



## PENSIONS FROM THE SOCIAL INSURANCE INSTITUTION ESTABLISHED ON THE BASIS OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF POLAND AND THE UNITED STATES OF AMERICA



### Who is the leaflet addressed to?

The leaflet is addressed to persons who:

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



### Legal basis for the coordination

**The Agreement on Social Security between the Republic of Poland and the United States of America**<sup>1</sup> (hereinafter ‘the Agreement’), signed on 2 April 2008, which entered into force on 1 March 2009, constitutes the legal basis for the coordination of pension systems between Poland and the United States.

<sup>1</sup> Journal of Laws of 2009 No. 46, Text 374.

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

Pension provisions of the Agreement apply to:

- Polish nationals,
- United States nationals,
- persons not being nationals of the States-parties to the Agreement.

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

It also applies to persons claiming 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 benefits awarded by the Social Insurance Institution (ZUS):

- old-age pensions,
- partial old-age pensions,
- disability pensions,
- family (survivor's) 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 the periodic funded old-age pension.

It is also applicable – apart from the aforementioned benefits awarded by ZUS – to pension insurance benefits awarded from the social insurance contributions for farmers by the Farmers' Social Insurance Fund (*Kasa Rolniczego Ubezpieczenia Społecznego, KRUS*).

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

- old-age insurance benefits,
- disability insurance benefits,
- survivor's 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.

The Agreement does not govern the method of application of US WEP (Windfall Elimination Provision) laws regarding unfair advantages, as this is a matter for United States domestic laws.



## **The equality of treatment principle**

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

It means that discrimination of a Polish national who claims pension insurance benefits from the United States is prohibited.



## **Old-age pensions, disability pensions and survivors' pensions for persons who have completed insurance periods (hereinafter: periods of coverage) in Poland and in the United States of America**

### **► 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<sup>2</sup> and of the United States to define persons eligible for benefits and eligibility requirements.

A person employed and covered by social insurance in Poland and in 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. This means that persons who satisfy the eligibility requirements in each of these States may receive pensions from both of them.

Information on the eligibility requirements for ZUS pensions, as well as the rules governing the calculation of benefits, may be found in the separate leaflets titled:

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<sup>2</sup> The Act of 17 December 1998 on pensions from the Social Insurance Fund, hereinafter referred to as the „Pension Act” (Journal of Laws of 2013, Text 1440, as amended).

*Old-age pension from the Social Insurance Fund, Old-age pension from the Social Insurance Fund awarded under the new rules, Disability pension, Survivor's pension, These leaflets are available at each ZUS unit and on the website [www.zus.pl](http://www.zus.pl).*

Information on the eligibility requirements for, and the rules governing the calculation of a partial pension may be found on the website.

### ► **Taking into consideration (aggregation) of foreign periods of coverage**

Where a person claiming a pension under the legislation of one State-party to the Agreement has not completed sufficient periods of coverage under the legislation of that Party, the eligibility of that person for that benefit is determined by taking into consideration (totalizing) also foreign periods of coverage accumulated in the other State.

#### *Example*

*Where a man born before 1 January 1949 has not completed the 25-year contributory and non-contributory period in Poland required under the Polish legislation to be awarded an old-age pension, after reaching the statutory retirement age<sup>3</sup> ZUS will take into account (totalize) also the United States periods of coverage and will check if – after their aggregation – the man concerned satisfies the eligibility requirements for an old-age pension in Poland.*

### ► **Calculation of the amount of a pension established with consideration of the foreign periods of coverage completed in the other State-party to the Agreement – the so called pro-rata pension**

Where entitlement to a pension is established with the consideration of foreign periods of coverage completed in the other State, the benefit amount is calculated in the following way:

- first, a competent institution of the State which has established the pension entitlement must determine the theoretical (full) amount of the benefit which would be awarded if all the periods of coverage had been completed under the laws of that State,
- subsequently, based on the theoretical amount, the competent institution must determine the actual amount of the pro-rata pension based on the ratio of the periods of coverage completed in the State which has established the entitlement to the total duration of the periods completed in both States-parties to the Agreement.

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

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<sup>3</sup> The statutory retirement age: 60 years – for women, 65 years – for men is subject to gradual increase to reach the age of 67 years for both sexes. Retirement age tables are available at the website of the Social Insurance Institution: [www.zus.pl](http://www.zus.pl).

