

# Tax credits - coming to the United Kingdom

This factsheet tells you what tax credits are and what you need to know about them if you are coming to the United Kingdom (UK) from abroad. The UK is England, Scotland, Wales and Northern Ireland (but not the Channel Islands or the Isle of Man). There are two tax credits, Child Tax Credit and Working Tax Credit.

## Child Tax Credit

Child Tax Credit is for people responsible for at least one child or young person. You don't have to be working to claim. Child Tax Credit helps to support:

- a child until 31 August after their 16th birthday
- a young person aged 16 up to age 20 in full-time non-advanced education or approved training, provided they were enrolled, accepted or started before age 19
- a young person aged 16 to 17 who is registered with a Careers Service, Ministry of Defence, Connexions (in Northern Ireland, the Department for Employment and Learning or an Education and Library Board) or any corresponding body in another member state after leaving full-time non-advanced education or approved training.

## Working Tax Credit

Working Tax Credit is for employed or self-employed people. There are extra amounts for working households where someone has a disability or the costs of qualifying childcare. If you are responsible for a child or young person you may be able to get Working Tax Credit if:

- you are aged 16 or over, and
- work at least 16 hours a week.

If you don't have children you may be able to get Working Tax Credit if you:

- are aged 25 or over and work at least 30 hours a week
- are aged 16 or over and work at least 16 hours a week and you qualify for a disability element of Working Tax Credit
- or your partner are aged 50 or over and work at least 16 hours a week and are returning to work after claiming qualifying out-of-work benefits
- are aged 60 or over and work at least 16 hours a week.

## How much can I get?

The amount of tax credits you get depends on your annual income. For tax credit claims, your annual income is your income for a tax year (your joint income if you are a couple). A tax year runs from 6 April one year to 5 April the next.

Income includes any money you were paid from working outside the UK, or any profit from trading outside the UK. The amount needs to be worked out in British pounds, not the foreign currency. To convert the income, please use the annual average exchange rate for the 12 months to 31 March in the tax year the income falls due. These exchange rates are on our website at [www.hmrc.gov.uk/exrate/](http://www.hmrc.gov.uk/exrate/)

## Can I claim?

If you are aged 16 or over and live in the UK, you may qualify for tax credits. Your right to get one or both tax credits may be affected by rules on:

- immigration control
- presence
- whether you are ordinarily resident, and
- right to reside.

Please see page 2 onwards for a full explanation of these rules.

Some people may qualify for tax credits even if they don't live in the UK. Short absences abroad won't affect your right to tax credits.

## Help

For more information about tax credits, and to check if you can claim, go to our website at [www.hmrc.gov.uk/taxcredits](http://www.hmrc.gov.uk/taxcredits) If you want a claim pack or further advice about tax credits, you can:

- phone our Helpline on **0845 300 3900**
- textphone the Helpline (for people with hearing or speech difficulties) on **0845 300 3909**
- or write to us at  
Tax Credit Office  
Preston  
PR1 0SB  
United Kingdom.

Or, if you live abroad and can't get through on the Helpline number phone **+44 28 9053 8192**.

For our opening hours, go to [www.hmrc.gov.uk/contactus](http://www.hmrc.gov.uk/contactus)

When you contact us, please tell us:

- your full name
- your National Insurance number, and
- a daytime phone number.

## Interpretation service

We offer an interpretation service, 'thebigword' to help customers whose first language is not English. If you would like to use this service tell us straight away when you contact us.

## For more information on income for tax credit purposes:

- go to [www.hmrc.gov.uk/taxcredits](http://www.hmrc.gov.uk/taxcredits) and under *Claiming tax credits* select *How to work out income or working hours for your tax credits claim*
- see the notes that come with the claim pack.

## Getting advice

You can get help and advice from independent organisations, see list on page 2. You can ask them to talk to us on your behalf, but we can't talk to anyone without your permission. If you do ask someone to act for you:

- complete and return form TC689 *Authority for an intermediary to act on your behalf* available online at [www.hmrc.gov.uk/forms/tc689.pdf](http://www.hmrc.gov.uk/forms/tc689.pdf) or
- write and tell us the name and address of the person or the address and contact details of the organisation.

## Immigration control and tax credits

You may not be able to get tax credits if you are subject to immigration control.

