



HM Revenue
& Customs

Child Benefit: coming to or leaving the UK

Keep these notes for future reference

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About these notes

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're either permanently or temporarily:

- coming to the UK from abroad
- leaving the UK

Definitions

Abroad means anywhere outside the UK.

UK is England, Scotland, Wales and Northern Ireland (but not the Channel Islands or the Isle of Man).

European Economic Area (EEA) countries are:

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

Permanent absence means an absence abroad that's likely to last more than 52 weeks from when it begins.

Temporary absence means an absence abroad that's unlikely to last more than 52 weeks from when it begins.

Subject to immigration control means:

- the Home Office says your leave to enter or remain in the UK is on the condition that you do not claim benefits, tax credits or housing help paid by the UK government (known as 'recourse to public funds')
- you require leave to enter or remain in the UK but do not have it
- you have leave to enter or remain in the UK given as a result of a maintenance undertaking

Coming to the UK

You can apply for Child Benefit if you, and the child or children you're responsible for, usually live in the UK. Short absences abroad will not affect your right to Child Benefit. There are also some extra rules about:

- presence
- ordinary residence
- living in the UK for 3 months
- right to reside
- immigration control

These rules may affect your right to get Child Benefit. We've explained them below.

If you or your children do not live in the UK but live in another EEA country (See page 1 for list of EEA countries), you may still be able to get Child Benefit if you satisfy specific conditions. For more information read 'The European Economic Area' on page 7.

Presence, ordinary residence and right to reside

You must be present, ordinarily resident and have the 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. There are rules that allow your right to Child Benefit to continue during short temporary absences. For more information read 'Going abroad temporarily' on page 11.

Meaning of ordinary residence

You're ordinarily resident if you:

- normally live in the UK, apart from going abroad temporarily - for more information read page 11
- have chosen to live and settle in the UK for the time being

Some examples to help show whether you are, or are not, ordinarily resident are:

- you're in the UK for a holiday - a likely sign you're not ordinarily resident
- you plan to leave the UK in the near future - this may show that you have not settled here and are not ordinarily resident
- your partner, if you have one, and your children have also come to live in the UK - this may show that you and your family plan to stay in the UK and you're ordinarily resident
- your visit to the UK is part of a regular pattern of visits over a number of years or it's the start of such a pattern - this may show that you're ordinarily resident
- you've already lived here for a number of years - we would normally accept that you're ordinarily resident

You can be ordinarily resident in more than one country. The fact that you might have a home in another country does not mean that you cannot also be ordinarily resident in the UK.

If you're not sure you satisfy this rule, tell us about your circumstances and we'll let you know.

People deported to the UK

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

Meaning of right to reside

If you're a UK national or have the right to reside in the Common Travel Area (this includes the UK, Republic of Ireland, Channel Islands and Isle of Man) you have the right to reside in the UK.

You may also have the right to reside in the UK if you're:

- an EEA or Swiss national who
 - is in work that is genuine and effective, if you:
 - can prove you have or will be earning £162 (gross) a week or more, you'll automatically be considered to be in genuine and effective work
 - cannot, you'll be asked to prove that the work is genuine and effective
 - is a jobseeker - after 91 days, if you have a job offer or compelling evidence that you have a genuine chance of finding work you'll be able to continue claiming Child Benefit as a

- jobseeker, but only for a short period
 - has a permanent right of residence
 - is self-sufficient, but only if you've enough money to stay above the level of Income Support and have comprehensive sickness insurance for yourself and any family members in the UK
 - is a student, but only if you have enough money to stay above the level of Income Support and have comprehensive sickness insurance
- a non-EEA national who has permission to enter or remain in the UK
- a family member of someone who has a right to reside, this means
 - a spouse or civil partner and descendants who are dependent on them or are under 21
 - dependent relatives of the claimant, spouse or civil partner in the ascending line (for example, parents or grandparents)

If you're not sure if you satisfy this rule, tell us about your circumstances and we'll let you know.

If none of these apply to you, you may not have the right to reside. If your circumstances change and none of these apply to you any more, you may lose your right to reside.

