



## **Ad-Hoc Query on Migrants' Access to Benefits and Public Services**

Requested by UK EMN NCP on 21<sup>st</sup> January 2013

Compilation produced on 23<sup>rd</sup> April 2013

Responses from: [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Hungary](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Poland](#), [Slovak Republic](#), [Slovenia](#), [United Kingdom](#) plus [Norway](#) (15 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.



**RESPONSES FROM MEMBER STATES TO UK AD-HOC QUERY:**  
**MIGRANTS' ACCESS TO BENEFITS AND PUBLIC SERVICES (22<sup>ND</sup> JANUARY 2013)**

**Tuesday, 23 April 2013**

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## ORIGINAL AD-HOC QUERY



### Ad-Hoc Query on Migrants' Access to Benefits and Public Services

Requested by UK EMN NCP on 21<sup>st</sup> January 2013

Compilation produced on [Date]

Responses from [Austria](#), [Belgium](#), [Bulgaria](#), [Cyprus](#), [Czech Republic](#), [Denmark](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Greece](#), [Hungary](#), [Ireland](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Malta](#), [Netherlands](#), [Poland](#), [Portugal](#), [Romania](#), [Slovak Republic](#), [Slovenia](#), [Spain](#), [Sweden](#), [United Kingdom](#) plus [Croatia](#), [Norway](#) (29 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

#### 1. Background Information

The UK is interested in understanding the general framework of law governing EEA and non-EEA migrants' access to benefits and public services, including those to which residence criteria apply. The UK wishes to gain a summarised, comparative understanding of the rules governing entitlement across other Member States. To enable the efficient compilation of contributions we kindly request NCPs to use the following table. This has been completed with the UK contribution. We would be most grateful for 'yes/no' responses, together with succinct explanatory notes where appropriate. Two additional questions have been included below the table.

	<b>Entitlement to unemployment benefits?</b>	<b>Entitlement to in-work benefits?</b>  <b>Plases include details of support to those with disabilities.</b>	<b>Entitlement to child benefits?</b>  <b>Question presumes the child is not a national of your country</b>	<b>Entitlement to social housing?</b>	<b>Free access to primary healthcare and accident and emergency (A&amp;E)?</b>	<b>Free access to secondary healthcare?</b>  <i>Immediately necessary secondary care is never withheld, but may be charge</i>	<b>Entitlement to support for destitute migrants who may not otherwise qualify for benefits?</b>  <i>In the UK this support is provided by Local Authorities – see <a href="http://www.nrpfnetwork.org.uk">www.nrpfnetwork.org.uk</a></i>	<b>Free access to compulsory education for children?</b>  <i>In the UK compulsory education is from ages 5-16</i>
<b>EEA national exercising Treaty rights</b>  <b>(Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)</b>	<i>Yes - Jobseekers and permanent residents (subject to meeting qualification criteria.)</i>  <i>No- Students and self-sufficient persons are not eligible.</i>	<i>Yes - workers and permanent residents</i>  <i>Self employed may be able to claim some benefits</i>  <i>No – self-sufficient and students</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes – permanent residents, employed and self-employed. (subject to meeting qualification criteria.</i>  <i>No - students and self-sufficient persons are not entitled to social housing</i>	<i>Free access to primary care and A&amp;E care (until admitted to hospital).</i>	<i>Free access to secondary care if settled in the UK</i>  <i>Free access for students if on a full time course of 6 months or more or a full time course substantially funded by UK Government</i>	<i>EEA nationals can only be provided with assistance if it was assessed that the withholding or withdrawing of support would constitute a breach of the individual's or family's human rights or Community Treaty rights.</i>	<i>Yes</i>
<b>EEA national not exercising Treaty rights</b>  <b>(EEA nationals who are destitute or not economically active)</b>	<i>Generally no. But may be entitled to some contribution based benefit.</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Free access to primary care and A&amp;E care (until admitted to hospital).</i>	<i>Free access to secondary care if settled in the UK or if temporarily visiting and hold a European Health Insurance Card.</i>	<i>As above.</i>	<i>Yes</i>
<b>Non-EEA family members of EEA nationals</b>	<i>Entitlement is the same as for EEA national family member that is exercising treaty right.</i>	<i>Entitlement is the same as for EEA national family member that is exercising treaty right</i>	<i>Yes, subject to qualifying criteria set out above.</i>	<i>Perhaps. If meet qualifying criteria.</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>	<i>Free access to secondary care if settled in UK</i>	<i>See above</i>	<i>Yes</i>