You **are 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 don't claim benefits, tax credits or housing help paid by the UK government (known as 'recourse to public funds')
- you need permission to stay in the UK - again known as 'leave to enter or remain' - but you don't have it
- you have been refused permission to stay in the UK, but you have appealed against that decision, and your appeal hasn't been decided yet
- you have 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.

You **are not subject** to immigration control if:

- you are a UK national or national of another European Economic Area (EEA) country or Switzerland
- you have been given leave to enter the UK, without restriction on your access to public funds
- you have been given leave to stay in the UK
  - for a limited purpose (unless it's on the condition that you don't have recourse to public funds)
  - indefinitely (including those with discretionary or exceptional leave to stay or humanitarian protection)
- you have claimed refugee status and been told by the Home Office that you can stay in the UK as a refugee.

### If you are subject to immigration control

You may still be able to get both tax credits if:

- you are claiming as a couple and only one of you is subject to immigration control
- you are normally self-supporting but your funds from abroad have been temporarily disrupted (you can claim for a period of 42 days during a single period of limited leave), or
- you are a sponsored immigrant under the Home Office rules and you have been here for at least five years, or sooner if your sponsor has died.

You may still be able to get Child Tax Credit if you:

- (or your partner) are legally working in the UK and are nationals of Algeria, Morocco, San Marino, Tunisia or Turkey or
- made a claim for asylum before April 2000 and were receiving financial support for your children through Income Support or income-based Jobseeker's Allowance.

You may still be able to get Working Tax Credit if you are:

- lawfully present in the UK, and
- a national of Croatia, Turkey or the former Yugoslav Republic of Macedonia.

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

## The European Economic Area, Switzerland and tax credits

If you are in the UK, another EEA country or Switzerland and:

- are employed or self-employed and paying UK National Insurance contributions, or
  - getting one of the benefits shown in the right hand column of this page
- you may still get Child Tax Credit even if your family live in another EEA country or Switzerland. To find out more go to [www.hmrc.gov.uk/taxcredits](http://www.hmrc.gov.uk/taxcredits) and under *Tax credits - who qualifies* select *New arrivals to the UK and tax credits*.

### Independent organisations

#### Citizens Advice

- for England, Wales and Northern Ireland go to [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) or
- for Scotland go to [www.cas.org.uk](http://www.cas.org.uk)

#### Community Legal Advice in England and Wales:

- go to [www.clsdirect.org.uk](http://www.clsdirect.org.uk)
- phone **0845 345 4345**.

#### Scottish Legal Aid Board in Scotland:

- go to [www.slac.org.uk](http://www.slac.org.uk)
- phone **0131 226 7061**.

#### The Legal Services Commission in Northern Ireland:

- go to [www.nilsc.org.uk](http://www.nilsc.org.uk)
- phone **0289 0408 888**.

Local offices of all these organisations are also listed:

- in the business section of The Phone Book
- in The Yellow Pages
- at the library.

### Taxable Social Security benefits

- Contribution-based Jobseeker's Allowance
- Incapacity Benefit
- State Pension
- Widow's Benefit/Bereavement Benefit
- Industrial Injuries Disablement Benefit
- Contribution-based Employment and Support Allowance
- Severe Disablement Allowance

### The European Economic Area

The European Economic Area (EEA) is made up of the following countries:

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

## Presence, ordinarily resident and right to reside

To get Working Tax Credit you must be working. You must generally also be:

- present, and
- ordinarily resident in the UK.

To get Child Tax Credit you must be responsible for a child and:

- be present
- be ordinarily resident, and
- have a right to reside in the UK.

### Presence

Normally, you have to be physically present in the UK every day during the period of a tax credit award.

There are rules, however, that allow tax credit awards to continue during short temporary absences.

For more information see our factsheet *WTC/FS6 Leaving the United Kingdom*.

### Ordinarily resident

You are ordinarily resident if you:

- normally live in the UK (apart from temporary absences) and
- have chosen to live and settle in the UK.

There are rules that allow an EEA national to be treated as being 'ordinarily resident' for Working Tax Credit, if they are taking up their right to work in the UK under EU rules.

