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which no monthly benefit would be paid if he were otherwise entitled thereto.

**§ 404.463 Nonpayment of benefits of aliens outside the United States; “foreign social insurance system,” and “treaty obligation” exceptions defined.**

(a) *Foreign social insurance system exception.* The following criteria are used to evaluate the social insurance or pension system of a foreign country to determine whether the exception described in § 404.460(b) to the alien nonpayment provisions applies:

(1) *Social insurance or pension system.* A *social insurance system* means a governmental plan which pays benefits as an earned right, on the basis either of contributions or work in employment covered under the plan, without regard to the financial need of the beneficiary. However, a plan of this type may still be regarded as a *social insurance system* though it may provide, in a subordinate fashion, for a supplemental payment based on need. A *pension system* means a governmental plan which pays benefits based on residence or age, or a private employer's plan for which the government has set up uniform standards for coverage, contributions, eligibility, and benefit amounts provided that, in both of these types of plans, the financial need of the beneficiary is not a consideration.

(2) *In effect.* The social insurance or pension system of the foreign country must be *in effect*. This means that the foreign social insurance or pension system is in full operation with regard to taxes (or contributions) and benefits, or is in operation with regard to taxes (or contributions), and provision is made for payments to begin immediately upon the expiration of the period provided in the law for acquiring earliest eligibility. It is not *in effect* if the law leaves the beginning of operation to executive or other administrative action; nor is it in effect if the law has been temporarily suspended.

(3) *General application.* The term of *general application* means that the social insurance or pension system (or combination of systems) covers a substantial portion of the paid labor force in industry and commerce, taking into consideration the industrial classifica-

tion and size of the paid labor force and the population of the country, as well as occupational, size of employer, and geographical limitations on coverage.

(4) *Periodic benefit or actuarial equivalent.* The term *periodic benefit* means a benefit payable at stated regular intervals of time such as weekly, biweekly, or monthly. *Actuarial equivalent* of a periodic benefit means the commutation of the value of the periodic benefit into a lump-sum payment, taking life expectancy and interest into account.

(5) *Benefits payable on account of old age, retirement, or death.* The requirement that benefits be payable *on account of old age, retirement, or death*, is satisfied if the foreign social insurance plan or system includes provision for payment of benefits to aged or retired persons and to dependents and survivors of covered workers. The requirement is also met where the system pays benefits based only on old age or retirement. The requirement is not met where the only benefits payable are workmen's compensation payments, cash sickness payments, unemployment compensation payments, or maternity insurance benefits.

(6) *System under which U.S. citizens who qualify may receive payment while outside the foreign country.* The foreign social insurance or pension system must permit payments to qualified U.S. citizens while outside such foreign country, regardless of the duration of their absence therefrom and must make the payments without restriction or qualification to these U.S. citizens at full rate, or at the full actuarial value. The foreign system is considered to pay benefits at the full rate if the U.S. citizen receives the full benefit rate in effect for qualified beneficiaries at the time of his award, whether he is then inside or outside the paying country; and he continues to receive the same benefit amount so long as he remains outside that country, even though he may not receive any increases going into effect after his award provided that in those other countries in which such increases are denied to beneficiaries, they are denied to all beneficiaries including nationals of the paying country.

(7) *List of countries which meet the social insurance or pension system exception*

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*in section 202(t)(2) of the act.* The following countries have been found to have in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Act. Unless otherwise specified, each country meets such requirements effective January 1957. The effect of these findings is that beneficiaries who are citizens of such countries and not citizens of the United States may be paid benefits regardless of the duration of their absence from the United States unless for months beginning after June 1968 they are residing in a country to which payments to individuals are being withheld by the Treasury Department pursuant to the first section of the Act of October 9, 1940 (31 U.S.C. 123). Further additions to or deletions from the list of countries will be published in the FEDERAL REGISTER.

Antigua and Barbuda (effective November 1981)  
Argentina (effective July 1968)  
Austria (except from January 1958 through June 1961)  
Bahamas, Commonwealth of the (effective October 1974)  
Barbados (effective July 1968)  
Belgium (effective July 1968)  
Belize (effective September 1981)  
Bolivia  
Brazil  
Burkina Faso, Republic of (formerly Upper Volta)  
Canada (effective January 1966)  
Chile  
Colombia (effective January 1967)  
Costa Rica (effective May 1962)  
Cyprus (effective October 1964)  
Czechoslovakia (effective July 1968)  
Denmark (effective April 1964)  
Dominica (effective November 1978)  
Dominican Republic (effective November 1984)  
Ecuador  
El Salvador (effective January 1969)  
Finland (effective May 1968)  
France (effective June 1968)  
Gabon (effective June 1964)  
Grenada (effective April 1983)  
Guatemala (effective October 1978)  
Guyana (effective September 1969)  
Iceland (effective December 1980)  
Ivory Coast  
Jamaica (effective July 1968)  
Liechtenstein (effective July 1968)  
Luxembourg  
Malta (effective September 1964)  
Mexico (effective March 1968)  
Monaco  
Netherlands (effective July 1968)

Nicaragua (effective May 1986)  
Norway (effective June 1968)  
Panama  
Peru (effective February 1969)  
Philippines (effective June 1960)  
Poland (effective March 1957)  
Portugal (effective May 1968)  
San Marino (effective January 1965)  
Spain (effective May 1966)  
St. Christopher and Nevis (effective September 1983)  
St. Lucia (effective August 1984)  
Sweden (effective July 1966)  
Switzerland (effective July 1968)  
Trinidad and Tobago (effective July 1975)  
Trust Territory of the Pacific Islands (Micronesia) (effective July 1976)  
Turkey  
United Kingdom  
Western Samoa (effective August 1972)  
Yugoslavia  
Zaire (effective July 1961) (formerly Congo (Kinshasa))

(b) *The "treaty obligation" exception.* It is determined that the Treaties of Friendship, Commerce, and Navigation now in force between the United States and the Federal Republic of Germany, Greece, the Republic of Ireland, Israel, Italy, and Japan, respectively, create treaty obligations precluding the application of § 404.460(a) to citizens of such countries; and that the Treaty of Friendship, Commerce, and Navigation now in force between the United States and the Kingdom of the Netherlands creates treaty obligations precluding the application of § 404.460(a) to citizens of that country with respect to monthly survivors benefits only. There is no treaty obligation that would preclude the application of § 404.460(a) to citizens of any country other than those listed above.

[32 FR 19159, Dec. 20, 1967, as amended at 43 FR 2628, Jan. 18, 1978; 52 FR 8249, Mar. 17, 1987]

### § 404.464 How does deportation or removal from the United States affect the receipt of benefits?

(a) *Old-age or disability insurance benefits.* (1) You cannot receive an old-age or disability benefit for any month that occurs after the month we receive notice from the Secretary of Homeland Security or the Attorney General of the United States that you were:

(i) Deported under the provisions of section 241(a) of the Immigration and