



NORTHERN
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COMMISSION



Frontier Workers and Their Families: Rights After Brexit

Case Studies Summary Leaflet

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borderpeople
crossing the border to live, work, study, retire

What are 'frontier workers'?

Frontier workers are all those people who *work* in a different state from where they *reside*. In the context of the island of Ireland, the following frontier work scenarios are the most common:

- You are a UK national. You live in the UK, but you work in the Republic of Ireland.
- You are an Irish national. You live in the UK, but you work in the Republic of Ireland.
- You are an EU national. You live in the UK, but you work in the Republic of Ireland.
- You are a UK national. You live in the Republic of Ireland, but you work in the UK.
- You are an Irish national. You live in the Republic of Ireland, but you work in the UK.
- You are an EU national. You live in the Republic of Ireland, but you work in the UK.

This summarising leaflet sets out what legislation you are covered by, and what this entitles you to in terms of social security – in either the Republic of Ireland or the United Kingdom. **Read the full [Frontier Workers Case Studies publication](#).**

What is ‘work’ for frontier workers?

A full-time job is obviously work; and, helpfully, most part-time work that takes place for more than 10 hours a week is also easily recognised as work under the rules applicable in the UK and the Republic of Ireland. For many people, it is therefore both obvious that they are *working* – and *where* they are working.

However, other types of activity will *not* meet the threshold of being work, and where multiple people in a household work in different countries, deciding *where* the primary ‘work’ is taking place also becomes significantly more complicated.

If you find that your situation fits into one of the following descriptions, it is probably advisable for you to get legal advice on both *which* country is responsible for your social security, and *what* you are entitled to:

- I work part-time in both the UK and the Republic of Ireland, but only for a few hours a week each
- I don’t really work regularly – I just sometimes cross the border as part of my work [eg, taxi drivers, delivery drivers]
- I work fully remotely – my employer is in Northern Ireland, but I work from home in the Republic of Ireland
- I retired early on medical grounds in the Republic of Ireland, and now live in Northern Ireland
- I changed where I lived after Brexit – I was a frontier worker who lived in the Republic of Ireland and worked in the UK, but now I am a frontier worker who lives in the UK and works in the Republic of Ireland

Where are my social security rights?

Timing is everything in determining what legislation applies to frontier workers.

If you started cross-border work in the UK or the Republic of Ireland *prior* to 31 December 2020, your rights are set out in the UK-EU Withdrawal Agreement. You are advised to apply for a Frontier Workers if you are an EU national – and you can also apply for one if you are an Irish national, which will make it easier for you to prove you are entitled to certain benefits in the UK.

If you started cross-border work in the UK or the Republic of Ireland *after* 31 December 2020, your rights are set out in the Trade and Cooperation Agreement's Protocol on Social Security.

If you are an *Irish or British* national, and you started cross-border work in the UK or the Republic of Ireland *after* 31 December 2020, you are additionally covered by the Irish/UK Social Security Convention. Where this gives you *more* rights than the Protocol on Social Security does, it takes precedence.

What are my social security rights?

You have the right to a whole range of benefits that are offered by the social security system of your state of employment. Below, there are some examples of the ones that arise most likely for frontier workers and their families.

Healthcare

In terms of *healthcare*, under both the Withdrawal Agreement and the TCA, you will have the right to healthcare in your state of *residence*. However, as a frontier worker, you *also* have the right to access healthcare on the same terms as residents do *in your state of employment*. This means that frontier workers of any nationality who live in the Republic of Ireland but work in the UK are able to access the NHS in the UK free of charge, for all primary and secondary care. To make proving this easier, you should consider requesting a Medical Card from the BOS.

Download Template Appeal Form 5

Income Support

If you are employed, but your income is insufficient for your household to make ends meet, you are likely to require an ‘income support’ benefit. These benefits are complex and made up of many separate components, and operate very differently in the UK and in the Republic of Ireland – but it is possible for you to make claims in both countries, whether under the Withdrawal Agreement or the TCA.