### 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 or Swiss national:
  - employed or self-employed in the UK
  - registered with Jobcentre Plus and who is actively seeking and has a reasonable chance of finding work. (Please see **special rules** on page 4)
  - who has a permanent right of residence
  - who is self-sufficient (including students). But only if they have enough money to keep themselves above the level of Income Support
- a Non EEA national who has permission to enter or remain in the UK
- a member of the family of someone who has a right to reside. Family member means:
  - spouse or civil partner and descendants who are dependent on them or are under 21
  - dependent relatives of the claimant or civil partner in the ascending line, or
  - for students this means a spouse or civil partner and dependent children.

If none of these apply to you - you may not have a right to reside.

If your circumstances change and none of these apply to you any more - you may lose your right to reside.

### Ordinarily resident examples

Here are some examples to help show whether you are ordinarily resident.

None of these examples on their own will usually show that a person is, or is not, ordinarily resident.

- You are here for a holiday - a likely sign that you are not ordinarily resident.
- You plan to leave the UK in the near future - this may show you have not settled here and are not ordinarily resident.
- Your partner and children have also come to live in the UK - this may show that you and your family plan to stay in the UK and so you are ordinarily resident.
- 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.
- You have already lived here for three years or more - we would normally accept that you are ordinarily resident.

### Your rights and obligations

*Your Charter* explains what you can expect from us and what we expect from you. For more information go to [www.hmrc.gov.uk/charter](http://www.hmrc.gov.uk/charter)

### Putting things right

If you are not satisfied with our service, please let us know what is wrong. We will work as quickly as possible to put things right and settle your complaint. If you are still unhappy, ask for your complaint to be referred to the Complaints Manager.

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

The special arrangements that require you to register with the Worker Registration Scheme (WRS) come to an end on 30 April 2011. With effect from 1 May 2011, you will no longer have to register your employment with the WRS and you will have the same full, free movement rights in the UK as other EEA nationals (see page 3).

**Special rules for nationals of Bulgaria and Romania** 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 need to have been given either:

- a registration certificate providing full access to the UK labour market, or
- an accession worker card.

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

- enough money to keep yourself above the level of Income Support, or
- been in authorised employment continuously for 12 months or more before registering with Jobcentre Plus to actively seek work, or
- been given a registration certificate, giving you full access to the UK labour market and you are registered with Jobcentre Plus and actively seeking work.

## Who should make the claim for tax credits?

Your tax credits claim must be made either as a single person or as a couple. It is very important to get this right. You must claim as a couple if you are:

- married, or
- in a civil partnership,

unless you are separated under a court order or your separation is likely to be permanent.

You must also claim as a couple if you are living with someone as if you are:

- married, or
- in a civil partnership.

You should still make a joint claim as a couple even if you are living apart temporarily - for example, one of you is working away.

If you do not have a partner you should make a single claim based on your individual circumstances.

Make a **joint claim** with your partner and include the children's details on the claim if:

- you are responsible for a child or children who are living with your partner in another EEA country or Switzerland, and
- you are either
  - working in the UK and paying UK National Insurance contributions, or
  - receiving any of the benefits shown on page 2.

Make a **single claim**, if your partner lives in a country outside the EEA or Switzerland.

But make a **joint claim**, if your partner is only outside the EEA or Switzerland for a short amount of time, for example if they are:

- on holiday (for less than eight weeks), or
- away on a short business trip (for less than eight weeks).

Make a claim, including any children on the claim, if they are:

- living in another EEA country or Switzerland, and
- financially dependent on you (for example, living with a relative or friend, but you are financially responsible for them).

### Worker Registration Scheme (WRS), work permits and the accession workers card

For more information:

- go to [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)
- phone **0114 207 4074**
- write to  
Customer Contact Centre  
UK Border Agency  
PO Box 3468  
Sheffield  
S3 8WA.

### Customers with particular needs

We offer a range of facilities for customers with particular needs, including:

- wheelchair access to nearly all Enquiry Centres
- help with filling in forms
- for people with hearing difficulties
  - Text Relay
  - Induction loops.

We can also arrange additional support, such as:

- home visits, if you have limited mobility or caring responsibilities and cannot get to one of our Enquiry Centres
- services of an interpreter
- sign language interpretation
- leaflets in large print, Braille and audio.

For complete details:

- go online at [www.hmrc.gov.uk/enq/index.htm](http://www.hmrc.gov.uk/enq/index.htm) or
- contact us. You will find us in The Phone Book under HM Revenue & Customs.

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

#### Issued by

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