



PENSIONS FROM ZUS ESTABLISHED ON THE BASIS OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN POLAND AND THE UNITED STATES OF AMERICA



Legal Basis for the Coordination

The agreement on social security of 2 April 2008 between the Republic of Poland and the United States of America¹ (hereinafter „the Agreement”) entered into force on 1 March 2009. The Agreement constitutes a legal basis for coordination of pension systems of Poland and the United States.

Provisions of the Agreement concerning pensions are aimed to facilitate acquisition of pension entitlements and receipt of benefits from these states by persons employed (insured) in the territory of Poland and of the United States of America.

Provisions of the Agreement concerning pensions apply to: • Polish nationals • nationals of the United States • persons not being nationals of parties to the Agreement.

The Agreement applies to persons who have been covered by social insurance in Poland and in the United States, pursuing widely conceived occupational activity, in particular as employees and self-employed persons.

¹ Journal of Laws of 2009 No. 46, Text 374.

It also applies to all who apply for pensions as survivors of the above mentioned persons.



Which Pension Insurance Benefits are Covered by the Agreement of 2 April 2008?

The provisions of the Agreement are applicable to the following **Polish** pension insurance benefits awarded by the Social Insurance Institution (ZUS):

- old-age pensions
- disability pensions
- survivors' pensions
- pensions in respect of work accidents and occupational diseases and lump-sum indemnity payments from accident insurance
- funeral grants.

The Agreement also applies to periodic funded old-age pension and life funded old-age pension payable from the resources collected by the Open Pension Fund (OPF).

Apart from the aforementioned benefits awarded by ZUS, it is applicable to pension insurance benefits awarded by the Farmers' Social Insurance Fund (Kasa Rolniczego Ubezpieczenia Społecznego, KRUS) from the social insurance for farmers.

The following **United States** benefits from the federal social insurance program are covered by the Agreement:

- old-age insurance benefits
- disability insurance benefits
- survivors' insurance benefits
- lump-sum death payments.

However, the Agreement does not apply to United States' cash benefits in respect of work accidents and occupational diseases.



Who is the Leaflet Addressed to?

The leaflet is addressed to persons who:

- reside in the territory of Poland or of the United States and claim pension insurance benefits from ZUS on the basis of totalized periods of coverage (employment or insurance) completed under the laws of Poland and of the United States,

- reside in the territory of the United States and claim pension insurance benefits from ZUS on the basis of periods of coverage (employment or insurance) completed only under the laws of Poland,
- reside in the territory of the United States and are interested in receiving, in the place of residence, a pension insurance benefit that they are entitled to from ZUS.



The Principle of Equal Treatment

In accordance with the principle of equal treatment, a person who resides in the territory of Poland or of the United States, covered by the Agreement, must receive equal treatment with nationals of the other party to the Agreement in the application of the laws of the other party regarding entitlement to or payment of benefits.

It means that discrimination of a Polish national who resides in the territory of Poland and applies for pension insurance benefits from the United States is prohibited.



Old-age, Disability and Survivors' Pensions for Persons who have completed Periods of Coverage under the Laws of Poland and of the United States

► Establishment of the Pension Entitlement in each State-Party to the Agreement, where the Person Concerned was Insured

It is for the laws of Poland and of the United States to define persons eligible for benefits and eligibility requirements.

A person employed and covered by social insurance in the territory of Poland and of the United States may be granted a pension both in Poland and in the United States, if he or she satisfies the requirements under the laws of both states. It means that persons who satisfy qualifying conditions in each of these states, may receive pensions from both of them.

Information on eligibility requirements for ZUS pensions, as well as the rules governing calculation of benefits, may be found in separate leaflets titled: *Old-age pension from the Social Insurance Fund, Old-age pension from the Social Insurance Fund awarded under the new rules, Disability pension, Survivors' pension*, which are available in each ZUS unit.

