



# Agreement Between The United States And Spain

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## Introduction

An agreement effective April 1, 1988, between the United States and Spain 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.

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 your work is covered by both the U.S. and Spanish Social Security systems, 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 (see pages 2-5).

- **When you apply for benefits**—You may have some Social Security credits in both the United States and Spain 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 add together your Social Security credits in both countries. For more details, see the section on “**Monthly benefits**” beginning on page 5.

## Coverage and Social Security taxes

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 Spain for the same work.

Under the agreement, if you work as an employee in the United States, you normally will be covered by the United States, and you and your employer will pay Social Security taxes only to the United States. If you work as an employee in Spain, you normally will be covered by Spain, and you and your employer pay Social Security taxes only to Spain.

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 to be covered by 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 Spain 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 Spain.

If you are self-employed and reside in the United States or Spain, you generally will be covered and taxed only by the country where you reside.

**NOTE:** *In addition to retirement, disability and survivors benefits, Spanish Social Security taxes cover several other benefit programs including short-term sickness benefits, health insurance, unemployment benefits, workers’ compensation and family allowances. As a result, workers exempted from Spanish Social Security coverage by the agreement pay no Social Security taxes for these programs and generally cannot receive benefits from them. If the agreement exempts you from Spanish coverage, you and your employer may wish to arrange for alternative benefit protection.*

## Summary of agreement rules

The following table shows whether your work is covered under the U.S. or Spanish Social Security system. If you are covered under U.S. Social Security, you and your employer (if you are an employee) must pay U.S. Social Security taxes. If you are covered under the Spanish system, you and your employer (if you are an employee) must pay Spanish Social Security taxes. The next section explains how to get a form from the country where you are covered that will prove you are exempt in the other country.

Your work status	Coverage and taxes
<b>You are working in Spain:</b>	
<i>For a U.S. employer who:</i>	
• Sent you to work in Spain for five years or less	U.S.
• Sent you to work in Spain for more than five years	Spain
• Hired you in Spain	Spain
<i>For a non-U.S. employer</i>	Spain
<i>For the U.S. government and you are a:</i>	
• U.S. national	U.S. (either Social Security or federal retirement program)
• Spanish national	Spain
<b>You are working in the United States:</b>	
<i>For an employer in Spain who:</i>	
• Sent you to work in the U.S. for five years or less	Spain
• 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-Spanish employer</i>	U.S.
<i>For the Spanish government and you are a:</i>	
• Spanish national	Spain
• U.S. national	U.S.
<b>You are self-employed and you:</b>	
• Reside in the U.S.	U.S.
• Reside in Spain	Spain
<b>If this table does not seem to describe your situation and you are:</b>	
• Working in the U.S.	Write to the U.S. address on page 4 for further information.
• Working in Spain	Write to the Spanish address on page 10 for further information.

**NOTE:** As the table indicates, a U.S. worker employed in Spain can be covered by U.S. Social Security 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 U.S. 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 under section 3121(l) of the Internal Revenue Code to pay Social Security taxes for U.S. citizens and residents employed by the affiliate.

## 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 Spanish system, your employer must request a certificate of coverage (form USA/E 1) 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, the request may be sent by FAX to **(410) 966-1861**. Please note this FAX number should only be used to request certificates of coverage.

No special form is required to request a certificate but the request must be in writing and provide the following information:

- Full name of worker (including both surnames for Spanish nationals);
- Date and place of birth;
- Citizenship;
- Country of worker's permanent residence;
- U.S. Social Security number;
- Spanish Social Security number (if known);
- Date of hire;
- Country of hire;
- Name and address of the employer in the United States and Spain; and
- Date of transfer and anticipated date of return.

In addition, your employer must indicate if you remain an employee of the U.S. company while working in Spain or if you become an employee of the U.S. company's affiliate in Spain. If you become an employee of an affiliate, your employer must indicate if the U.S. company has

an agreement with the Internal Revenue Service (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](http://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.

To establish your exemption from coverage under the U.S. Social Security system, your employer in Spain must request a certificate of coverage (form E/USA 1) from the provincial office of the National Institute of Social Security in the Spanish province where the employer is located.

The same information required for a certificate of coverage from the United States is needed to get a certificate from Spain except that you must show your Spanish Social Security number rather than your U.S. Social Security number.

### **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 Spanish systems, you can establish your exemption from one of the taxes.