Living in the UK for 3 months

If you entered the UK on or after 1 July 2014 and you're not working, you'll need to live in the UK for 3 months before you can claim Child Benefit. This rule does not apply if:

- you're a worker or a self-employed person in the UK
- you were working or were a self-employed person in the UK, but you
 - were made redundant and
 - you're registered as a jobseeker with the relevant employment office
 - you've started a vocational training course or you've left work and started vocational training related to your previous employment
 - are temporarily unable to work as a result of illness or accident
 - are a family member of such a person
- you're a family member of a person who is working or self-employed in the UK

- you're a Croatian national who has an accession worker authorisation document (or a family member of such a person)
 - for more information read page 6, 'Special rules for nationals of Croatia who want to work in the UK'
- you're normally ordinarily resident in the UK and receiving Child Benefit and return to the UK after a temporary absence of less than 52 weeks - for more information read page 11
- you were ordinarily resident in the UK for a continuous period of 3 months immediately before you left and return to the UK after a temporary absence of less than 52 weeks
- whilst working abroad in an EEA country, you remained subject to UK legislation and were in genuine and effective work
- when working abroad in an EEA country you were a self-employed person who was registered with HM Revenue and Customs (HMRC) for Self-Assessment and provided evidence to show that your work was genuine and effective
- you're a non-EEA national who is working or self-employed in the UK and are not restricted from receiving Child Benefit because of your immigration status (or are a family member of such a person)
- you're a refugee (under defined circumstances)
- you've been granted one of the following
 - discretionary leave to enter or remain in the UK with recourse to public funds
 - leave to remain pending an application for leave to remain as a victim of domestic violence
 - leave to remain under the Displaced Persons (Temporary Protection) Regulations
 - humanitarian protection
- you or your partner, if you have one, are a Crown Servant posted overseas and have returned to the UK
- you have arrived in the UK because you have been deported, expelled or legally and compulsory removed from another country
- you return to the UK (but not as an employed or self-employed person) after a period abroad and where you have paid Class 1 or Class 2 Contributions for a period of up to 3 months ending on the day of returning

Period of 3 months residence

If you recently arrived in the UK but had to go abroad for a short period of time, we'll use a common sense approach to make a judgement on whether you ceased to be 'living in' the UK during this absence. We'll look at all the facts and circumstances of your case, including the reason you left and the length of time you were absent from the UK.

Special rules for nationals of Croatia who want to work in the UK

If you want the right to reside in the UK as an employed person, you'll need an accession worker authorisation document before you start work. This can be a:

- passport or other travel document (designed to serve the same purpose as a passport) endorsed before 1 July 2013 to show that you have leave to enter or remain in the UK (under the Immigration Act 1971), subject to a condition restricting your employment in the UK to a particular employer or category of employment. This shall cease to be a valid accession worker authorisation document
 - at the end of the period for which leave to enter or remain was given
 - when the document holder ceases working for the employer, or in the employment, specified in the document for a period of time that exceeds 30 days in total
- worker authorisation registration certificate issued in accordance with the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 and endorsed with a condition restricting the holders employment to a particular employer and authorised category of employment. This shall cease to be a valid accession worker authorisation document
 - at the end of any time limit placed on the validity of the document
 - when the document holder ceases working for the employer, or in the authorised category of employment, specified in the document, for a period of time that exceeds 30 days in total
 - when the document is revoked

There are a number of exceptions to this rule. If you're not sure whether this rule applies to you, tell us about your circumstances and we'll let you know.

Crown servants working abroad

Special rules apply if you or your partner, if you have one, work abroad as a Crown servant. By Crown servant we mean a UK civil servant or member of Her Majesty's armed forces who are working abroad for the UK government.

You can claim Child Benefit if you're a Crown servant working anywhere outside the UK - whether or not your child goes abroad with you or stays in the UK.

Before you were posted abroad you must have been either living in or posted to the UK.

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

The European Economic Area

EEA nationals living in the UK can normally get Child Benefit if they satisfy the conditions in the section 'Presence, ordinary residence and right to reside' on page 2.

There are special rules if:

- you're in the UK but your child lives in another EEA country
- both you and your child live in another EEA country

You may still be entitled to Child Benefit if you remain:

- subject to UK legislation and are in genuine and effective work
- a self-employed person who has registered with HMRC for Self-Assessment and provide evidence your work is genuine and effective
- resident in the UK and your child or children live in another EEA country

For information on how to contact us, please read page 13.