Information on eligibility requirements for and rules governing calculation of periodic funded pensions, payable from the resources of the Open Pension Fund, which are also covered by the Agreement, may be found in a leaflet titled: *Periodic funded pension payable from the resources of the Open Pension Fund*.

▶ **Aggregation of Foreign Periods of Coverage**

Where a person applying for a pension under the laws of one of states-parties to the Agreement does not have sufficient periods of coverage to satisfy the requirements for entitlement to benefits under the laws of that state, the competent institution of the mentioned state also takes into account (aggregates), for the purpose of establishing entitlement to the pension, periods of coverage completed under the laws of the other party to the Agreement.

For example: where a man aged 65 years, born before 1 January 1949, claims an old-age pension from ZUS, but does not have a 25-year period of coverage under the laws of Poland (contributory and non-contributory period) required to be awarded the old-age pension under the Polish legislation, ZUS will take into account (aggregate) periods of coverage that he has completed under United States laws and will check if – after aggregation – the man satisfies the eligibility requirements for the Polish pension.

▶ **Calculation of the Amount of a Pension Established taking into Account Foreign Periods of Coverage Completed under the Laws of the other Party to the Agreement – the so called Pro-Rata Pension**

Where entitlement to a pension under the laws of a given party to the Agreement is established taking into account foreign periods of coverage completed under the laws of the other party to the Agreement, the amount of the benefit is calculated in the following way:

— first, a competent institution of the state which has established pension entitlement must determine a theoretical (full) amount of the benefit which would be awarded if all periods of coverage were obtained under the laws of that state,

— subsequently, based on the theoretical amount, the competent institution must determine the actual amount of the pro-rata benefit based on the ratio of periods of coverage accumulated under the laws of the state which has established the entitlement to the sum of all periods of coverage under the laws of both parties to the Agreement.

The pro-rata pension, calculated in this way, is the benefit which is due to the person concerned.

For example, if ZUS has determined an old-age pension of a man born before 1 January 1949 based on periods of coverage accumulated under the laws of Poland and of the United States, in total duration of 25 years, of which 15 years under the laws of Poland and 10 years under the laws of the United States, the Polish old-age pension will be calculated in the following way:

- *first, ZUS will determine a theoretical (full) benefit which would be awarded to the person concerned if all periods of coverage (25 years, of which 15 years in Poland and 10 years in the USA) were completed under the laws of Poland,*
- *subsequently, based on the theoretical amount, ZUS will determine the actual amount of pro-rata benefit corresponding to the ratio of Polish periods of coverage to the sum of all periods of coverage under the laws of Poland and of the United States; in the described case it will be 15/25 of the theoretical amount, because the person concerned has accumulated 15 years of periods of coverage under the laws of Poland, and a total of 25 years of periods of coverage under the laws of Poland and of the United States.*

In effect the person concerned will be awarded the pro-rata pension determined by ZUS in this way.

The above information – regarding determination of the pro-rata benefit – is not applicable to the so called „new” old-age pension from ZUS, which is awarded to persons born after 31 December 1948, and to pensions for survivors after persons eligible to the old-age pension. Amount of such old-age pension is determined based on the amount of contributions accumulated on account of the insured person in ZUS and the amount of the initial capital determined on the basis of contributory and non-contributory periods completed under the laws of Poland before 1 January 1999.

The mentioned benefits are determined based only on the periods of coverage accumulated under the laws of Poland (without consideration of periods of coverage under United States laws). The rules governing pro-rata pensions, based on the ratio of periods of coverage accumulated under the laws of Po-

land to the sum of all periods of coverage under the laws of Poland and of the USA, are not applicable to them.

If an old-age pension is granted by ZUS under the new rules to a man born in 1950 who has reached the retirement age of 65 years and has accumulated a 5-year period of coverage under the laws of Poland, completed from 1997 to 2001, as well as 10-year period of coverage completed under United States laws, ZUS will determine the amount of the benefit based only on the periods of coverage accumulated under the laws of Poland.

