



advice and support for older age

**Independent
Age**

Factsheet

Returning to England from abroad

This factsheet explains how to claim benefits and apply for housing, health and care services if you return to England from abroad.

This factsheet is aimed at British citizens returning to England.

Call FREE on **0800 319 6789** Visit **www.independentage.org**

Last reviewed: December 2016
Next review date: December 2017

About Independent Age

Whatever happens as we get older, we all want to remain independent and live life on our own terms. That's why, as well as offering regular friendly contact and a strong campaigning voice, Independent Age can provide you and your family with clear, free and impartial advice on the issues that matter: care and support, money and benefits, health and mobility.

A charity founded over 150 years ago, we're independent so you can be.

The information in this factsheet applies to England only.

If you're in Wales, contact Age Cymru (0800 022 3444, agecymru.org.uk) for information and advice.

In Scotland, contact Age Scotland (0800 12 44 222, agescotland.org.uk).

In Northern Ireland, contact Age NI (0808 808 7575, ageni.org).

Contents

1. Introduction	4
2. When you're returning to England	5
Accessing benefits and services	5
Ordinary residence	7
3. Claiming benefits	9
Claiming means-tested benefits	9
Claiming disability or carer's benefits	9
Winter Fuel Payment	10
Bereavement benefits	10
4. Your State Pension	12
5. Getting help from social services	13
6. Healthcare	15
7. Housing	16
Applying for social housing	16
8. Useful contacts	18

1. Introduction

If you've been living abroad and you're planning to come back to live in England, it's important to plan your return as carefully as you planned your move. Before claiming benefits and accessing council services, you may need to prove you intend to stay in the country. You may also need to think ahead when it comes to finding a suitable home.

This factsheet can help you understand your rights, and what you need to do before you return and when you're back in the country.

2. When you're returning to England

You will need to take the time to plan your return. You should:

- contact the International Pension Centre (0191 218 7777) and the Pension Service (0345 606 0265)
- sort out your tax affairs both in England and the country you're leaving – contact HMRC (0300 200 3300 from within the UK, +44 (0)151 210 2222 from outside the UK).
- register with a GP
- register your form S1 in England if you have one.

Accessing benefits and services

Before claiming benefits or using certain council services when you return to England, you may need to prove that you intend to stay.

Habitual Residence Test

There are two parts to this test:

- Right to reside – this is the legal right to live in the UK

- Habitual residence – your intent to settle in the UK and make it your home.

British nationals returning to the UK automatically have the right to reside. However, you may have to satisfy the habitual residence test if you want to apply for social housing or claim certain benefits, including Pension Credit, Housing Benefit or Council Tax Support.

It can be difficult to prove that you intend to settle in the UK. There is no legal definition of 'habitual residence' but the sort of things that decision makers should take into account include:

- how long you've been back in the UK and how long you intend to stay
- your reasons for returning
- how much your life is based in the UK (such as whether you own property in the UK, you have family in the UK, and you've registered with a GP and dentist).

You'll be given a form to fill in. Include as much evidence as possible to back up what you say in this form. This could include:

- proof of when you arrived in the UK, such as travel tickets

- proof that you've sold a property or given up a tenancy abroad
- documents to show you own or rent property in the UK

If you're a couple, decide which of you is most likely to pass the test.

The Habitual Residence Test is considered by your local council, the Department for Work and Pensions (DWP), and HM Revenue and Customs (HMRC).

If you fail the test you can ask for the decision to be looked at again and, if necessary, appeal.

If you need help to apply for benefits or services that have a Habitual Residence Test, contact Citizens Advice ([03444 111 444](tel:03444111444), citizensadvice.org).

Ordinary residence

If you want to access NHS healthcare services or local council social care services, or claim certain benefits, you may have to show that you're ordinarily resident in the UK. This is different to the Habitual Residence Test.

There is no legal definition of 'ordinary residence' but it refers to the place you normally live. You

will need to show that you are settled here for the time being. The sort of thing that might help you demonstrate ordinary residence includes:

- proof of accommodation, such as a tenancy agreement in your name
- evidence that you are paying bills
- registration with a GP
- proof that you have sold a property abroad or given up a tenancy
- a UK bank account with recent transactions
- evidence of your reason to settle in the UK, for example to be near family.

