



advice and support for older age

**Independent
Age**

Factsheet

Returning to England from abroad

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

This factsheet is aimed at British citizens over State Pension age who are returning to England to live, rather than visiting for a short period.

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

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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).

In this factsheet, you'll find reference to our other free publications. You can order them by calling 0800 319 6789, or by visiting independentage.org/publications

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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 or NHS 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

Before you return

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

- contact the International Pension Centre ([0191 218 7777](tel:01912187777)) and the Pension Service ([0800 731 0469](tel:08007310469))
- sort out your tax affairs both in England and the country you're leaving – contact HMRC ([0300 200 3300](tel:03002003300), or [+44 135 535 9022](tel:+441355359022) from outside the UK).
- identify a local GP surgery to register with as soon as you return
- if you're returning to England permanently and have a registered S1 form in another EEA country or Switzerland, tell the country's authorities and the Overseas Healthcare Team ([+44 191 218 1999](tel:+441912181999)) about your move.

Accessing benefits and services

When you return to the UK, you may need to prove that you intend to stay before claiming benefits or using certain council services. This is assessed through the Habitual Residence Test.

The Habitual Residence Test (HRT)

There are two parts to this test:

- right to reside – the legal right to live in Great Britain
- 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 country and how long you intend to stay
- your reasons for returning
- how much your life is centred in the UK – for example, whether you own property here, have family living here, and have 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 returned to 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.

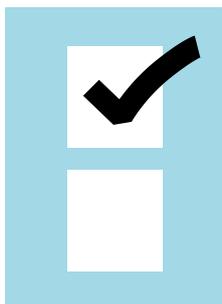
Citizens Advice has some useful information on how a decision is made following the test (citizensadvice.org.uk/benefits/coming-from-abroad-and-claiming-benefits-the-habitual-residence-test/the-habitual-residence-test-an-introduction/the-habitual-residence-test-how-a-decision-is-made).

The Habitual Residence Test is applied to the person applying for the benefit, so 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 HMRC.

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

To do



If you need help to apply for benefits or services that have a Habitual Residence Test, or if you have failed the test and want advice, contact Citizens Advice ([03444 111 444](tel:03444111444), [citizensadvice.org](https://www.citizensadvice.org)).

Ordinary residence

If you want to access NHS services free of charge (other than certain services such as emergency treatment – see chapter 6), or access local council social care services, you have to be what is known as 'ordinarily resident' in the UK. This is a different residence test to the Habitual Residence Test.

There is no clear legal definition of ordinary residence but it usually refers to the place where you voluntarily live and are settled 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're 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 for settling in England, 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 or Great Britain, you may be eligible for certain benefits depending on your residence status, how long you have been in Great Britain, income, savings, age or circumstances.

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.

For Pension Credit, you usually have to be present in Great Britain when you claim. You will also need to meet the usual qualifying criteria for each benefit.

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

Claiming disability or carer's benefits

These benefits aren't means-tested, but you will have to meet other eligibility criteria. You may qualify for:

- Attendance Allowance
- Personal Independence Payment
- Carer's Allowance.

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

The European Economic Area (EEA) includes the EU countries, Iceland, Liechtenstein and Norway.

Winter Fuel Payment

To qualify for a Winter Fuel Payment you must be ordinarily resident in Great Britain (see chapter 2) on any day of the qualifying week beginning 3rd Monday of September and have reached the qualifying age. Read our guide **Winter wise** for more information on who qualifies.

To make a new claim, call [0800 731 0160](tel:08007310160) (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

If your spouse or civil partner died on or after 6 April 2017, you may qualify for a Bereavement Support Payment, depending on your age when they died and their National Insurance contributions record. At the time of their death, you must have been living in the UK or a country that pays bereavement benefits. This includes EEA countries. Gov.uk has more information about this ([gov.uk/claim-benefits-abroad/bereavement-benefits](https://www.gov.uk/claim-benefits-abroad/bereavement-benefits)).

If your spouse or civil partner died before 6 April 2017, you may qualify for other bereavement

benefits. Read our factsheet **What to do after a death** for more information.

Funeral Expenses Payments

You might be able to get a Funeral Expenses Payment towards the cost of a funeral you're responsible for arranging if you're claiming certain benefits ([gov.uk/funeral-payments](https://www.gov.uk/funeral-payments)). Read our factsheet **What to do after a death** for more information. If the funeral will take place in the EEA or Switzerland, call the Social Fund to find out if you're eligible ([0800 169 0140](tel:08001690140)).