### **Example**

Where ZUS has determined an old-age pension for a man born before 1 January 1949 based on periods of coverage in Poland and in the United States, in total a duration of 25 years, of which 15 years were spent in Poland and 10 years in 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 the periods of coverage (25 years, of which 15 years were in Poland and 10 years in the USA) were completed in Poland,
- subsequently, based on the theoretical amount, ZUS will determine the actual amount of the pro-rata pension corresponding to the ratio between the duration of the Polish periods of coverage to the total duration of the periods completed in Poland and in the United States; in the described case this will be 15/25 of the theoretical amount, because the person concerned has completed 15 years of the periods of coverage in Poland, and a total of 25 years of periods of coverage in Poland and in the United States.

In effect the man will be awarded by ZUS the pro-rata pension determined in the described way.

The above information – regarding determination of the pro-rata benefit – is not applicable to the old-age pension under the new rules from ZUS, applicable to persons born after 31 December 1948, including the partial pension<sup>4</sup> and to pensions for survivors of the mentioned persons, because such pensions are determined based on the amount of contributions accumulated in the account of the insured person in ZUS, the amount of the initial capital determined on the basis of contributory and non-contributory periods completed in Poland before 1 January 1999 and the amount of contributions accumulated in the sub-account of the insured person in ZUS.

**The mentioned benefits are determined based only on the periods of coverage completed in Poland** (without consideration of the periods of coverage in the United States). The rules governing pro-rata pensions, established based on the ratio between the duration of the periods of coverage in Poland and the total duration of the periods of coverage completed in Poland and in the USA, are not applicable to them.

### **Example**

Where an old-age pension is granted from ZUS under the new rules to a man born after 31 December 1948 who has reached the retirement age and has completed a 5-year period of coverage in Poland, as well as a 10-year period in the United States, ZUS will calculate the pension amount based only on the Polish periods of coverage.

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<sup>4</sup> Although foreign insurance periods may affect the entitlement to the partial old-age pension, they do not affect its amount.

*The old-age pension awarded to the person concerned under the new rules is equal to the quotient resulting from dividing the calculation basis (the amount of initial capital after indexation, the amount of contributions paid to the old-age pension insurance after indexation and the amount of funds booked to the sub-account in Poland) by the average life expectancy<sup>5</sup> for persons of the age at which the insured person retires.*

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

► **Calculation of the amount of a pension established without consideration of foreign periods of coverage, completed in the other State-party to the Agreement – the so-called national (independent) pension**

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

However, in this case the competent institution also determines the pension amount that would be awarded on the basis of the totalized periods of coverage completed in both States (a pro-rata pension), and – if it is higher than the pension amount calculated only on the basis of the Polish periods of coverage (national pension) – the person concerned will be awarded a pro-rata pension.

**Example 1**

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

- *on the one hand it will determine the national (full) pension – based only on the Polish periods of coverage, amounting to 10 years;*
- *on the other hand it will determine the pro-rata pension – on the basis of the totalized periods of coverage completed in Poland and in the United States, equal to 15 years; i.e., first it will*

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<sup>5</sup> 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.

*calculate the theoretical amount of the pension on the basis of the totalized 15-year period of coverage completed in both State-parties to the Agreement, and subsequently it will calculate the pro-rata pension, corresponding to the ratio between the duration of periods of the coverage in Poland and the total duration of the periods of coverage in Poland and in the United States, which in the described case equals 10/15 of the theoretical amount,*

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

### **Example 2**

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

- *on the one hand it will determine the national pension – based only on the periods of coverage completed in Poland, equal to 20 years,*
- *on the other hand it will determine a pro-rata pension – on the basis of the totalized periods of coverage completed in Poland and in the United States, equal to 24 years; i.e., first it will calculate a theoretical (full) amount of the pension on the basis of the totalized 24-year period of coverage completed in both State-parties to the Agreement, and subsequently it will calculate the (actual) pro-rata pension, which in the described case equals 20/24 of the theoretical amount,*
- *subsequently ZUS will compare the amounts: of the national pension and the pro-rata pension and will determine the benefit in the amount more favourable for the person concerned.*

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

### **► Determination of a supplement intended to bring the pension up to the Polish minimum pension for persons entitled to pension from the Social Insurance Fund who reside in Poland but who have completed periods of coverage in Poland and in the United States**

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

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

The supplement to the benefit awarded under the earlier rules designed to bring the benefit up to the level of the Polish minimum pension, is granted by ZUS if the pensioner resides in Poland and his or her benefit has been determined in a pro-rata amount, based on the ratio between the duration of the periods of coverage in Poland and the total duration of the periods of coverage completed in Poland and in the USA. The supplement is equal to the difference between the amount of the minimum Polish pension and the aggregated amount of the Polish old-age pension and the United States pension 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 pension, must be brought up to the level of the minimum Polish old-age pension under the condition that the person concerned can prove the required insurance (contributory and non-contributory) periods under the laws of Poland, these being equal to 20 years for women and 25 years for men. The period of coverage required of women will be gradually increased in 2014–2022 to reach 25 years.

