

**EUROPEAN COMMUNITIES**

# **Social security for migrant workers**

Members of the family



**Guide No 5**

**1976**

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## **Guide for members of the family left behind by a person working in another Member State of the European Communities**

Regulations Nos 1408/71 and 574/72 which were drawn up by the Council of the European Communities in accordance with the Treaty which established the European Economic Community lay down the rights of migrant workers and members of their family in the field of social security, and may give members of the family of an employed person or an unemployed person the right to receive social security benefits in the Member State of the European Communities where they reside when the employed or unemployed person is in another Member State.

This Guide explains your rights and how to go about obtaining:

- (a) medical treatment for sickness or maternity from a general practitioner or a specialist, drugs and medicines, dental treatment, hospital treatment etc.;
- (b) family benefits and allowances.

1. **This Guide applies to you** if you are a member of the family of an employed person who is either a national of one of the Member States or a stateless person or refugee residing in one of the Member States.

The term 'member of the family' covers all persons who are considered as such under the legislation of the country in which they reside.

2. **The Member States of the European Communities are:**

Belgium, Denmark, Germany, France, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland (including Gibraltar).

3. (a) **Your right to medical treatment** if you are a member of the family of a person who is employed and insured in a Member State other than the State in which you reside.

You are entitled to medical treatment from a general practitioner or a specialist, drugs and medicines, dental treatment, hospital treatment etc., provided by the insurance institution of the place where you reside as if the employed person were insured with that institution, provided that he fulfils the conditions laid down by the legislation of the country where he is actually insured to enable you to receive benefits.

(b) **What you must do**

You must register with the sickness and maternity insurance institution (sickness fund) of the place where you reside. To enable you to do so the employed person should obtain Form E109<sup>1</sup> from the sickness insurance institution of the place where he is working and send it to you.<sup>2</sup> You must submit this form immediately to the institution responsible for sickness insurance where you reside. Read the instructions on page 3 of the form, which tell you, among other things, the institution to which the form must be submitted.

4. (a) **Your right to medical treatment** if you are a member of the family of an unemployed person and you reside in a Member State other than the State where he is receiving unemployment benefit.

You are entitled to medical treatment from a general practitioner or a specialist, drugs and medicines, dental treatment, hospital treatment etc., from the insurance institution of the place where you reside, provided that the unemployed person fulfils the conditions for medical treatment laid down in the legislation of the Member State responsible for paying his unemployment benefit.

The treatment to which you are entitled is that which the institution of your place of residence provides for members of the family of persons insured with it.

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<sup>1</sup> If you are working in Germany and the members of your family reside in Italy, Form E 37 A should be used instead of Form E 109.

<sup>2</sup> If you reside in the United Kingdom, Form E109 will be sent direct to the appropriate institution. You should register with a doctor of your choice and do not need Form E109 to do so.

## **(b) What you must do**

You must register with the sickness and maternity insurance institution (sickness fund) where you reside. To enable you to do so, the unemployed person should obtain Form E106;<sup>1</sup> from the sickness insurance institution of the State where he is insured and send it to you. You must submit this form immediately to the institution responsible for sickness insurance where you reside. Read the instructions on page 3 of the form, which tell you, among other things, the institution to which the form must be submitted.

## **5. (a) Your right to family allowances and family benefits**

If the employed person works in a Member State other than France, or if he is entitled to unemployment benefit provided by a Member State other than France, your children, even if they reside in another Member State are entitled to family benefits as if they were residing with him in the State in which he works.

If, however, the employed person works in France or is receiving unemployment benefit there, your children are entitled to the family benefits provided by the State in which they reside. The allowance is paid in the same way as it is for children of parents who reside in that State.

## **(b) What to do to get family benefits**

The employed person must himself apply for family benefits. The application should be accompanied by Form E401,<sup>2</sup> which should be completed by the office for population matters or by the authority or department responsible for civil status matters in the Member State where the children reside.<sup>3</sup>

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<sup>1</sup> This form is not required if the unemployed person is in the United Kingdom and you reside in Ireland, or vice versa.

<sup>2</sup> This form is not required if the employed person is working in France.

<sup>3</sup> In France, the 'mairie' (registrar's office) or the 'caisse d'allocations familiales' (fund for family allowances);  
in Ireland, the Department of Social Welfare, Dublin;  
in the United Kingdom, the Department of Health and Social Security, Overseas Group, Newcastle upon Tyne, or the Ministry of Health and Social Services, Overseas Branch, Belfast, as appropriate.

**(c) Persons to whom the family allowances are paid**

In Germany, France, Italy, Luxembourg and the Netherlands, family allowances are generally paid to the employed person. In Denmark, Belgium, Ireland and the United Kingdom, they are paid to the mother of the children.

## ***Social Security guides for nationals of the Member States of the European Communities moving from one Member State to another***

### **• Guide No 1 — General guide**

This guide sets out the rights and obligations with regard to social security of employed persons going to work in a Member State of the European Communities.

There are nine separate booklets, each containing information concerning one Member State.

### **• Guide No 2 — Temporary stay**

This guide gives information for persons going to a Member State of the European Communities to stay there for a short period (holidays, family visits, business trips).

### **• Guide No 3 — Workers posted abroad or employed in more than one Member State**

This guide is intended for posted workers, international transport workers and other workers regularly employed in more than one Member State (e.g. commercial travellers).

### **• Guide No 4 — Pensioners**

This guide is designed for pensioners who were formerly employed persons and for pension claimants, who reside or stay temporarily in a Member State of the European Communities.

### **• Guide No 5 — Members of the family**

This guide is intended for members of a worker's family who reside in another Member State of the European Communities than the worker.