The old-age pension awarded to the person concerned under the new rules will be the quotient resulting from dividing the calculation basis (amount of initial capital after indexation and amount of contributions paid to the old-age pension insurance in Poland after indexation) by average life expectancy² for persons in the age equal to the retirement age of the insured person.

Where a person concerned satisfies the requirements for entitlement to the old-age pension under United States laws, the US institution will award the benefit and determine its amount taking into account aggregated Polish and US periods of coverage – based on the ratio of the duration of periods of coverage completed under United States laws to the duration of a coverage lifetime as determined in accordance with United States laws.

► **Calculation of Amount of a Pension Established without Consideration of Foreign Periods of Coverage, Completed under the Laws of the other Party to the Agreement – the so called National (Independent) Pension**

If under the laws of a given party to the Agreement the right to pension arises without consideration of foreign periods of coverage accumulated by the person concerned under the laws of the other party to the Agreement, the pension amount will be based only on periods of coverage accumulated according to laws of the state which has established the entitlement to the benefit (national pension), without consideration of foreign periods of coverage accumulated under the laws of the other party to the Agreement.

However, in this case the competent institution also determines pension amount that would be awarded on the basis of totalized periods of coverage

² Life expectancy tables – taking into consideration average life expectancy, the same for women and men, expressed in months for the insured person's age – are published on an annual basis by the President of the Central Statistical Office in the Official Journal, in a form of an announcement.

completed under the laws of both states (a pro-rata pension), and – if it is higher than the pension amount calculated only on the basis of Polish periods of coverage (national pension) – the person concerned will be awarded the pro-rata pension.

Example 1

If the disability pension is granted by ZUS to a person who has accumulated a 10-year period of coverage under the laws of Poland (which is sufficient to acquire the right to such pension), but also a 5-year period of coverage under United States laws, ZUS will determine the benefit in the following way:

- *on the one hand it will determine a national disability pension – based only on the periods of coverage accumulated under the laws of Poland, equal to 10 years,*
- *on the other hand it will determine a pro-rata disability pension – on the basis of totalized periods of coverage completed under the laws of Poland and of the United States, equal to 15 years; that is first it will calculate a theoretical amount of the pension on the basis of totalized 15-year period of coverage accumulated under the laws of both parties to the Agreement, and subsequently it will calculate the pro-rata pension, corresponding to the ratio of periods of coverage accumulated under the laws of Poland to the sum of periods of coverage under the laws of Poland and of the United States, which in the described case equals 10/15 of the theoretical amount,*
- *subsequently ZUS will compare amounts of the national disability pension and the pro-rata disability pension and will determine the benefit in amount more favorable for the person concerned.*

Example 2

If an old-age pension is granted to a woman born before 1 January 1949, who has accumulated a 20-year period of coverage under the laws of Poland (which is sufficient to acquire the right to such pension), but also a 4-year period of coverage under United States laws, ZUS will determine the benefit amount in the following way:

- *on the one hand it will determine the national old-age pension – based only on the periods of coverage accumulated under the laws of Poland, equal to 20 years,*
- *on the other hand it will determine a pro-rata old-age pension – on the basis of totalized periods of coverage completed under the laws of Poland and of the United States, equal to 24 years; that is first it will calculate a theoretical (full) amount of the pension on the basis of totalized 24-year period of coverage*

accumulated under the laws of both states-parties to the Agreement, and subsequently it will calculate the pro-rata pension, which in the described case equals to 20/24 of the theoretical amount,

- *subsequently ZUS will compare amounts: of the national old-age pension and the pro-rata old-age pension and will determine the benefit in amount more favorable for the person concerned.*

Where a person concerned satisfies the requirements for entitlement to the old-age pension under United States laws, the US institution will award the benefit and determine its amount taking into account aggregated Polish and US periods of coverage – based on the ratio of duration of the periods of coverage completed under United States laws to the duration of a coverage lifetime as determined in accordance with United States laws.