<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>	<i>Entitlement to some benefits, subject to meeting qualification criteria.</i>	<i>Yes, subject to meeting qualification criteria.</i>	<i>No. But nationals of Turkey who are lawfully working in UK may, by virtue of that country's Association Agreement with the EU, have access to child benefit, subject to qualifying criteria. Nationals of Croatia and former Yugoslav Republic of Macedonia may have access to child benefit by virtue of the bilateral UK/Yugoslavia social security agreement, again subject to qualifying criteria.</i>	<i>No</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to assessment of eligibility for assistance.</i>	<i>Yes</i>
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>	<i>Yes, subject to subject to meeting qualification criteria.</i>	<i>Yes, subject to subject to meeting qualification criteria.</i>	<i>Yes, subject to qualifying criteria.</i>	<i>Yes, if they have been granted leave to enter or remain in the UK with recourse to public funds (unless they are subject to a maintenance undertaking of 5 years).</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to assessment of eligibility for assistance.</i>	<i>Yes</i>
<b>Non-EEA students (time limited leave)</b>	<i>No.</i>	<i>No</i>	<i>No.</i>	<i>No</i>	<i>Free access to primary care and A&amp;E care until admitted to hospital.</i>	<i>Free access to secondary care if full time course is more than 6 months or substantially funded by UK Government.</i>	<i>No, unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection).</i>	<p><b>a) Study for six months or less</b> - A child must attend a school or private education institution that meets the requirements of the immigration rules and is outside the maintained sector, unless the child is coming for a short exchange or educational visit.</p> <p><b>b) Study for more than six months-</b> If the child is less than 16 years old, he or she must produce proof of acceptance for a course of study at an independent fee-paying school outside the maintained sector or a bona fide private educational institution. If a child is found to be</p>

								<i>attending a maintained school other than for a short exchange or educational visit, they will infringe the conditions of their leave to enter and action could be taken against them by the United Kingdom Border Agency.</i>
<b>Non-EEA workers (time limited leave)</b>	<i>No</i>	<i>No.</i>	<i>No. But nationals of third countries with an EU Association Agreement providing equal treatment in field of social security – Algeria, Morocco, San Marino, Tunisia and Turkey – who are lawfully working in the UK may have access to child benefit, subject to qualifying criteria.</i>	<i>No</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>	<i>Yes if employed by UK-based employer.</i>	<i>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons).</i>	<i>N/A</i>
<b>Non-EEA family members (time limited leave)</b>	<i>No</i>	<i>No</i>	<i>No (but member of a family of a non-EEA worker from third country with an EU Association Agreement may have access to child benefit, provided that family member is living with the worker, again subject to qualifying criteria.</i>	<i>Generally no. May be exceptional circumstances, if lived in UK for more than 5 years.</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>	<i>Free access to secondary care if settled in UK</i>	<i>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons).</i>	<i>Yes</i>
<b>Non-EEA refugees and humanitarian protection</b>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to qualifying criteria</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to assessment of eligibility for assistance</i>	<i>Yes</i>
<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>Depends on the individual circumstances of the migrant.</i>	<i>Depends on the individual circumstances of the migrant.</i>	<i>Yes, subject to qualifying criteria set out above.</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes if settled in UK</i>	<i>Yes, subject to assessment of eligibility for assistance</i>	<i>Yes</i>

