



Agreement Between The United States And France

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Introduction

An agreement effective July 1, 1988, between the United States and France improves social security protection for people who work or have worked in both countries. It helps many people who, without the agreement, would not be eligible for monthly retirement, disability or survivors benefits under the Social Security system of one or both countries. It also helps people who would otherwise have to pay Social Security taxes to both countries on the same earnings.

For the United States, the agreement covers Social Security taxes (including the U.S. Medicare portion) and Social Security retirement, disability and survivors insurance

benefits. It does not cover benefits under the U.S. Medicare program or the Supplemental Security Income program.

This booklet covers highlights of the agreement and explains how it may help you **while you work** and **when you apply for benefits**.

The agreement may help you, your family and your employer

- **While you work**—If both the U.S. and French social security systems cover your work, you (and your employer, if you are employed) would normally have to pay social security taxes to both countries for the same work. However, the agreement eliminates this double coverage so you pay taxes to only one system. The section

titled “**Eliminating dual coverage for employment**” explains these rules.

- **When you apply for benefits**—You may have some social security credits in both the United States and France but not have enough to be eligible for benefits in one country or the other. The agreement makes it easier to qualify for benefits by letting you combine your social security credits in both countries. For more details, see the section on “**Monthly benefits**” beginning on page 5.

Eliminating dual coverage for employment

Before the agreement, employees, employers and self-employed people could, under certain circumstances, be required to pay social security taxes to both the United States and France for the same work.

Under the agreement, if you work as an employee in the United States, normally you and your employer will pay Social Security taxes only to the United States and not to France. If you work as an employee in France, you normally will pay only French social security taxes and neither you nor your employer will have to pay U.S. Social Security taxes.

On the other hand, if your employer sends you from one country to work for that employer or an affiliate in the other country for five years or less, you will continue coverage in your home country and you will be exempt from coverage in the other country. For example, if a U.S. company sends an employee to work for that employer or an affiliate in France for no more than five years, the employer and the employee will continue to pay only U.S. Social Security taxes and will not have to pay in France.

Special rules apply to self-employed people who, without the agreement, would have to pay social security taxes to both countries (see the table on pages 2-3).

Summary of agreement rules

The following table shows whether U.S. or French social security covers your work. If U.S. Social Security covers your work, you and your employer (if you are an employee) must pay U.S. Social Security taxes. If the French system covers your work, you and your employer (if you are an employee) must comply with the French contribution requirements. The next section explains how to get a certificate of coverage from the country that will prove you are exempt in the other country.

Your work status	Coverage and taxes
<i>You are working in France:</i>	
<i>For a U.S. employer who:</i>	
• Sent you to work in France for five years or less	U.S.
• Sent you to work in France for more than five years	France
• Hired you in France	France
<i>For a non-U.S. employer</i>	France
<i>For the U.S. government and you are a:</i>	
• U.S. national	U.S. (either Social Security or federal retirement program)
• French national	France

Your work status	Coverage and taxes
<i>You are working in the U.S.:</i>	
<i>For an employer in France who:</i>	
• Sent you to work in the U.S. for five years or less	France
• Sent you to work in the U.S. for more than five years	U.S.
• Hired you in the U.S.	U.S.
<i>For a non-French employer</i>	U.S.
<i>For the French Government and you are a:</i>	
• French national	France
• U.S. citizen	U.S.
<i>You are self-employed and you:</i>	
• Work only in the U.S.	U.S.
• Normally work in the U.S., but transfer your business activity to France for two years or less	U.S.
• Work in both countries, but your principal activity is in the U.S.	U.S.
• Work only in France	France
• Normally work in France, but transfer your business activity to the U.S. for two years or less	France
• Work in both countries, but your principal activity is in France	France
<i>If this table does not seem to describe your situation and you are:</i>	
• Working in the U.S.	Write to the U.S. address on page 11 for further information.
• Working in France	Write to the French address on page 11 for further information.

NOTE: As the table indicates, the agreement can assign U.S. coverage to a U.S. worker temporarily working in France only if he or she works for a U.S. employer. A **U.S. employer** includes a corporation organized under the laws of the United States or any state, a partnership if at least two-thirds of the partners are U.S. residents, a person who is a resident of the United States or a trust if all the trustees are U.S. residents. The term also includes a foreign affiliate of a U.S. employer if the U.S. employer has entered into an agreement with the Internal Revenue Service (IRS) under section 3121(l) of the Internal Revenue Code to pay Social Security taxes for U.S. citizens and residents the affiliate employs.