As long as you pass the basic criteria, there is no minimum time period that you have to be in the UK before you can be counted as ordinarily resident.

3. Claiming benefits

If you're moving back to the UK, you may be eligible for certain benefits depending on your income, savings, age or circumstances. However, you may need to pass other tests to claim them – these are detailed below.

Claiming means-tested benefits

You will need to be habitually resident in the UK (see chapter 2) to claim means-tested benefits. These include:

- Pension Credit
- Council Tax Support
- Housing Benefit

To check what you may be entitled to, contact Independent Age ([0800 319 6789](tel:08003196789), independentage.org). You can use our online benefits calculator at independentage.org/benefit-calculator.

Claiming disability or carer's benefits

You may be able to apply for Attendance Allowance, Personal Independence Payment and/or Carer's Allowance.

To qualify for these benefits, you have to be present in the UK when you claim, be habitually resident (see chapter 2) and have been present for two out of the last three years (past presence test). You may be able to add together periods of residence and employment in the EEA towards the past presence test. If you are terminally ill, the past presence test doesn't apply.

Winter Fuel Payment

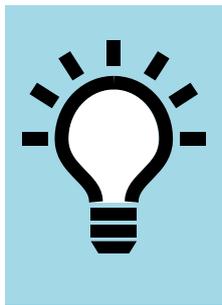
To qualify for a Winter Fuel Payment you must be 'ordinarily resident' (see chapter 2) and have reached the qualifying age.

To make a new claim, call [03459 15 15 15](tel:03459151515) (or [+44 \(0\)191 218 7777](tel:+4401912187777) from outside the UK) or visit [gov.uk/winter-fuel-payment/how-to-claim](https://www.gov.uk/winter-fuel-payment/how-to-claim).

Bereavement benefits

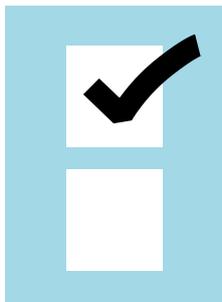
You may qualify for Bereavement Allowance and Widowed Parent's Allowance depending on your age when your spouse or civil partner died and their National Insurance contributions record.

Good to know



Bereavement benefits are being replaced by a Bereavement Support Payment. This is likely to happen from April 2017 and will affect new claimants. Contact us after this date for more information ([0800 319 6789](tel:08003196789), independentage.org).

To do



If you need advice about claiming benefits, call Independent Age on [0800 319 6789](tel:08003196789) or read our factsheets online (independentage.org). Or contact your local Citizens Advice ([03444 111 444](tel:03444111444), citizensadvice.org.uk).

4. Your State Pension

While you were living abroad, you will have been eligible to receive your UK State Pension. In some countries, it will have been frozen at the rate it was first paid.

When you return to the UK you should contact the Pension Service ([0345 606 0265](tel:03456060265)) and tell them your return date and contact details, both abroad and in the UK. If you haven't been getting an annual increase while living abroad, your State Pension should increase to the current rate once you return.

If you've paid contributions in more than one country, you may get separate pensions from the different countries.

If you're making a new claim for the State Pension, visit [gov.uk/check-state-pension](https://www.gov.uk/check-state-pension) or contact the Future Pension Centre ([0345 3000 168](tel:03453000168)). It's a contributory benefit, so you have to have paid contributions into the UK national insurance system to qualify for it.

Read our factsheet **The State Pension** for more information ([0800 319 6789](tel:08003196789), [independentage.org](https://www.independentage.org)).

5. Getting help from social services

If it appears you need care and support, you have a right to a local authority assessment. This should happen within a reasonable timescale. Your local authority only has a duty to assess you once you are there in person. If possible, contact the relevant local council before you return to the UK to let them know you'll be moving to the area soon and will need an urgent care assessment when you arrive.

Your entitlement to care and support from your local authority is based on 'ordinary residence'. As long as you can show that you intend to stay, you should get 'ordinary residence' immediately (see chapter 2).

The local authority only has a duty to provide long-term care and support if you meet the eligibility criteria. Once the local authority decides you have eligible needs it will carry out a financial assessment to see if you are entitled to a contribution for your care. Any property or assets that you own in the UK and abroad will be taken into account.