If a person who resides in Poland satisfies the requirement of the periods of coverage only after taking into account the United States periods of coverage, the supplement will amount to the difference between the amount of the minimum Polish old-age pension and the aggregated amount of the Polish old-age pension and the United States old-age or disability pension received by the person concerned.

### **Example**

*Where a 60-year old woman born in 1949, who resides in Poland and has completed a 10-year period of coverage in Poland and a 12-year period of coverage in the United States, has been granted by ZUS an old-age pension from the Social Insurance Fund under the new rules, determined in amount to be 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 the total amount of the Polish and the United States pension is lower than the minimum old-age pension as envisaged under the Polish legislation. The supplement will amount to the difference between the amount of the minimum Polish old-age pension*



*and the aggregated amount of the Polish old-age pension and the United States old-age or disability pension received by the person concerned.*

Where a person concerned who resides in Poland and has accumulated periods of coverage in Poland and in the United States, of a total duration of at least 20–25 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 to an amount lower than the minimum Polish old-age pension, and if this person is also entitled to a periodic funded pension, a supplement to bring the benefit up to the level of the Polish minimum old-age pension will be equal to the difference between the amount of the minimum Polish pension and the aggregated amount of the ‘new’ old-age pension from the Social Insurance Fund, periodic funded pension and the United States old-age or disability pension received by the person concerned.

The rules for establishing the supplement are not applicable to a partial old-age pension, for a partial old-age pension is not subject to an increase to bring its amount up to the level of the minimum old-age pension.

- ▶ **The basis for calculating an old-age pension under the old rules or a disability pension for persons who have accumulated**
  - apart from the Polish periods of coverage
  - also periods of coverage under US laws

The amount of an old-age pension under the so-called old rules<sup>6</sup> or the amount of the disability pension for persons who have accumulated – apart from the Polish periods of coverage – also periods of coverage under US laws – is calculated on the basis of the 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 the pension claim. The period of 10 calendar years is determined without consideration of full calendar years or periods of coverage completed in the United States.

If in the period of 20 calendar years directly preceding the year when the person concerned filed a pension claim, the mentioned person was not covered by insurance under the laws of Poland, the amount of the pension is based on an

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<sup>6</sup> This rule applies to persons born before 1 January 1949 and certain persons born after 31 December 1948 but before 1 January 1969.

average basis for the 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 joined insurance in the United States for the first time.

On the request of the person concerned the amount of the pension may be also based on an average basis for the assessment of a contribution to social insurance, pursuant to the relevant 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 the survivors of persons whose right to the old-age pension under the old rules or to the disability pension have been established before their death, or who have satisfied the requirements to qualify for such benefits, are calculated based on the assessment basis of benefits for which the deceased person was or could have been eligible.

► **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 US laws**

The amount of the old-age pension under the new rules<sup>7</sup> corresponds to the quotient resulting from dividing the assessment basis by the average life expectancy<sup>8</sup> for persons of the age at which the insured person retires.

The basis for the assessment of an old-age pension under the new rules is the total amount of contributions paid into the old-age pension insurance after indexation, the amount of the indexed initial capital and the amount of funds booked to the sub-account of the insured person.

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

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

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<sup>7</sup> This rule applies to persons born after 31 December 1948.

<sup>8</sup> See footnote 5.

More information about the rules for determining the basis for calculating old-age pensions under the new pension scheme may be found in the ZUS leaflet titled: *The old-age pension from the Social Insurance Fund awarded under the new rules* and on the website [www.zus.pl](http://www.zus.pl), and information about the rules for determining the amount of a pension of the deceased person, constituting the basis for calculating the amount of the survivor's pension, may be found in the leaflet titled: *The survivor's pension* and on the website [www.zus.pl](http://www.zus.pl).

### ► Minimum period of coverage

Where a period of coverage under the Polish legislation is shorter than 1 year and based on that period there will be no eligibility for a Polish pension, ZUS is under no obligation to award the pension with consideration of the period of coverage completed in the United States.