Certificate of coverage

A certificate of coverage issued by one country serves as proof of exemption from social security taxes on the same earnings in the other country.

Certificates for employees

To establish an exemption from compulsory coverage and taxes under the French system, your employer must request a certificate of coverage (form SE 404-2) from the United States at this address:

Social Security Administration
Office of International Programs
P.O. Box 17741
Baltimore, MD 21235-7741
USA

If preferred, send the request by FAX to **(410) 966-1861**. Please note this FAX number is **only** to request certificates of coverage.

To request a certificate, the request must be in writing and provide the following information:

- Full name of worker (including maiden name for married woman);
- Date and place of birth;
- Citizenship;
- Country of worker's permanent residence;
- U.S. Social Security number;
- Date of hire;
- Country of hire;
- Name and address of the employer in the United States and France;
- Date of transfer and anticipated date of return; and
- A statement, signed by your employer, certifying that you, and any family members who live with you in France, are covered by an employer-sponsored or other private health insurance plan while in France (see the following **NOTE**).

In addition, your employer must indicate if you remain an employee of the U.S. company while working in France or if you become an

employee of the U.S. company's affiliate in France. If you become an employee of an affiliate, your employer must indicate if the U.S. company has an agreement with the IRS under section 3121(l) of the Internal Revenue Code to pay U.S. Social Security taxes for U.S. citizens and residents employed by the affiliate and, if yes, the effective date of the agreement.

Your employer also can request a certificate of U.S. coverage for you over the Internet using a special online request form available at www.socialsecurity.gov/coc. Only an employer can use the online form to request a certificate of coverage. A self-employed person must submit a request by mail or FAX.

NOTE: *In addition to retirement, disability and survivors benefits, French social security taxes cover several other benefit programs including France's national health insurance program. As a result, a worker exempted from paying French social security taxes by the agreement cannot receive free health care services or other benefits under the French health insurance system. If you meet all of the other requirements for exemption from French social security taxes while working in France, you or your employer must arrange for private health insurance before the exemption may apply.*

French certificates

To establish your exemption from coverage under the U.S. Social Security system, your employer in France must request a certificate of coverage (either form SE-404-1 or SE-404-2) from the local French agency for sickness insurance that collects your social security taxes in France.

You need the same information required for a certificate of coverage from the United States to get a certificate from France except that:

- You must show your French social security number rather than your U.S. Social Security number; and
- Your employer does not need to certify that you and your family are covered by private health insurance.

Certificates for self-employed people

If you are self-employed and would normally have to pay social security taxes to both the U.S. and French systems, you can establish your exemption from one of the taxes.

- If the United States covers your work (see table on pages 2-3), write to the Social Security Administration at the address on page 11; or
- If France will cover your work (see table on pages 2-3), write to the local French agency that collects your French Social Security taxes.

Be sure to provide the following information in your letter:

- Full name (including maiden name for married woman);
- Date and place of birth;
- Citizenship;
- Country of permanent residence;
- U.S. and/or French social security number;
- Nature of self-employment activity;
- Dates the activity was or will be performed;
- Name and address of your trade or business in both countries; and
- If you are requesting a certificate from the United States, a statement certifying that you, and any family members who live with you in France, are covered by a private health insurance plan while in France (see **NOTE** on page 4).

Effective date of coverage exemption

The certificate of coverage you receive from one country will show the effective date of your exemption from paying social security taxes in the other country. Generally, this will be the date you began working in the other country but no earlier than the effective date of the agreement.

The employer in the United States should retain a copy of the certificates of coverage issued by France in case of an audit by the IRS. Do not send a copy to the IRS. The employer should not send copies to the IRS unless specifically

requested by IRS. However, a self-employed person must attach a **photocopy** of the certificate to his or her income tax return each year as proof of the U.S. exemption.

Social Security will provide copies of certificates of coverage issued by the United States for both the employee and the employer. It will be the employee/employer responsibility to present the certificate to the French authorities when requested to do so. To avoid any difficulties, your employer (or you, if you are self-employed) should request a certificate as early as possible, preferably before your work in the other country begins.

If you or your employer request a certificate of coverage, you should read the Privacy Act and Paperwork Reduction Act statements at the end of this booklet.

Monthly benefits

The following table shows the various types of social security benefits payable under the U.S. and French social security systems and briefly describes the eligibility requirements that normally apply for each type of benefit. If you do not meet the normal requirements for these benefits, the agreement may help you to qualify (see pages 7-8).