▶ **Determination of a Supplement Intended to bring the Pension up to the Polish Minimum Pension for Persons Eligible for the Pension from the Social Insurance Fund, who reside in the Territory of Poland but have completed Periods of Coverage under the Laws of Poland and of the United States**

Persons who reside in the territory of Poland, receiving pensions from ZUS and from the United States, in total amount lower than the minimum pension under the Polish legislation, may be awarded a supplement intended to bring their benefit up to the level of statutory minimum.

The rules for determining the mentioned supplement by ZUS are different for pensions awarded under earlier principles, where both an entitlement to and an amount of the benefit depended on the duration of periods of coverage, and for old-age pensions under the new rules which depend on the resources accumulated on the pension account of the insured person.

The supplement to the benefit awarded under the earlier rules to bring the benefit up to the level of the Polish minimum pension, is granted by ZUS, if the pensioner resides in the territory of Poland and his or her benefit has been determined in pro-rata amount, based on the ratio of periods of coverage accumulated under the Polish laws to the sum of all periods of coverage under the laws of Poland and of the United States. The supplement is equal to a difference between the amount of the minimum Polish pension and an aggregated amount of the Polish pension and the old-age or disability pension of the United States received by the person concerned.

The old-age pension awarded from the Social Insurance Fund under the new rules, whose amount is lower than the minimum Polish old-age pension, must be brought up to the level of the minimum Polish old-age pension under the condition that the person concerned will prove the required insurance (contributory and non-contributory) periods under the laws of Poland, equal to 20 years for women and 25 years for men.

If a person who resides in the territory of Poland satisfies the requirement of periods of coverage – 20 years for women and 25 years for men – only after taking into account periods of coverage accumulated under United States laws, the supplement will amount to: a difference between the amount of the minimum Polish old-age pension and an aggregated amount of the Polish old-age pension and the United States old-age or disability pension received by the person concerned.

For example, a 60-year old woman, born in 1949, who resides in the territory of Poland, and has accumulated a 10-year period of coverage under the laws of Poland and also a 12-year period of coverage under United States laws, has been granted by ZUS an old-age pension from the Social Insurance Fund under the new rules, determined in amount lower than the minimum Polish old-age pension. She will receive a supplement to bring the benefit up to the level of the Polish minimum old-age pension, if a total amount of the Polish and the United States' pension is lower than the minimum old-age pension under the Polish legislation. The supplement will amount to a difference between the amount of the minimum Polish old-age pension and an aggregated amount of the Polish and the US old-age pension received by the person concerned.

If a person concerned, who resides in the territory of Poland, has accumulated periods of coverage under the laws of Poland and of the United States, of total duration of at least 20 years for women and 25 years for men, and ZUS has granted him or her an old-age pension from the Social Insurance Fund under the new rules in amount lower than the minimum Polish old-age pension, and if this person is also entitled to a periodic funded pension³, a supplement to bring the benefit up to the level of the Polish minimum old-age pension will be equal to a difference between the amount of the minimum Polish old-age pension and an aggregated amount of the „new” old-age pension from the Social Insurance Fund, periodic funded pension and the US old-age or disability pension received by the person concerned.

³ See: ZUS leaflet titled: *Periodic funded pension, payable from the resources of the Open Pension Fund*, ZUS, Warszawa 2009.

► The Basis for Calculating the Old-Age Pension under the Old Rules or the Disability Pension for Persons who have accumulated – apart from the Polish Periods of Coverage – also Periods of Coverage under United States Laws

An amount of the old-age pension under the so called old rules⁴ or an amount of the disability pension for persons who have accumulated – apart from the Polish periods of coverage – also periods of coverage under United States laws – is calculated on the basis of an average basis for assessment of a contribution to pension insurance (before 1 January 1999 – to social insurance), pursuant to the Polish legislation, from the period of 10 consecutive calendar years selected by the person concerned from the recent 20 calendar years directly preceding the year when the person concerned filed a pension claim. The mentioned 10 calendar years are determined without consideration of years when the person concerned was covered (for the full year) by insurance under United States laws.