- If you reside in the United States, write to the Social Security Administration at the address on page 4; or
- If you reside in Spain, write to the provincial office of the National Institute of Social Security in the Spanish province where you conduct your business.

Be sure to provide the following information in your letter:

- Full name (including both surnames for Spanish nationals);
- Date and place of birth;
- Citizenship;
- Country of permanent residence;
- U.S. and/or Spanish Social Security number;
- Nature of self-employment activity;
- Dates the activity was or will be performed; and
- Name and address of your trade or business in both countries.

### **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.

Certificates of coverage issued by Spain should be retained by the employer in the United States in case of an audit by the IRS. No copies should be sent to 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.

Copies of certificates of coverage issued by the United States will be provided for both the employee and the employer. It will be their responsibility to present the certificate to the Spanish 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 Spanish 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 page 9).

This table is only a general guide. You can get more specific information about U.S. benefits at any U.S. Social Security office or by calling our toll-free number at **1-800-772-1213** or by visiting Social Security's website at **[www.socialsecurity.gov](http://www.socialsecurity.gov)**. You can get more detailed information about the Spanish system by writing to the Spanish address on the inside cover or by visiting the Spanish Social Security system's website at **[www.seg-social.es](http://www.seg-social.es)**.

Under U.S. Social Security, you can earn up to four work 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, ask for *How You Earn Credits* (Publication No. 05-10072).

Under the Spanish system, credits are measured in days. To simplify the information in the table, requirements are shown in years of credits.

<b>Retirement or old-age benefits</b>	
<i>United States</i>	<i>Spain</i>
<p><b>Worker</b>—Full benefit at full retirement age.* Reduced benefit as early as age 62. Required work credits range from 1½–10 years (10 years if age 62 in 1991 or later).</p>	<p><b>Worker</b>—Full pension at age 65, or, under certain conditions, reduced pension as early as age 60. Worker must have contributed for at least 15 years, including at least two years during the last 15 years.</p>

<b>Disability benefits</b>	
<i>United States</i>	<i>Spain</i>
<p><b>Worker</b>—Under full retirement age* can get benefits if unable to do any substantial gainful work for at least a year. 1½–10 years credit needed, depending on age at date of onset. Some recent work credits also needed unless worker is blind.</p>	<p><b>Worker</b>—<i>Provisional benefits</i>—worker needs credit for 180 days of contributions during the five years immediately preceding the onset of disability. Benefits payable for up to 4½ years following cessation of temporary disability (i.e., cash sickness) benefits.</p> <p><i>Permanent benefits</i>—payable if the worker's incapacity continues beyond the period of eligibility for provisional benefits. The minimum contribution requirement varies depending on the worker's age and whether the worker was registered under the Spanish system at the time of onset of disability. Some recent work credits are required. Special rules apply for young workers.</p>

<b>Family benefits to dependents of retired or disabled people</b>	
<i>United States</i>	<i>Spain</i>
<p><b>Spouse</b>—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.</p>	<p><b>Spouse</b>—No provision. However, the worker's pension may be increased if the worker receives a minimum benefit and has a dependent spouse.</p>
<p><b>Divorced spouse</b>—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.</p>	<p><b>Divorced spouse</b>—No provision.</p>
<p><b>Children</b>—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.</p>	<p><b>Children</b>—No provision. However, the worker's pension is increased for each dependent child under age 18 or disabled.</p>

\*The 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.

<b>Survivors benefits</b>	
<b>United States</b>	<b>Spain</b>
<b>Widow(er)</b> —Full benefit at full retirement age* or at any age if caring for 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 a child. Benefits may be continued if remarriage occurs after age 60 (or age 50 if disabled).	<b>Widow(er)</b> —Full benefit at age 65 or reduced benefit at any age. The deceased worker must have been registered with the Spanish system at the time of death and paid contributions for at least 500 days during the five-year period before death, or received a retirement or disability benefit at the time of death.
<b>Divorced widow(er)</b> —Same as widow(er) if marriage lasted at least 10 years.	<b>Divorced widow(er)</b> —Same as widow(er). Benefits are proportional to time divorced widow(er) lived with the worker.
<b>Children</b> —Same as for children of retired or disabled worker.	<b>Children</b> —Up to age 18 or any age if disabled. The deceased worker must have met the same conditions as shown for widow(er)’s benefits.
<b>Other family members</b> —A one-time payment not to exceed \$255 payable on the death of an insured worker.	<b>Other family members</b> —Dependent parents, grandparents, brothers, sisters and grandchildren may receive a benefit equal to an orphan’s benefit.
<b>Lump-sum death benefit</b> —A one-time payment not to exceed \$255 payable on the death of an insured worker.	<b>Funeral grant</b> —One-time payment.