This table is only a general guide. You can get additional information about U.S. benefits by visiting Social Security's website at **www.socialsecurity.gov**. You may also visit any U.S. Social Security office or our toll-free number at **1-800-772-1213**. You can get more detailed information about the French system by writing to the French address on the inside cover or by visiting the French social security system's website at **www.cleiss.fr**.

Under U.S. Social Security, you may earn up to four credits each year depending on the amount of your covered earnings. The amount needed to earn a work credit goes up slightly each year. For more information, see *How You Earn Credits* (Publication No. 05-10072).

The French system measures credits in calendar quarters. To simplify the information, the table shows requirements in years of credits.

Retirement or old-age benefits	
United States	France
Worker —Full benefit at full retirement age.* Reduced benefit as early as age 62. Required work credits range from one and one-half to 10 years (10 years if age 62 in 1991 or later).	Worker —Full pension at age 62 if worker has between 37 ½ - 40 years of contributions; depending on the year of birth. Workers with less than 37 ½ - 40 years of contributions receive a reduced amount. Only one calendar quarter of contributions is needed to qualify under the French general system. Longer periods of contributions are needed under special occupational systems.

Disability Benefits	
United States	France
Worker —Under full retirement age* can get benefit if unable to do any substantial gainful work for at least a year. One and one-half to 10 years credit needed, depending on age at date of onset. Some recent work credits also needed unless worker is blind.	Worker —Two types are payable: total disability (loss of all working capacity) and partial disability (loss of two-thirds of working capacity). To be eligible, worker must be under age 60, have been registered in social security system for at least 12 months and have credit for at least 800 hours of work during the four calendar quarters before disability (including 200 hours during the fourth quarter before the disability).

Family benefits to dependents of retired or disabled people	
United States	France
Spouse —Full benefit at full retirement age* or at any age if caring for the worker's entitled child under age 16 (or disabled before age 22). Reduced benefit as early as age 62 if not caring for a child.	Spouse —No provision. However, a spouse's supplement may be payable to an old-age beneficiary with a dependent spouse.
Divorced spouse —Full benefit at full retirement age.* Reduced benefit as early as age 62. Must be unmarried and have been married to worker for at least 10 years.	Divorced spouse —No provision.
Children —If unmarried, up to age 18 (age 19 if in an elementary or secondary school full-time) or any age if disabled before age 22.	Children —No provision. However, a child's supplement may be payable to an old-age beneficiary with a dependent child.

**Full retirement age is 66 for people born in 1943-1954 and will gradually increase to age 67 for people born in 1960 or later.*

Survivors benefits	
United States	France
Widow(er) —Full benefit at full retirement age* or at any age if caring for the deceased’s entitled child under age 16 (or disabled before age 22). Reduced benefit as early as age 60 (or age 50 if disabled) if not caring for child. Benefits may be continued if remarriage occurs after age 60 (or age 50 if disabled).	Widow(er) —Full benefit at age 55 or disabled and not remarried. If under age 55 and not disabled, small income-tested allowance payable for three years if worker had been covered during three months before death.
Divorced widow(er) —Same as widow(er) if marriage lasted at least 10 years.	Divorced widow —Same as widow(er).
Children —Same as for children of retired or disabled worker.	Children —No provision.
Lump-sum death benefit —A one-time payment not to exceed \$255 payable on the death of an insured worker.	Death benefit —A flat-rate payment made one time only. Worker must have had some recent coverage.

*The full retirement age for survivors is age 66 for people born in 1945-1956 and will gradually increase to age 67 for people born in 1962 or later.

How benefits can be paid

If you have social security credits in both the United States and France, you may be eligible for benefits from one or both countries. If you meet all the basic requirements under one country’s system, you will get a regular benefit from that country. If you do not meet the basic requirements, the agreement may help you qualify for a benefit as explained below.

- **Benefits from the United States**—If you do not have enough work credits under the U.S. system to qualify for regular benefits, you qualify for a partial benefit from the United States based on both U.S. and French credits. However, you must have earned at least six credits (generally one and one-half years of work) under the U.S. system for the United States to count your French credits. If you already have enough credits under the U.S. system to qualify for a benefit, the United States cannot count your French credits.
- **Benefits from France**—Under French law, a worker can qualify for an old-age pension based on as little as one calendar quarter of contributions but the benefit amount is reduced for workers with less than 150-160

quarters (depending on year of birth). Under the agreement, France will compute an old-age pension based on French credits alone as well as a prorated benefit based on U.S. and French credits, and then pay whichever is greater.

If you do not have enough work credits under the French system to qualify for regular disability or survivors benefits, you may be able to qualify for a partial benefit from France based on both U.S. and French credits. However, to have your U.S. credits counted, you must have at least one year of coverage under the French system.