If within the period of 20 calendar years directly preceding the year when the person concerned filed a pension claim, the mentioned person had not been covered by insurance under the laws of Poland, an amount of the pension will be based on an average basis for assessment of a contribution to social insurance pursuant to the Polish legislation, from the period of 10 consecutive calendar years directly preceding the year when the person concerned had joined insurance in the United States for the first time.

On the request of the person concerned an amount of the pension may be also based on an average basis for assessment of a contribution to social insurance, pursuant to the Polish legislation, from the period of 20 calendar years, preceding the year when the person concerned filed a pension claim, selected from the whole period of coverage under the laws of Poland.

Pensions for survivors after persons whose right to the old-age pension under the old rules or to the disability pension has been established before their death, or who have satisfied the requirements to be granted such benefits, are based on the basis for calculating the benefits for which the deceased person was or could be eligible.

⁴ This rule applies to persons born before 1 January 1949 and certain persons born after 31 December 1948 but before 1 January 1969.

► The Basis for Calculating the Old-Age Pension under the New Rules for Persons who have accumulated – apart from the Polish Periods of Coverage – also Periods of Coverage under United States Laws

The old-age pension under the new rules⁵ is the quotient resulting from dividing the calculation basis by average life expectancy⁶ for persons in the age equal to the retirement age of the claimant.

The calculation basis of old-age pension under the new rules is calculated on the basis of amount of contributions paid to the old-age pension insurance after indexation, and the amount of the indexed initial capital.

The calculation basis of pension for survivors after persons whose right to the old-age pension has been established before their death under the new rules or who have satisfied the requirements to be granted such benefit, are based on the basis for calculating the benefit for which the deceased person was or could be eligible.

Periods of coverage accumulated under United States laws are not taken into account in determination of the basis for calculating the old-age pension under the new rules and the pension for survivors after persons whose right to the old-age pension has been established before their death under the new rules or who have satisfied the requirements to be granted such benefit.

► Minimum Period of Coverage

If a period of coverage under the Polish legislation is shorter than 1 year and based on that period there will be no eligibility for Polish benefits, ZUS is not under obligation to award a pension taking into account the period of coverage completed under United States laws.

Thus, if for example an employment (insurance) period of a claimant for the disability pension is shorter than 1 year (not sufficient to acquire the right to the Polish benefit), and the claimant has completed 15 years of periods of coverage under United States laws, ZUS is not under obligation to award the Polish pension taking into account the period of coverage completed under US laws.

⁵ This rule applies to persons born after 31 December 1948.

⁶ See footnote 2.

And if the period of coverage accumulated under United States laws is shorter than six quarters, thus not creating the right to the US pension, the competent institution of the United States is not under obligation to grant the benefit taking into account the period of coverage under the laws of Poland. Such period of coverage completed under United States laws may be, however, taken into account by the competent Polish institution if – when establishing the right to the pension – it finds that without aggregating the mentioned period the benefit entitlement would not be acquired or that its aggregation allows to increase the benefit.

In the mentioned case the Polish institution will calculate the pro-rata pension taking into account the ratio between the duration of the periods of coverage completed under the laws of Poland and the total duration of the periods of coverage completed under the laws of Poland and of the United States.

Thus, if a woman born before 1 January 1949, applying for an old-age pension, apart from employment (insurance) periods under the laws of Poland, equal to 19 years and 6 months, has also completed periods of coverage under United States laws equal to 5 quarters (that is 1 year and 3 months), not sufficient to acquire the right to the benefit of the United States, in order to establish the right to the Polish old-age pension, ZUS will have to take into account also a short period of coverage under United States laws and will calculate a pro-rata benefit, corresponding to the ratio of periods of coverage accumulated under the laws of Poland (19 years and 6 months, that is 234 months) to the sum of periods of coverage under the laws of Poland and of the United States (20 years and 9 months, that is a total of 249 months). In the described case the pro-rata old-age pension will be equal to 234/249 of the theoretical amount.