<b>Non-EEA visitors</b>	No	No	No.	No	Free access to primary care and A&E until admitted to hospital.	No free access to secondary care unless from specified country or other rare circumstances	No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons..	Yes. But visitors cannot bring children to the UK where the primary purpose of the child's visit is to receive free education.
<b>Non-EEA asylum seekers</b>	No	No	No	No. But may receive support via Asylum Support System	Yes	Yes	Yes, subject to assessment of eligibility for assistance. Destitute asylum seekers receive support from the UK Border Agency or, where there are community care needs from local authorities.	Yes
<b>Failed asylum seekers</b>	No	No	No	No	Free primary care and A&E until admitted to hospital.	Free secondary care only in restricted circumstances.	Failed in-country asylum seekers - support can only be provided if the withholding or withdrawing of support would constitute a breach of human rights.	Yes
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	No	No	No	No	Free primary care and A&E until admitted to hospital	No free secondary care unless detained under Immigration Acts or for infectious diseases	May depend on immigration status and / or nationality. If there are no immigration restrictions in place, standard assessment processes apply. If immigration restrictions apply (on account of being unlawfully present) support can only be provided if the withholding or withdrawing of support would constitute a breach of human rights.	Yes

### Additional questions:

Please describe whether benefits are contributory in your Member State and, if so, what support is available to those who have made no contributions?  
What is the statutory minimum wage (if applicable) in your Member State?

### 2. Responses<sup>1</sup>

		Wider Dissemination?	[Ad-Hoc Query 1 if separate Table for each query – Requesting EMN NCP to decide most appropriate Format]
	Austria	Yes	
	Belgium	Yes	
	Bulgaria	Yes	
	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

	Estonia	Yes	
	Finland	Yes	
	France	Yes	
	Germany	Yes	
	Greece	Yes	
	Hungary	Yes	
	Ireland	Yes	
	Italy	Yes	
	Latvia	Yes	
	Lithuania	Yes	
	Luxembourg	Yes	
	Malta	Yes	
	Netherlands	Yes	
	Poland	Yes	
	Portugal	Yes	
	Romania	Yes	
	Slovak Republic	Yes	
	Slovenia	Yes	
	Spain	Yes	
	Sweden	Yes	
	United Kingdom	Yes	<p><b>Please see the table above which contains the UK NCP response.</b></p> <p><b>Additional questions:</b></p> <p><b>1. In the UK, any person can establish an entitlement to receive certain benefits such as job seekers allowance, employment and support allowance (a form of support for sick and disabled persons), state pension, sick and maternity pay by paying national insurance contributions. Two years' contributions can entitle a person to certain of these benefits for a limited period (e.g. months). There are no residence or immigration restrictions to this entitlement. However, there are separate forms of jobseekers allowance and employment and support allowance which are paid on the basis of need and are not based on contributions. There is no time limit on how long a person can claim these benefits, but they are subject to a qualifying test of habitual residence.</b></p> <p><b>2. The UK has a National Minimum Wage. The rate depends on a person's age and whether or not they are an apprentice. Only persons who are at least of school leaving age are eligible to receive the minimum wage. The current rate for 2012, per hour is as follows: £6.19 (for ages 21 and over), £4.98 (ages 18 to 20), £3.68 (under 18 years) and £2.65 (for apprentices - note, this rate is for apprentices under 19 or those in their first year. If aged 19 or over and past the first year the rate that applies is based on a person's age).</b></p>