How credits get counted

You do not have to do anything to have one country count your credits in the other country. If we need to count your credits under the French system to help you qualify for a U.S. benefit, we will get a copy of your French record directly from France when you apply for benefits. If French officials need to count your U.S. credits to help you qualify for a French benefit, they will get a copy of your U.S. record directly from the Social Security Administration when you apply for the French benefit.

Although each country may count your credits in the other country, your credits do not actually transfer from one country to the other. They remain on your record in the country where you earned them and you can use them to qualify for benefits there.

Computation of U.S. benefit under the agreement

When a U.S. benefit becomes payable as a result of counting both U.S. and French social security credits, we determine an initial benefit based on your U.S. earnings as if you completed your entire career under the U.S. system. The United States then reduces this initial benefit to reflect the fact that French credits helped to make the benefit payable. The amount of the reduction will depend on the number of U.S. credits: the more U.S. credits, the smaller the reduction; and the fewer U.S. credits, the larger the reduction.

A French pension may affect your U.S. benefit

If you qualify for social security benefits from both the United States and France and you did not need the agreement to qualify for either benefit, U.S. law may reduce the amount of your U.S. benefit. This is a result of a provision in U.S. law that can affect the way the United States computes your benefit, if you also receive a pension based on work not covered by U.S. Social Security. For more information, visit our website at www.socialsecurity.gov, and get a copy of *Windfall Elimination Provision* (Publication No. 05-10045) or call our toll-free number, **1-800-772-1213**. If you are outside the United States, you may write to us at the address on page 11.

What you need to know about Medicare

Medicare is the U.S. national health insurance program for people age 65 or older or who are disabled. Medicare has four parts:

- Hospital insurance (Part A) helps pay for inpatient hospital care and certain follow-up services.
- Medical insurance (Part B) helps pay for doctors' services, outpatient hospital care and other medical services.
- Medicare Advantage plans (Part C) are available in many areas. People with Medicare Parts A and B can choose to receive all of their health care services through a provider organization under Part C.
- Prescription drug coverage (Part D) helps pay for medications doctors prescribe for medical treatment.

You are eligible for free hospital insurance at age 65 if you have worked long enough under U.S. Social Security to qualify for a retirement benefit. People born in 1929 or later need 40 credits (about 10 years of covered work) to qualify for retirement benefits.

Although the agreement between the United States and France allows the Social Security Administration to count your French credits to help you qualify for U.S. retirement, disability or survivors benefits, the agreement does not cover Medicare benefits. As a result, we cannot count your credits in France to establish entitlement to free Medicare hospital insurance.

For more information about Medicare, call our toll-free number, **1-800-772-1213**, or visit Medicare's website at www.medicare.gov and ask for the publication, *Medicare* (Publication No. 05-10043).

Claims for benefits

If you live in the United States and wish to apply for U.S. or French benefits:

- Visit or write any U.S. Social Security office; or
- Phone our toll-free number, **1-800-772-1213**, 7 a.m. to 7 p.m., Monday through Friday. People who are deaf or hard of hearing may call our toll-free TTY number, **1-800-325-0778**.

You can apply for French benefits at any U.S. Social Security office by completing an application form SSA-2490.

If you live in France and wish to apply for U.S. or French benefits, contact:

- The Federal Benefits Unit at the U.S. Embassy in Paris (phone **1-43-12-4705**) or the U.S. Consular Agency in Nice (**4-9388-8955**) to file for U.S. benefits; or
- Any French social security office to file for French benefits.

You can apply with one country and ask to have your application considered as a claim for benefits from the other country. Information from your application will then be sent to the other country. Each country will process the claim under its own laws—counting credits from the other country when appropriate and notify you of its decision.

If you have not applied for benefits before, you may need to provide certain information and documents when you apply. This includes:

- The worker's U.S. and French Social Security numbers;
- Proof of age for all claimants; and
- Evidence of the worker's U.S. earnings in the past 24 months and information about the worker's coverage under the French system.

You may wish to call the Social Security office before you go there to find out if you will need to provide any other information.

Payment of benefits

Each country pays its own benefit. The U.S. Department of the Treasury issues U.S. payments each month which covers benefits for the preceding month.

Under the French system, France makes payments at different times for different periods depending on the type of benefits. For more information, contact the French authorities at the address on the inside cover.