Pension in respect of Accident at Work or Occupational Disease

The right to Polish pensions in respect of accidents at work and occupational diseases is established by the Polish competent institution only when the insured person was subject to the Polish legislation at the moment of injury or in the period of performing work, as a result of which the occupational disease was contracted.

US benefits in respect of accidents at work and occupational diseases are not covered by the Agreement.



Funeral grant

The right to the Polish funeral grant is established and the grant is payable by the Social Insurance Institution, applying the Polish legislation.



Pension for Persons who have accumulated only Polish Periods of Coverage and reside in the Territory of the United States

Where a pension claimant has accumulated only periods of coverage under the Polish legislation but resides in the territory of the United States, pension entitlement is established only by the Polish competent institution, that is an institution obliged to examine a given application in Poland (ZUS or KRUS respectively).

The mentioned person may be granted the pension under the laws of Poland if he or she satisfies the requirements under these laws.

Pursuant to the Agreement such pension awarded under the laws of Poland may be transferred to place of residence of the person concerned in the territory of the United States.



Where to file a Pension Claim?

A person who has accumulated periods of coverage under the laws of Poland and of the United States should file his or her application for a pension with the insurance institution of one of states-parties to the Agreement. It means that it is not necessary to file a separate application in each state.

Such application automatically triggers off the procedure of **pension entitlements' examination in both states-parties** to the Agreement, where the person concerned was covered by insurance, and the date of the application is binding upon the institutions of both states, unless the person concerned wants to receive a benefit only from one state and will notify this fact to the institution with which the claim is filed.

○ A person concerned who **resides in the territory of Poland** and has accumulated periods of coverage under the laws of Poland and of the United States, may file his or her application for a pension with the Polish institution (ZUS or KRUS).

The mentioned application may be also filed with the US institution – Federal Benefits Unit of the Embassy of the United States of America in Warsaw, which in turn will transmit it to the competent Polish institution and at the same time will initiate the procedure of establishing benefits of the United States.

○ A person concerned who **resides in the territory of the United States** and has accumulated periods of coverage under the laws of Poland and of the United States, may file his or her application for a pension with the United States insurance institution (directly with the Social Security Administration in Baltimore or through the nearest branch of this institution in his or her place of residence). The Social Security Administration in Baltimore, apart from examining the right to US benefits, will transmit the application for a Polish pension to the Polish institution (ZUS or KRUS respectively).

○ A person concerned who **resides in the territory of the United States** and has accumulated periods of coverage only under the laws of Poland, may file an application for a pension directly with the Polish institution competent in his or her case, which will examine the pension claim in Poland (ZUS or KRUS respectively).

The application may be also filed through the United States insurance institution which will send it to the competent Polish institution. The date of filing the application with the United States' institution will be in this case binding upon the Polish institution.

○ A person concerned who **resides in the territory of the third state** (other than Poland and the United States) and has accumulated periods of coverage under the laws of Poland and of the USA, may file an application for a pension with the competent Polish or US institution.

Where a pension claim is filed with the United States institution, the said institution is obliged inter alia to complete the application for a pension to be awarded under the Polish legislation and to transmit it to the competent institution in Poland.

Where the person concerned who resides in the territory of the United States files an application for a pension pursuant to the Polish legislation, it is necessary to identify a Polish competent institution in his or her case.

The pension claim is **examined by ZUS** if the person concerned was **employed or self-employed (ran a business outside agriculture)** in the territory of Poland.