Immigration control

You may not be able to get Child Benefit if you're subject to immigration control.

Meaning of subject to immigration control

You're subject to immigration control if:

- the Home Office says you have permission to stay in the UK (known as 'leave to enter or remain') but this permission is given to you on the grounds that you do not claim benefits, tax credits or housing help paid by the UK government (known as 'recourse to public funds')
- you do not have permission to stay in the UK - again known as 'leave to enter or remain' or your permission to stay in the UK has expired, been revoked or curtailed by the Home Office
- you've been refused permission to stay in the UK, appealed this and are still waiting for a decision
- you've been given permission to stay in the UK, but on the condition that someone else, like a friend or relative, pays for your upkeep and provides you with somewhere to live

If you're subject to immigration control, you may still have the right to get Child Benefit if you're a:

- sponsored immigrant under Home Office rules
- national of, or have come to live in the UK from, a country that has a special agreement with the UK covering Child Benefit - for more information read 'Agreements with other countries' on page 9
- family member of a person who is a UK, Swiss or EEA national
- 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're living with them

By lawful worker, we mean someone who has permission to work and is working, or retired on reaching pension age, or whose work has been interrupted because of sickness or invalidity, an accident at work or an industrial disease, involuntary unemployment, or because of pregnancy or looking after children.

You are not subject to immigration control for Child Benefit purposes if you:

- are a national of the UK, another European Economic Area (EEA) country or Switzerland
- have been given leave to enter the UK, without restriction on your access to public funds
- have been given leave to stay in the UK - for a limited period (unless it's on the condition that you do not have recourse to public funds)
- have been given leave to stay in the UK - for an indefinite period
- have claimed asylum and been told by the Home Office that you can stay in the UK as a refugee

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

Agreements with other countries

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

- Child Benefit, even if you're subject to immigration control
- family benefits in other countries

 For more information, go to GOV.UK and search for Social Security abroad: NI38

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 8 weeks, you must tell us or contact the Isle of Man authorities at the address below.

Child Benefit Team
Markwell House
Market Street
Douglas
Isle of Man
IM1 2RZ

-  Go to GOV.IM and select 'Benefits and Financial Support' and then 'Child Benefit'
Alternatively you can phone 01624 685107

Going abroad

Going abroad to another EEA country or Switzerland

If you go to another EEA country or Switzerland you may qualify for their family benefits if you:

- are employed or self-employed and pay into that country's social security scheme
- get, from that country either,
 - 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 get their family benefits even if your child or children stay in the UK. Any UK National Insurance you've paid may help the other country decide if they can pay you their family benefits.

-  For more information, go to www.gov.uk/claim-benefits-abroad

The country where the child lives will usually pay the family benefits if:

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

The other country may pay any extra benefit you would have got if the child lived there.

Going abroad permanently

You must tell us straightaway if you, your child, children, or all of you leave the UK permanently or for an absence that's likely to last more than 52 weeks from when you leave.

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

Going abroad temporarily

We'll treat you as being abroad temporarily if your absence is not likely to last more than 52 weeks from when you leave.

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

- up to 8 weeks, whatever the reason for your absence
- the first 12 weeks - if the reason you're abroad is because you, your partner, your child, or your partner's child is receiving treatment for an illness or disability, or has died, or if you or your partner's relative is receiving treatment for an illness or disability or has died - a relative means a brother, sister, parent or grandparent, or child or grandchild

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

You must tell us when your temporary absence has exceeded either 8 or 12 weeks.

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 only abroad to:

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

How to contact us for help

 For more information or help, go to www.gov.uk/child-benefit
Alternatively you can phone:

If you're in the UK

Telephone 0300 200 3100

Textphone 0300 200 3103

If your preferred language is Welsh 0300 200 1900

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

If you're overseas

Telephone ++ 44 161 210 3086

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

 For our opening hours, go to www.gov.uk/contact-hmrc

When you contact us, tell us your:

- full name
- UK National Insurance number
- Child Benefit number
- daytime phone number

We've a range of services for disabled people. These include guidance in Braille, audio and large print. Most of our forms are also available in large print. Contact our helpline for more information.

These notes are for guidance only and reflect the position at the time of writing. They do not affect any right of appeal.

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