See our factsheet **Assessment and care services from your local council** for more information, including how to appeal if you're

turned down for an assessment ([0800 319 6789](tel:08003196789), independentage.org).

6. Healthcare

Everyone is entitled to emergency NHS treatment in the UK, whether or not they're resident here. However, free non-emergency treatment is only for people who are 'ordinarily resident' in the UK (see chapter 2 for a definition).

If you have lived abroad permanently for a period of time, you may need to show evidence you intend to resettle in the UK before being eligible for non-emergency healthcare.

As soon as you have a permanent UK address, register with a GP. If you are staying temporarily with family or friends, you can ask to register as a temporary patient.

If you have an S1 form, you should notify the relevant local authority in the country you have left that you have returned to the UK. You should also notify the DWP Overseas Healthcare Team about your return ([+44 191 218 1999](tel:+441912181999)).

7. Housing

Finding a suitable permanent home can take time. You may have to find a short-term private let or move in temporarily with friends or relatives while you're looking.

Applying for social housing

Social housing is provided by councils and housing associations and to access it you must pass the Habitual Residence Test (see chapter 2). Demand for social housing is high and, even if you're eligible, waiting lists are very long in some parts of the country. In addition, some local councils have a 'residency requirement' which means you cannot join their waiting list until you have lived in the area for a certain period of time, usually two years. You should explore other options – such as renting privately – if you urgently need a place to stay.

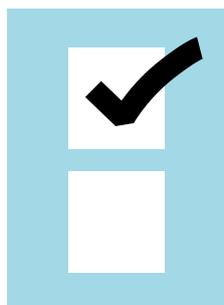
If you pass the Habitual Residence Test, are homeless and vulnerable because of old age, disability, mental illness or other reasons, the council may have a duty to provide you with housing because you are in priority need. The council has to be satisfied that you are homeless, not intentionally homeless, in priority need and have a local connection to their area.

You won't be considered homeless if you still have property abroad but it must be considered reasonable for you to continue to live there. If they find that you have a connection with another local area, the council may try to refer you there.

If the council decides that you're not in priority need it doesn't have to provide you with accommodation.

If you are unhappy with a decision made by your local council, you have the right to request a review. For more advice, contact Shelter ([0800 800 4444](tel:08008004444), england.shelter.org.uk).

To do



See our factsheets **Housing options** and **Extra care housing** for more information about types of housing available ([0800 319 6789](tel:08003196789), independentage.org).

8. Useful contacts

Pensions and benefits

Attendance Allowance (AA)	AA helpline: 0345 605 6055
Personal Independence Payment (PIP)	PIP helpline: 0345 850 3322
Disability Living Allowance (DLA)	DLA helpline: 0345 712 3456
Carer's Allowance	0345 608 4321
State Pension	0191 218 7777 gov.uk/international-pension-centre
Pension Credit	Pension Service 0345 606 0265
Winter Fuel Payments	Winter Fuel Payment Team at the International Pension Centre 0191 218 7777 or the Helpline 03459 15 15 15
Housing Benefit	The housing department of your local council gov.uk/find-local-council
Bereavement Benefits	0191 218 7777

	gov.uk/international-pension-centre or the Bereavement Service Helpline 0345 606 0265

Healthcare

NHS England	0300 311 2233
-------------	---------------

Tax

HMRC	0300 200 3500 Outside UK +44 (0)191 203 7010
------	--

Our publications cover England only. Whilst we make every reasonable effort to ensure that our information is accurate at the time of publication, information can change over time. Our information should not be used as a substitute for professional advice. Independent Age does not accept any liability for any loss however caused arising from the use of the information within this publication. Please note that the inclusion of other organisations does not constitute an endorsement from us.

The sources used to create this publication are available on request. Contact us using the details below.

Thank you

Independent Age would like to thank those who shared their experiences as this information was being developed, and those who reviewed the information for us

How did we do?

To tell us what you think of our information, contact us using the details below. We will use your feedback to help us plan future changes to our publications.

Contact us

Call us **0800 319 6789**
Email **advice@independentage.org**
Visit **www.independentage.org**

If you would like to be involved in helping us to develop our information products, you can join our Readers Panel. For more information visit independentage.org/readers-panel or call us.

Other formats

If you need this information in a different format (such as large print or audio cd), please contact us.