#### *Example*

*Where the employment (insurance) period of a claimant for a disability pension is shorter than 1 year (not sufficient to acquire the right to the Polish benefit), but the claimant has completed 15 years of periods of coverage under US laws, ZUS is under no obligation to award the Polish pension taking into account the period of coverage completed under US laws.*

And if the period of coverage accumulated under US laws is shorter than six quarters, thus not creating the right to a US pension, the competent US institution is under no obligation to grant the benefit taking into account the period of coverage under the laws of Poland. Such a period of coverage completed in the United States 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 one 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.

#### *Example*

*Where a woman born before 1 January 1949 claiming 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 US laws equal to 6 quarters (that is 1 year and*

3 months), not sufficient to acquire the right to the US benefit, ZUS, in order to establish the right to a Polish old-age pension, will have to take into account also the short period of coverage under US laws and will calculate a pro-rata benefit, corresponding to the ratio between the duration of the periods of coverage accumulated in Poland (19 years and 6 months, that is 234 months) and the total duration of the periods of coverage in Poland and in the United States (20 years and 9 months, i.e. 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 competent Polish institution only when the insured person was subject to Polish legislation at the moment of injury or in the period of performing work, as a result of which the occupational disease was contracted.

United States benefits in respect of accidents at work and occupational diseases are not covered by the Social Security Agreement.



### **Funeral grant**

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



### **A pension for persons who have completed only Polish periods of coverage, residing in the United States of America**

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

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

Pursuant to the Agreement such pension awarded in Poland may be transferred to the person concerned to his or her place of residence within the territory of the United States.



## Where to file a pension claim?

A person who has accumulated periods of coverage in Poland and in the United States should file his or her pension claim with the insurance institution of one of State-parties to the Agreement. By which he or she is not required to lodge a separate claim in each State.

Such an application automatically initiates the procedure of the **pension entitlements investigation in both State-parties** to the Agreement where the person concerned was covered by insurance contributions, and the date of the claim is binding upon institutions of both States, unless the person concerned wishes to receive the benefit only from one of the States and informs thereof the institution where the claim is filed.

- The person concerned who **resides in Poland** and has accumulated periods of coverage in Poland and in the United States may file the pension claim with the relevant Polish institution (ZUS or KRUS).

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

- The person concerned who **resides in the United States** and has accumulated periods of coverage in Poland and in the United States, may file his or her pension claim with the US 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 transfer the claim for a Polish pension to the relevant Polish institution (ZUS or KRUS respectively).
- The person concerned who **resides in the United States** and has accumulated periods of coverage only in Poland, may file the pension claim directly with the Polish institution competent in his or her case, which will investigate the claim in Poland (ZUS or KRUS respectively).

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

- The person concerned who **resides in a third country** (other than Poland and the United States) and has accumulated periods of coverage in Poland and in the United States, may file the pension claim 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 claim for a pension to be awarded under Polish legislation and to transmit it to the competent institution in Poland.

Where the person concerned who resides in the United States files the pension claim pursuant to the Polish legislation, it is necessary to identify the competent Polish institution in his or her case.

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

But ZUS is not always competent to investigate the claim. It is not competent to investigate the 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 the competent institution. However, ZUS investigates the pension claims filed by persons who have accumulated periods of coverage in Poland as persons employed and self-employed outside of agriculture and as farmers, if the last Polish period was a period of insurance as a person employed and self-employed outside of agriculture.

If ZUS is deemed the competent institution, the pension entitlement is established by the local ZUS body designated to deal with pension issues subject to coordination pursuant to the Polish-US Agreement: the First ZUS Branch in Warsaw – The Division for the Implementation of International Agreements.

A **person who resides in Poland** and has accumulated aggregated periods of coverage in Poland and in the United States, may file his or her pension claim directly with the above-mentioned ZUS unit, or through the nearest ZUS unit in his or her place of residence.



## How to draw up a pension claim to be filed with ZUS?

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

- ZUS Rp-1E (Old-age pension claim),
- ZUS-ER-WEC-01 (Partial old-age pension claim),
- ZUS Rp-1R (Disability pension claim),
- ZUS Rp-2 (Survivor's pension claim).

It must be accompanied with:

- a questionnaire on contributory and non-contributory periods (ZUS Rp-6),

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

Forms of applications and questionnaires as well as the auxiliary form WZO-PL-1 are available at ZUS units and on the website [www.zus.pl](http://www.zus.pl).