But ZUS is not always competent to examine the application. It is not competent to examine pension claims of persons who were covered by the Polish system of social insurance for farmers. In this case the Farmers' Social Insurance Fund (KRUS) is competent. However, ZUS examines applications for pensions filed by persons who have accumulated periods of coverage under the laws of Poland as persons employed and self-employed outside agriculture and as farmers, if the last Polish period was the period of insurance as a person employed or self-employed outside agriculture.

If ZUS is recognized as the competent institution, pension entitlement is established by a **local ZUS body designated to deal with pension issues subject to coordination pursuant to the Polish-US Agreement: I ZUS Branch in Warsaw – Division for Implementation of International Agreements** (see: p. 20).

A **person who resides in the territory of Poland** and has accumulated aggregated periods of coverage under the laws of Poland and of the United States, may file his or her application for a pension directly with the above-mentioned ZUS body, or through the nearest ZUS body in his or her place of residence.



How to draw up a Pension Claim addressed to ZUS?

If the pension claim is filed with ZUS, it must be drawn up pursuant to the Polish legislation. It may be filed on a relevant form:

ZUS Rp-1E (*Application for an old-age pension*),
ZUS Rp-1R (*Application for a disability pension*),
ZUS Rp-2 (*Application for a survivors' pension*).

The following documents should be appended to the application:

- a questionnaire on contributory and non-contributory periods (ZUS Rp-6),
- documents justifying the right to Polish benefits and enabling calculation of their amount (such as: insurance cards, employment certificates, certificates ZUS Rp-7, excerpts of registry office records, relevant medical documentation),
- documents proving the United States' social security number and other information for establishing the benefit of the United States; for the purposes of the US benefit a person concerned should complete an auxiliary form WZO-PL-1.

Forms of applications and questionnaires as well as an auxiliary form WZO-PL-1 are available in ZUS units and at the website of the Social Insurance Institution.

Persons residing in the territory of the United States who have accumulated Polish periods of coverage and file an application for the Polish pension in a local body of the Social Security Administration, must complete a relevant form of application for the Polish benefit:

PL/USA 4 (*Request for Polish retirement – annuity for inability to work*),

PL/USA 5 (*Request for Polish family pension*).

The application should be accompanied with documents justifying the right to Polish benefits and enabling calculation of their amount (such as: insurance cards, employment certificates, certificates ZUS Rp-7, excerpts of registry office records, and regarding a benefit whose award is subject to a condition of certified incapacity for work – relevant medical documentation and medical evaluation on form PL/USA 7).

If the application for a funeral grant is filed with ZUS, it must be drawn up pursuant to the Polish legislation. It may be filed on form ZUS Z-12 (*Application for payment of the funeral grant*).

Persons who reside in the territory of the United States and file an application for funeral grant to be paid by ZUS with a local body of the Social Security Administration, must complete form PL/USA 10 (*Request of payment of Polish burial allowance*).



Appeals against ZUS Decisions in Pension Issues filed by Persons who reside in the Territory of the United States

Appeals against ZUS decisions in pension issues may be filed with a competent Court for Labor and Social Insurance through ZUS pension body which has issued a decision, within one month from the day of receipt of the decision.

Persons who reside in the territory of the United States may file an appeal against ZUS decision – within the above mentioned time limit – also through the United States' social security institution, which will transmit the appeal to a competent ZUS unit.



Pension Transfer by ZUS to a Person who resides in the Territory of the United States

ZUS benefit for an eligible person who resides in the territory of the United States may be paid, depending on instructions given to ZUS:

- in Poland – to bank account of the pensioner or to an authorized person who resides in the territory of Poland, or
- in the United States – to pensioner's bank account in the United States.

A pension awarded by ZUS may be transferred to the person residing in the territory of the United States to his or her place of residence. An application for pension transfer to the United States may be filed with ZUS branch which has awarded or has been earlier paying the benefit. The case is transmitted to I ZUS Branch in Warsaw – Division for Implementation of International Agreements, which will administer the pension payment. An application for pension transfer may be also filed with I ZUS Branch in Warsaw.

