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Widow's Pensions for Divorced Women domiciled Abroad

After the death of her divorced husband a divorced woman is placed on the same footing as a widow as regards entitlement to a widow's pension, provided

- the husband had to pay maintenance contributions for her, and
- the marriage had lasted for at least 10 years.

Under the Federal Act concerning Old Age and Survivors' Insurance both these conditions must be fulfilled.

The divorced husband's obligation to pay maintenance contributions for his divorced wife – and not simply for the children – must be laid down in the divorce decree or in a divorce agreement approved by the divorce judge. This also applies where the marriage has been dissolved in accordance with foreign law. It does not matter whether the payment had to be made in the form of a pension (also a limited-term pension) or as a lump-sum settlement. Whether or not the payment was actually made is irrelevant.

With regard to the second condition, it is **only** the duration of the dissolved marriage in question that counts.

Furthermore, entitlement to a widow's pension exists only if the deceased husband paid Old Age and Survivors' Insurance (OAI) contributions to the obligatory or voluntary insurance scheme for at least a year. This applies whether or not the Swiss woman abroad belongs to the voluntary insurance scheme, because she can derive no entitlement to a survivors' benefit from any such membership.

If the conditions for benefit payments are fulfilled, the Swiss

Compensation Fund will examine the type of benefit. There are two kind of survivors' benefits for widows:

the widow's pension and the widow's lump-sum settlement.

a) Widows who at the time they are widowed have one or more children, adopted children or – in certain cases – foster children, or are over 45 years of age, are entitled to a widow's pension.

b) Widows who do not fulfil the conditions mentioned under a) are entitled to a widow's lump-sum settlement.

Lapse of entitlement to a pension on the widow's remarriage

Entitlement to a widow's pension lapses at the end of the month in which the widow remarries.

Revival of entitlement to a widow's pension

Entitlement to a widow's pension which lapsed on the widow's remarriage is revived on the first day of the month following the dissolution of the marriage if there is a divorce or the marriage is declared invalid after less than 10 years' duration.

Only **ordinary** widow's pensions are paid to beneficiaries who are domiciled abroad. The Swiss social insurance scheme also includes the system of so-called extraordinary pensions, which are not based on the payment of contributions. Swiss citizens domiciled in Switzerland who are not entitled to an ordinary pension or whose ordinary pension is smaller than the extraordinary pension can claim this extraordinary pension if their annual income and

their assets do not reach a legally prescribed limit.

The following office is the competent authority to decide whether a divorced woman domiciled abroad is entitled to a widow's pension:

Swiss Compensation Fund
18 Avenue Ed. Vaucher
CH-1211 Geneva 28

Further details can be obtained from the above Fund **through the competent Swiss embassy or consulate.**

Formation of a Corporation Business Development Commercial Management Inheritance Division Contract

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