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

- PL/USA 4 (*Request for Polish retirement – annuity for an inability to work*),
- PL/USA 5 (*Request for a Polish family pension*).

The claim must be accompanied with documents justifying the right to Polish benefits and enabling the calculation of their amount (such as national insurance cards, employment certificates, ZUS Rp-7 certificates, excerpts of registry office records, and with regard to a benefit whose award is subject to the condition of a certified incapacity for work – the relevant medical documentation and medical evaluation on the 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. This may be filed on the form ZUS Z-12 (*Application for the payment of a funeral grant*).

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

Important: any claim for benefits should include appropriate ID numbers, and namely: the PESEL statistical identification number, or – if such a number has not been issued – the series and number of a national ID card or passport (this may be a foreign passport). Where NIP is the tax identification number of the person concerned, the Polish NIP should be also given.



### **Appeals against ZUS decisions on pension issues by persons residing in the United States of America**

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

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



## **Pension payment by ZUS from the Polish system to a person residing in the United States of America**

A ZUS benefit for any eligible person who resides in the United States may be transferred, depending on the instructions given to ZUS:

- in Poland:
  - to the pensioner's bank account;  
or
  - to an authorised person who lives in Poland;  
or
- in the United States of America – in the form of transfer to the pensioner's foreign bank account in that State.

A pension awarded by ZUS may be transferred to a person residing in the United States to his or her place of residence. An application for pension transfer to the United States may be filed with the ZUS branch which has awarded or had been earlier paying the benefit. In the latter situation the case is transmitted to the First ZUS Branch in Warsaw – The Division for the Implementation of International Agreements. An application for pension transfer may be also filed with the First ZUS Branch in Warsaw.

An application for benefit transfer may be filed on the form *ZUS-RZ-WZD-01 Request of a person residing abroad for a change of address data / surname / first name / payment of Polish benefit / change of bank account*, designated for persons residing abroad, which is available on the ZUS website.

A pension is payable on a monthly basis on a day fixed in the ZUS decision as the date of benefit payment. If the pension amount transferred to the United States of America is lower than the minimum old-age pension as deemed under the Polish legislation, ZUS may decide on its payment on a different basis than monthly (e.g. on a quarterly basis). If the pension is transferred to the United States, the date of the bank transfer by ZUS to an intermediary bank is considered as the date of payment.

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

More detailed information on taxes imposed on Polish pensions payable to persons who reside in the United States and on the applicability of the Convention between Po-



land and the United States of America for the avoidance of double taxation is available at the competent taxation office. Information in this regard may be also obtained on the following telephone numbers of the Polish National Tax Information: (+48) 801-055-055 (from landlines) and (+48) 22 330-03-30 (from mobile telephones and from abroad).

No national health insurance contributions to the National Health Fund are imposed on pensions transferred by ZUS to beneficiaries who reside within the territory of the United States. Detailed information in this regard is available at NFZ Headquarters. Information in this regard may be also obtained on the following telephone numbers of the NFZ infoline (+48) 800-392-976 and (+48) 22 572-60-42 or via email at [infolinia@nfz.gov.pl](mailto:infolinia@nfz.gov.pl).



### **Impact of United States benefits on the entitlement to and the amount of a pension received from ZUS**

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



### **Impact of ZUS benefits on the amount of the pension received from the Social Security**

The agreement does not deal with the impact of the acquired Polish pension benefits on the possibility to receive benefits from the United States social security system. In some cases, Polish old-age pensions received from ZUS may reduce the amount of the United States pensions received from the Social Security system. For information on the United States WEP provisions (Windfall Elimination Provision) regarding the reduction of benefits due to achieving unfair advantages, contact should be made directly to the United States institution – the Social Security Administration.



### **Impact of earnings from activity pursued in the United States of America on the entitlement to and the amount of the pension received from ZUS**

Pensioners are obliged to notify ZUS of earnings and other incomes from any activity carried out abroad, for example in the United States. The level of such incomes may affect the due amount of a ZUS pension. If the amount of foreign incomes (or total Polish and foreign incomes) exceeds:

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

These rules are not applicable to pensioners who have an established entitlement to a partial old-age pension or who have reached the statutory retirement age<sup>9</sup>.