\*The full retirement age for survivors is age 66 for people born in 1945-1956 and will gradually increase to 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 Spain, 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 may be able to qualify for a partial benefit from the United States based on both U.S. and Spanish credits. However, to be eligible to have your Spanish credits counted, you must have earned at least six credits (generally one and one-half years of work) under the U.S. system. If you already have enough credits under the U.S. system to

qualify for a benefit, the United States cannot count your Spanish credits.

- **Benefits from Spain**—Social Security credits from both countries can also be counted, when necessary, to meet the eligibility requirements for Spanish benefits. To be eligible to have your U.S. and Spanish credits counted, you must have at least one year of coverage credited under the Spanish system.

### How credits get counted

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

benefit, they will get a copy of your U.S. record directly from the Social Security Administration when you apply for the Spanish benefit.

Although each country may count your credits in the other country, your credits are not actually transferred from one country to the other. They remain on your record in the country where you earned them and can also be used 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 Spanish Social Security credits, an initial benefit is determined based on your U.S. earnings as if your entire career had been completed under the U.S. system. This initial benefit is then reduced to reflect the fact that Spanish 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 Spanish pension may affect your U.S. benefit**

If you qualify for Social Security benefits from both the United States and Spain and you did not need the agreement to qualify for the U.S. benefit, the amount of your U.S. benefit may be reduced. This is a result of a provision in U.S. law which can affect the way your benefit is figured if you also receive a pension based on work that was not covered by U.S. Social Security. For more information, ask for *Windfall Elimination Provision* (Publication No. 05-10045). If you are outside the United States, you may write to us at the address shown on the inside cover.

## **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 work credits (about 10 years of covered work) to qualify for retirement benefits.

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

For more information about Medicare, ask for *Medicare* (Publication No. 05-10043) or visit Medicare's website at [www.medicare.gov](http://www.medicare.gov).

## Claims for benefits

If you live in the United States and wish to apply for U.S. or Spanish 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-Friday. People who are deaf or hard of hearing may call our TTY number, **1-800-325-0778**.

You can apply for Spanish benefits at any U.S. Social Security office by completing an application form E/USA.

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

- The Federal Benefits Unit at the U.S. Embassy in Madrid (phone **91-587-2261**) to file for U.S. benefits; or
- Any Spanish Social Security office to file for Spanish 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. These include the worker's U.S. and Spanish Social Security numbers, proof of age for all claimants, evidence of the worker's U.S. earnings in the past 24 months and information about the worker's coverage under the Spanish system. You may wish to call the Social Security office before you go there to see if any other information is needed.

## Payment of benefits

Each country pays its own benefit. U.S. payments are made by the U.S. Department of Treasury each month and cover benefits for the preceding month. Spain also pays benefits each month for the preceding month.

Residents of the United States generally receive benefits from Spain through international postal money orders.

## Absence from U.S. territory

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

## Appeals

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

The Spanish Social Security authorities will review your appeal if it affects your rights under the Spanish system, while U.S. Social Security authorities will review your appeal if it affects your rights under the U.S. system. Since 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

The Privacy Act requires us to notify you that we are authorized to collect this information by section 233 of the Social Security Act. While it is not mandatory for you to furnish the information to the Social Security Administration, a certificate of coverage cannot be issued unless a request has been received. The information is needed to enable Social Security to determine

if work should be covered only under the U.S. Social Security system in accordance with an international agreement. Without the certificate, work may be subject to taxation under both the U.S. and the foreign Social Security systems.

### 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 answer the questions 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](http://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 Spanish benefits under the agreement, follow the instructions on page 9.

If you live outside the United States, write to:

Social Security Administration  
Office of International Operations (OIO)  
OIO—Totalization  
P.O. Box 17769  
Baltimore, MD 21235-7769  
USA

For more information about Spain's Social Security programs, visit any Social Security office in Spain. If you do not live in Spain, write to:

Instituto Nacional de la Seguridad Social  
Calle Padre Damian 4 y 6  
28036 Madrid  
SPAIN

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 (OIP)  
P.O. Box 17741  
Baltimore, MD 21235-7741  
USA

For additional information visit our website: [www.socialsecurity.gov/international](http://www.socialsecurity.gov/international)



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and tomorrow

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