Absence from U.S. territory

Normally, people who are not U.S. citizens may receive U.S. Social Security benefits while outside the U.S. only if they meet certain requirements. However, under the agreement, you may receive benefits as long as you reside in France regardless of your nationality. If you are not a U.S. or French citizen and live in another country, you may not be able to receive benefits. The publication, *Your Payments While You Are Outside The United States* (Publication No. 05-10137), explains the restrictions on U.S. benefits.

Appeals

If you disagree with the decision made on your claim for benefits under the agreement, contact any U.S. or French social security office. The people there can tell you what you need to do to appeal the decision.

The French social security authorities will review your appeal if it affects your rights under the French system, while U.S. Social Security authorities will review your appeal if it affects your rights under the U.S. system. Because each country's decisions are made independently of the other, a decision by one country on a particular issue may not always conform with the decision made by the other country on the same issue.

Authority to collect information for a certificate of coverage (see pages 4-5)

Privacy Act

Section 233 of the *Social Security Act* as amended, [42 U.S.C. 433] authorizes us to collect this information. We will use the information you provide to determine if your current work should be covered only under the U.S. Social Security system in accordance with an international social security agreement. The information you provide on this form is voluntary. However, failure to provide all or part of the requested information may prevent us from making an accurate and timely decision on your request for a certificate of coverage. Without the certificate, current work may continue to be subject to coverage and taxation under both the U.S. and the foreign Social Security systems.

We rarely use the information you provide on this form for any purpose other than for the reasons explained above. However, we may use it for the administration and integrity of Social Security programs. We may also disclose information to another person or to another agency in accordance with approved routine uses, which include but are not limited to the following:

- To enable a third party or an agency to assist Social Security in establishing rights to Social Security benefits or coverage;
- To comply with federal laws requiring the release of information from Social Security records (e.g., to the Government Accountability Office, General Services Administration, National Archives Records Administration, and the Department of Veterans Affairs);
- To make determinations for eligibility in similar health and income maintenance programs at the federal, state, and local level; and
- To facilitate statistical research, audit, or investigative activities necessary to assure the integrity of Social Security programs.

We may also use the information you provide in computer matching programs. Matching programs compare our records with records kept by other Federal, State, or local government agencies. Information from these matching programs can be used to establish or verify a person's eligibility for federally funded or administered benefit programs and for repayment of payments or delinquent debts under these programs.

A complete list of routine uses for this information is available in our System of Records Notice entitled, *Earnings Records and Self-Employment Income System*, 60-0059. This notice, additional information regarding this form, and information regarding our programs and systems, are available online at www.socialsecurity.gov or at any Social Security office.

Paperwork Reduction Act Notice

This information collection meets the clearance requirements of 44 U.S.C. section 3507, as amended by section 2 of the *Paperwork Reduction Act of 1995*. You do not need to answer these questions unless we display a valid Office of Management and Budget control number. We estimate that it will take you about 30 minutes to read the instructions, gather the necessary facts, and write down the information to request a certificate of coverage.

Contacting Social Security

Visit our website

The most convenient way to conduct Social Security business from anywhere at any time, is to visit www.socialsecurity.gov. There, you can:

- Apply for retirement, disability, and Medicare benefits;
- Find copies of our publications;
- Get answers to frequently asked questions; and
- So much more!

Call us

If you don't have access to the internet, we offer many automated services by telephone, 24 hours a day, 7 days a week. If you're in the United States, call us toll-free at **1-800-772-1213** or at our TTY number, **1-800-325-0778**, if you're deaf or hard of hearing.

If you need to speak to a person, we can answer your calls from 7 a.m. to 7 p.m., Monday through Friday. We ask for your patience during busy periods since you may experience a higher than usual rate of busy signals and longer hold times to speak to us. We look forward to serving you.

For more information

To file a claim for U.S. or French benefits under the agreement, follow the instructions on page 9.

If you live outside the United States, write to:

Social Security Administration
OIO–Totalization
P.O. Box 17769
Baltimore, MD 21235-7769
USA

For more information about France's social security programs, visit any social security office in France. If you do not live in France, write to:

Centre des Liaisons Européennes et
Internationales de Sécurité Sociale
11, rue de Tour des Dames
75436 Paris Cedex 09
FRANCE

If you **do not wish to file a claim for benefits** but would like more information about the agreement, write to:

Social Security Administration
Office of International Programs
P.O. Box 17741
Baltimore, MD 21235-7741
USA

For additional information, visit our website:
www.socialsecurity.gov/international



Securing today
and tomorrow

Social Security Administration
Publication No. 05-10187
September 2017

Agreement Between The United States And France
Produced and published at U.S. taxpayer expense