CASE STUDY

Universal Credit under the Withdrawal Agreement

As a frontier worker who lives in the Republic of Ireland and works in the UK, if your income is below a given threshold, you can claim for a UK benefit called Universal Credit on the basis of your employment in the UK. Universal Credit is made up of various elements, including a standard means-tested allowance to top up your income; a potential allowance to cover the costs associated with children in your family; a potential allowance for housing, if you are resident in Northern Ireland; and potential further allowances if you have care responsibilities or suffer from an illness or a disability. The UK is principally responsible for all of these dimensions, even if you are a frontier worker – but if you have a partner, for example, who works in the Republic of Ireland, their income needs to be declared so that your Universal Credit allowance can be adjusted downwards because of it.

Download Template Appeal Form 6

Family Benefits

Under both the Withdrawal Agreement and the TCA, you are most likely to claim family benefits in your state of *employment*. However, some benefits operate in slightly different ways – in that they also take into account where you or your family actually *live*.

CASE STUDY

UK Child Benefit under the Withdrawal Agreement

Child Benefit is a UK benefit that operates in this way: as a worker in the UK, you claim Child Benefit for your children with the UK government – even though your children reside in the Republic of Ireland. However, because your family *lives* in the Republic of Ireland, you can also claim Child Benefit there – and the Republic of Ireland will pay a top-up of Child Benefit, to compensate for the difference between the UK version of the benefit (which is lower) and the Irish one (which is higher). You should therefore claim in *both* countries.

[Download Template Appeal Form 1](#)

CASE STUDY

EU Nationals & UK Child Benefit under the TCA

If you became a frontier worker *after* Brexit, you can continue to claim Child Benefit in the UK as described above. You might *also* be able to claim a top-up of it in the Republic of Ireland, provided you are an EU national who is self-sufficient and has health insurance. If you satisfy these conditions, you may be deemed eligible for the ‘top-up’. If not, the UK will be the sole country paying you Child Benefit.

Invalidity/Long-Term Care Benefits

Invalidity or long-term care benefits tend to be contribution-based benefits, meaning that you will build those up in the country where you *used to be* employed. However, under both the Withdrawal Agreement and the Protocol on Social Security, if you are in receipt of invalidity or long-term illness benefits, the state responsible for your benefits *generally* is the state where you reside. This can mean that you receive one benefit or pension from the country where you *used to work*, but you also are entitled to a benefit in the country where you *live*.

CASE STUDY

Work History in the Republic of Ireland, Residency in the UK, Covered by the WA

As such, if you have a complex cross-border work history, where many of your social security contributions were paid in the Republic of Ireland, but you currently live in Northern Ireland, you are likely to receive a long-term care benefit like Invalidity Pension from the Republic of Ireland. However, under the Withdrawal Agreement, the UK is still responsible for the remainder of your social security coverage. As such, if you worked in the Republic of Ireland *prior* to Brexit, and receive Invalidity Pension on that basis, you can simultaneously claim for a long-term care benefit like Personal Independence Payment (the daily living allowance) in the UK.

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CASE STUDY

Work History in Northern Ireland, Residency in the Republic of Ireland, Covered by the WA

Conversely, if you made many of your social security contributions in the UK, but currently live in the Republic of Ireland, you are likely to claim for a sickness benefit like New-Style Employment and Support Allowance (ESA). It will eventually be treated like an invalidity benefit if you remain unable to work at all. However, under the Withdrawal Agreement, the Republic of Ireland is responsible for the remainder of your social security coverage. As such, you can – simultaneously to claiming ESA in Northern Ireland – claim a special non-contributory cash benefit like Disability Allowance in the Republic of Ireland.

[Download Template Appeal Form 3](#)

Pensions

Contributory state pensions are usually paid by the state where you were *last* employed. However, the UK and the EU have ensured that even after Brexit, pension contributions made in different countries across the EU and the UK will be aggregated so that time spent *working abroad* gets taken into account when calculating your state pension. If, in other words, you have at any time – whether prior to Brexit, before and after Brexit, or only after Brexit – worked in several Member States of the EU before retiring in the UK, the UK is the responsible state for your state pension – but it *has* to consider your social security contributions in all those other Member States when calculating what that pension is.

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