A pension is payable on a monthly basis on a day fixed in ZUS decision as the date of benefit's payment. If the pension amount transferred to the United States is lower than the minimum pension under the Polish legislation, its payment may be carried out on other than monthly basis (e.g. on a quarterly basis).

If the pension is transferred to the United States, the date of bank transfer is considered as the date of payment.

Pensions are transferred to beneficiaries who reside in the territory of the United States after deduction – pursuant to the tax legislation – of advance payment to the personal income tax in Poland (in net amount).

More detailed information on taxes imposed on Polish pensions payable to persons who reside in the territory of the United States and on the applicability of the Polish-US convention for the avoidance of double taxation is available in a competent treasury office.

No health insurance contribution to the National Health Fund is imposed on pensions transferred by ZUS to beneficiaries who reside in the territory of the United States. More detailed information in this regard is available in a competent NHF branch or in NHF headquarters.



Impact of US Benefits on the Entitlement to and Amount of a Pension received from ZUS

The fact that a person with established entitlement to ZUS pension has also acquired the pension from the United States does not result in reduction in or suspension of the right to pension from ZUS.



Impact of earnings from activity carried out in the territory of the United States on the entitlement to and amount of the pension received from ZUS

Pensioners are obliged to notify ZUS of earnings and other incomes from activity carried out abroad, for example in the territory of the United States. The level of such incomes may affect the due amount of ZUS pension.

If the amount of foreign incomes exceeds:

- 70% of average monthly earning under the Polish legislation but is not higher than 130% of this earning – the pension is subject to reduction,

— 130% of average monthly earning under the Polish legislation – the pension is suspended.

These rules are not applicable to pensioners who have reached the statutory retirement age: 60 years – for women, 65 years – for men.



Pensioners' Obligations towards ZUS

Pensioners are under obligation to notify ZUS body which is the payer of their benefits of any circumstances affecting their pension entitlement or payment. These circumstances include in particular: changes in personal data (e.g. name, surname) and address data, change in place of residence, changes in a number of bank account, undertaking employment or other gainful activity, the fact of receiving income resulting in benefit reduction or suspension (applicable both to income from activity carried out in the territory of Poland and abroad).

ZUS pensioners are under obligation – on demand of the pension body – to certify with their own signature further entitlement to benefit. ZUS body paying pensions to beneficiaries who reside in the territory of the United States periodically sends a form titled *Declaration of living and residence* to be completed and sent back to ZUS.

The form should be completed and signed by the pensioner him/herself. If the pensioner is not able to sign it personally, the form should be signed by a person who actually takes care of the beneficiary. In both cases the signature should be certified by a competent body or an authorized person in the place of residence of the mentioned persons or by an authorized person in a Polish diplomatic or consular post.



How to obtain more Information?

This leaflet has a general character. More detailed information is available at:

- the nearest local body of ZUS,
- ZUS website: www.zus.pl,

- I ZUS Branch in Warsaw – Division for Implementation of International Agreements (Kasprowicza 151, 01-949 Warszawa, tel.: 0-048 22 569-35-93, 569-36-04, 569-36-13, 569-36-50, 569-36-51, fax: 0-048 22,827-53-71),
- Foreign Pensions Department in ZUS Headquarters, playing the role of the liaison institution in pension issues subject to coordination under the Agreement, which cooperates with the liaison institution of the United States (Senatorska 10, 00-082 Warszawa, tel.: 0-048 22 826-05-53, e-mail: drz@zus.pl).

Information on US benefits may be obtained from:

- Federal Benefits Unit of the Embassy of the United States of America in Warsaw (Piękna 12, 00-539 Warszawa, tel.: 0-048 22 504-21-12),
- Office of International Operations (OIO) in Baltimore (P.O. Box 17775, Baltimore, Maryland, 21235-7049, www.ssa.gov).

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