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 ([0800 731 0469](tel:08007310469)) 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 or be able to export certain benefits to the UK.

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 ([0800 731 0175](tel:08007310175)).

The State Pension is a contributory benefit, so you have to have paid contributions into the UK National Insurance system to qualify for it. For

more information on who qualifies, read our factsheet **The State Pension**.

5. Getting help with social care

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

Whether or not you are entitled to care and support usually depends on your ordinary residence (see chapter 2). You can be treated as ordinarily resident in an area as soon as you move there, if your move is voluntary and you intend to stay there for the time being.

Sometimes you may be present in the council's area, but you may not intend to stay there. In this situation, you may be counted as being 'of no settled residence.' In this case, a council may still have a duty to meet your needs.

If you appear to be in urgent need of care, the council can choose to meet your needs and then carry out a care needs assessment and financial assessment later. You do not have to be ordinarily resident there.

The council only has a duty to provide long-term care and support if you meet the eligibility criteria. Sometimes, the council can also choose to meet your needs if you don't meet the criteria. If the council decides to meet your needs it will carry out a financial assessment to see if you're entitled to have the council pay for some of your care. Any property or assets that you own in the UK and abroad may be taken into account.

See our factsheet **First steps in getting help with your care needs** for more information, including how to appeal if you're turned down for a care needs assessment.

6. Healthcare

Access to NHS healthcare is generally based on residence. Some NHS healthcare is provided free to everyone, regardless of whether they're ordinarily resident in the UK, including:

- primary care – day-to-day services that are often people's first point of contact with the NHS, provided by GPs, dentists, pharmacists, optometrists and others
- Accident and Emergency services
- some palliative care services.

Most non-emergency and non-primary care treatment is only provided free to people who are ordinarily resident in the UK (see chapter 2).

If you have lived abroad permanently for a while, you may need to show evidence you have moved to the UK voluntarily and intend to resettle in the UK for the time being before being eligible for non-emergency and secondary NHS healthcare.

If you have an S1 form, you should notify the relevant local authority in the country you have left that you have returned to England. You

should also notify the DWP Overseas Healthcare Team about your return (+44 191 218 1999)

Registering with a GP

As soon as you have a permanent UK address, register with a GP. If you're staying temporarily with family or friends, you can ask to register as a temporary patient. You can search for and compare GP services on the NHS website (nhs.uk/Service-Search).

NHS Continuing Healthcare

If you have a high level of health and care needs, you may be eligible for NHS Continuing Healthcare. This is a package of care arranged and paid for by the NHS. If you're eligible, the care you are assessed as needing will be arranged by the NHS for free. For more information about the assessment process, refer to our factsheet **Continuing Healthcare – should the NHS be paying for your care?**

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 meet a number of eligibility criteria including passing 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 can't 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 and 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're homeless,

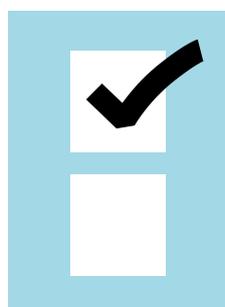
not intentionally homeless, in priority need and have a local connection to their area.

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 the council finds that you have a connection with another local area, it may try to refer you there instead.

If the council decides that you're not in priority need it doesn't have to provide you with accommodation, although it does have a duty to provide you with information and advice.

If you would like more advice about arranging housing when you return from abroad, or you're unhappy with a decision made by your local council, contact Shelter ([0800 800 4444](tel:08008004444), england.shelter.org.uk).

To do



See our guide **Choosing where to live** for more information about types of housing available.

8. Useful contacts



Pensions and benefits

Attendance Allowance helpline	0800 731 0122
Personal Independence Payment helpline	0800 121 4433
Disability Living Allowance helpline	<p>If you were born on or before 8 April 1948: 0800 731 0122</p> <p>If you were born after 8 April 1948: 0800 121 4600</p>

Carer's Allowance Unit	0800 731 0297
International Pension Centre – for advice on the State Pension and benefits if you live or have lived abroad	+44 (0)191 218 7777 gov.uk/international-pension-centre
Pension Service – for Pension Credit information	0800 731 0469
Winter Fuel Payment	International Pension Centre (see above) or the Winter Fuel Payment helpline 0800 731 0160

Housing Benefit	The housing department of your local council gov.uk/find-local-council
Bereavement benefits	International Pension Centre (see above) or the Bereavement Service helpline 0800 731 0469

Healthcare

NHS England	0300 311 2233
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Tax

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