absences), this may show you have not settled here and are not ordinarily resident.
- If your visit to the UK is part of a regular pattern of visits over a number of years, or it is the start of such a pattern, this may show that you are ordinarily resident. The more frequent, and longer the visits, the more likely you are to be ordinarily resident.
- If your partner and children have also come to live in the UK, this may show that you and your family intend to stay in the UK and so are ordinarily resident.
- If you have a settled home in the UK – for example, you have bought or leased a home here, this may show you are ordinarily resident. It does not necessarily mean you are not ordinarily resident if you have not bought or leased a home here – there may be other reasons for this, such as lack of means.

- If you have already lived here for three years or more, we would normally accept that you are ordinarily resident. But if you have lived here for less than three years this does **not** mean that you cannot be classed as ordinarily resident.

A person can be ordinarily resident in more than one country. The fact that a person might be said to have a home in another country does not mean that they cannot also be ordinarily resident in the UK.

If you are not sure if you satisfy this rule, tell us about your circumstances so that we can decide.

People deported to the United Kingdom

If you are here because you have been deported, expelled or legally and compulsorily removed from another country, you are treated as ordinarily resident for the purposes of Child Benefit.

Meaning of right to reside

You have a right to reside in the UK if you are:

- a UK national or have a right to reside in the Common Travel Area. This covers the UK, the Republic of Ireland, the Channel Islands and the Isle of Man.
- an EEA national employed in the UK. There are special rules for nationals of Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and the Czech Republic, see **Special rules** below.
- an EEA national who is actively seeking work and has a reasonable chance of finding work. There are special rules for nationals of Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and the Czech Republic, see **Special rules** below.
- an EEA national who is self-employed in the UK
- a non-EEA national who has permission to enter or remain in the UK.

All EEA nationals who are self-sufficient (including students) have a right to reside in the UK. But only if they have enough money to keep themselves above the level of Income Support.

Special rules for nationals of Estonia, Latvia, Lithuania, Poland, Slovakia, the Czech Republic, Hungary and Slovenia

There are special rules for nationals of these countries who want to work or look for work in the UK.

To have a right to reside in the UK as an employed person, you will

generally have had to register your employment with the Workers Registration Scheme (WRS).

For more information about the WRS get in touch with:

Customer Relations

Work Permits (UK)

Home Office

Level 5

Moorfoot

Sheffield

S1 4PQ

phone **0114 259 6262**

email **wpcustomers@ind.homeoffice.gsi.gov.uk**

website **www.workingintheuk.gov.uk**

You will only have a right to reside as a jobseeker if you are self-sufficient and have enough money to keep yourself above the level of Income Support, or you had been in registered employment continuously for more than 12 months before actively seeking work.

Special rules for nationals of Bulgaria and Romania

There are special rules for nationals of these countries who want to work or look for work in the UK.

To have a right to reside in the UK as an employed person you will generally have to have been issued with either a registration certificate providing full access to the UK labour market or an accession worker card.

For more information about the registration certificate or the accession card get in contact with:

The Immigration and Nationality Directorate

Customer Contact Centre

phone **0114 207 4074**

fax **0114 207 4000**

email **wpcustomers@ind.homeoffice.gsi.gov.uk**

website **www.workingintheuk.gov.uk**

You will only have a right to reside as a jobseeker:

- if you are self-sufficient and have enough money to keep yourself above the level of Income Support or
- you have been in registered employment continuously for more than 12 months or
- you have been issued with a registration certificate which gives you full access to the UK labour market.

If you are not sure whether you have a right to reside, please contact us.

Serving abroad as a Crown Servant

Special rules apply if you or your partner work abroad as a Crown Servant. By Crown Servant we mean UK civil servants and members of HM Armed Forces who are working abroad for the UK Government.

You can get Child Benefit while you are working abroad provided that, just before you were posted abroad, you were either:

- living in the UK and it was your main home or
- in the UK about your posting, not just visiting the UK before your posting began.

You can get Child Benefit while you are working abroad whether your child goes abroad with you or stays in the UK.

While you are serving abroad, we will normally pay Child Benefit into an account in the UK.

Agreements with other countries

The UK has special arrangements with some other countries. These can help you:

- get Child Benefit even if you are subject to immigration control or
- get family benefits in other countries.

You can find out more about these agreements if you go to **www.dwp.gov.uk** Look for the country you have left or the country you are going to.

Country	Leaflet
Barbados	SA43
Canada	SA20
Israel	SA14
Jersey and Guernsey (including Alderney, Herm and Jethou)	SA4
Mauritius	SA38
New Zealand	SA8
Yugoslavia applies to Serbia, Montenegro, Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia.	SA17

Leaflet NI38, *Social Security Benefits Abroad* tells you more about benefits and National Insurance contributions while you are abroad. You can get this leaflet from any Enquiry Centre, or go to **www.hmrc.gov.uk/pdfs/nico/ni38.pdf**

Going abroad to another EEA country

Isle of Man

The Isle of Man runs its own Child Benefit system. If you go to live in the Isle of Man, or come to live in the UK from the Isle of Man, for more than eight weeks you must tell us. Or get in touch with the Isle of Man authorities at the address below:

Child Benefit Unit
Markwell House
Market Street
Douglas
Isle of Man
IM86 1AS

phone **01624 686 294** or **01624 686 295**

fax **01624 685 120**

website **www.gov.im/dhss**

Going abroad

Special rules apply if you go to one of the countries in the EEA.

If you go to another EEA country and:

- are employed or self-employed and pay into that country's social security scheme, or
- get
 - 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

from that country you can usually get their children's allowance. You can get it even if your child or 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.

You can find out more about these special rules if you go to **www.dwp.gov.uk** and look for the country you have left or are going to.

If you:

- work in one EEA country and pay into that country's social security scheme and
- your partner works in a different EEA country and pays into that country's social security scheme,

the country where the child lives will usually pay the child allowance. But the other country may pay any extra you would have got if the child lived there.

Going abroad permanently

You must tell us straight away if you, your child, children, or all of you leave the UK permanently or for an absence that is likely to last for more than a year when you leave.

If you are going abroad permanently but your child is staying in the UK and living with someone else, the person they are living with should get in touch with us to claim Child Benefit.

Going abroad temporarily

You will be treated as being abroad temporarily if your absence is unlikely to last more than a year when you leave.

If you go abroad temporarily, you can continue to get Child Benefit:

- for up to eight weeks, whatever the reason for your absence
- for the first 12 weeks you are abroad if you go or stay abroad because you are, or a member of your family is, receiving treatment for an illness or disability or because a member of your family has died.

You can make a new claim to Child Benefit while you are abroad temporarily, so long as you are ordinarily resident in the UK.

If your child goes abroad

If your child goes abroad temporarily, you can continue to get Child Benefit for them for up to 12 weeks.

You must tell us if your child is leaving the UK for more than 12 weeks.

If your child is temporarily abroad for more than 12 weeks, you may still get Child Benefit if they are abroad only for one of the following reasons:

- to receive full time non-advanced education in an EEA country or Switzerland
- to make an educational or foreign visit that is approved in writing by their school
- to get medical treatment for an illness that began before they left the UK.