### **Impact of continuing employment in the United States of America on the entitlement to an old-age pension from ZUS**

The right to an old-age pension awarded by ZUS is suspended regardless of the amount of a pensioner's income from any employment continued without prior termination of the employment relationship with the employer on whose behalf the retired person has been working immediately before the acquisition of pension rights, established by means of the pension body's decision. The mentioned rule also applies to an employment relationship established with a United States employer. This means that the old-age pension claimant must terminate all employment relationships, both in Poland and in the United States of America in order to have his or her old-age pension paid by ZUS. Otherwise, i.e., in the event of continuing employment with the previous employer, the right to the Polish old-age pension will be automatically suspended. The requirement for employment relationship termination does not apply where the person concerned has started employment already after the granting of old-age pension rights.

#### **Example**

*A woman, who is currently working and living in the United States of America, as a result of reaching the statutory retirement age under Polish law, has claimed an old-age pension from the Social Insurance Fund. Since she is employed by a United States company, ZUS will grant her the right to the old-age pension but at the same time will suspend its payment. ZUS will start the pension payment on the request of the person concerned after she has terminated employment and forwarded a certificate confirming the termination of the employment relationship<sup>10</sup>.*

<sup>9</sup> See footnote 3.

<sup>10</sup> The requirement to terminate the employment contract concluded before the old-age pension was awarded in order to start (or continue) receiving this benefit was introduced on 1 January 2011 in Article 103a of the Pension Act.



## Obligations towards ZUS of pensioners living in the United States of America

Pensioners are under obligation to notify the 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 the place of residence, changes in their bank account number. Additionally, pensioners who have not yet reached the statutory retirement age (except for recipients of partial old-age pensions) are also required to inform of any employment undertaken or other gainful activity, of receiving any income resulting in benefit reduction or suspension (applicable both to income from activities pursued in Poland and abroad), of the school graduation by a child.

ZUS pensioners are under obligation – on demand of the pension body – to certify with their own signature the continued entitlement to benefit. The ZUS body paying benefits to persons who reside in the United States periodically sends to pensioners 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 themselves. Should the pensioner be 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 authenticated by a competent body or an authorized person in the place of residence of the mentioned persons or by an authorized person at a Polish diplomatic or consular post.



## New forms of contact with ZUS

ZUS Electronic Services Platform (Platforma Usług Elektronicznych, PUE) provides people working and living abroad with new opportunities of electronic contact with ZUS and gives access to many other services.

Setting up an account at PUE provides access to data stored in the individual account kept by ZUS, including data on the accumulated initial capital and old-age pension contributions booked to the individual account of the insured person and of the funds booked to the sub-account of the insured person. Users may also file applications and receive responses by electronic means.

Telephone information can be obtained from ZUS Call Centre (Centrum Obsługi Telefonicznej, COT) under the following numbers:

- 801-400-987 – from Polish landline phones,
- (+48) 22 560-16-00 – from mobile phones as well as Polish and foreign landline phones.

The Call Centre provides explanations on all matters, including those related to social insurance coverage abroad, and informs about the possibilities of receiving benefits in this respect, also by e-mail ([cot@zus.pl](mailto:cot@zus.pl)), chat and Skype ([zus\\_centrum\\_obslugi\\_tel](https://www.skype.com/name/zus_centrum_obslugi_tel)).

COT consultants provide assistance on weekdays from Monday to Friday – 7.00–18.00.

Detailed information for insured persons and the necessary model documents are available on the websites [www.zus.pl](http://www.zus.pl) and [www.pue.zus.pl](http://www.pue.zus.pl).



## How to obtain more information?

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

- the nearest local ZUS unit,
- ZUS website: [www.zus.pl](http://www.zus.pl),
- First ZUS Branch in Warsaw – The Division for the Implementation of International Agreements (Kasprowicza 151, 01-949 Warszawa)
- The Foreign Pensions Department at ZUS Headquarters, playing the role of the liaison body in pension issues subject to coordination on the basis of the Agreement, which cooperates with the US liaison body (Senatorska 10, 00-082 Warszawa, e-mail: [drz@zus.pl](mailto:drz@zus.pl)).

Information on US benefits may be obtained from:

- The Federal Benefits Unit of the Embassy of the United States of America in Warsaw (Piękna 12, 00-539 Warszawa, Poland tel.: 0048 22 504-21-12),
- Office of International Operations (OIO) in Baltimore, USA (P.O. Box 17775, Baltimore, Maryland, USA 21235-7049, [www.ssa.gov](http://www.ssa.gov)).

*Warsaw, June 2014*

Social Insurance Institution (Foreign Pensions Department)  
00-082 Warszawa, Senatorska 10

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