	Croatia		
	Norway	Yes	

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## MEMBER STATE RESPONSES

### ESTONIA

	Entitlement to unemployment benefits?	Entitlement to in-work benefits?  Please include details of support to those with disabilities.	Entitlement to child benefits?  Question presumes the child is not a national of your country	Entitlement to social housing?	Free access to primary healthcare and accident and emergency (A&E)?	Free access to secondary healthcare?  <i>Immediately necessary secondary care is never withheld, but may be charge</i>	Entitlement to support for destitute migrants who may not otherwise qualify for benefits?  <i>In the UK this support is provided by Local Authorities – see <a href="http://www.nrpfnetwork.org.uk">www.nrpfnetwork.org.uk</a>  The subsistence benefit is a form of state assistance for those in difficulty which is paid by the local government. The subsistence level is established on the basis of minimum expenses incurred in the consumption of food, clothing, footwear and other goods and services satisfying primary needs. See: <a href="http://www.sm.ee/eng/">http://www.sm.ee/eng/</a></i>	Free access to compulsory education for children?  <i>In the UK compulsory education is from ages 5-16  School attendance is compulsory from ages 7-17 or until the student can complete their basic education.</i>
<p><b>EEA national exercising Treaty rights</b></p> <p><b>(Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)</b></p>	<p><i>Yes - Jobseekers and permanent residents (subject to meeting qualification criteria.)</i></p> <p><i>No- Students and self-sufficient persons are not eligible.</i></p> <p><i>Yes – unemployed registered at Töötukassa (Estonian Unemployment Insurance Fund), if meet qualification criteria.</i></p> <p><i>Employed, self-</i></p>	<p><i>Yes - workers and permanent residents</i></p> <p><i>Self employed may be able to claim some benefits</i></p> <p><i>No – self-sufficient and students</i></p> <p><i>N/A</i></p>	<p><i>Yes. Subject to meeting qualification criteria.</i></p> <p><i>Yes/ Any parent, adoptive parent, step-parent, guardian or foster parent who is raising a child and who is a permanent resident of Estonia or a foreigner living in Estonia on the basis of a temporary residence permit has the right to the parental benefit and family benefits.</i></p>	<p><i>Yes – permanent residents, employed and self-employed. (subject to meeting qualification criteria.</i></p> <p><i>No - students and self-sufficient persons are not entitled to social housing</i></p> <p><i>Yes – aliens residing in Estonia on the basis of residence permits or right of residence. The procedure for the provision and use of social housing is established by the local municipality,</i></p>	<p><i>Free access to primary care and A&amp;E care (until admitted to hospital).</i></p> <p><i>Yes- free access to primary care, if you are covering health insurance. Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i></p>	<p><i>Free access to secondary care if settled in the UK</i></p> <p><i>Free access for students if on a full time course of 6 months or more or a full time course substantially funded by UK Government</i></p> <p><i>Yes- free, if you are covered by health insurance.</i></p>	<p><i>EEA nationals can only be provided with assistance if it was assessed that the withholding or withdrawing of support would constitute a breach of the individual's or family's human rights or Community Treaty rights.</i></p> <p><i>See above</i></p>	<p><i>Yes</i></p> <p><i>Yes</i></p>

	<i>employed - no. Students – generally no, but entitled, if have been working in addition to studies and have become unemployed (conditions apply as to the length of employment and work load).</i>			<i>i.e subject to meeting qualification criteria.</i>				
<b>EEA national not exercising Treaty rights</b>  (EEA nationals who are destitute or not economically active)	<i>Generally no. But may be entitled to some contribution based benefit.</i>  <i>Yes, if registered as unemployed at Töötukassa and meet qualification criteria (incl the requirement of having previously worked for a certain amount of time and having a monthly income below certain level).</i>	<i>No</i> <i>N/A</i>	<i>No</i> <i>Yes/</i>	<i>No</i>  <i>Yes, subject to meeting qualification criteria.</i>	<i>Free access to primary care and A&amp;E care (until admitted to hospital).</i>  <i>Yes- free access to primary care, if you are covering health insurance.</i> <i>Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i>	<i>Free access to secondary care if settled in the UK or if temporarily visiting and hold a European Health Insurance Card.</i>  <i>Yes- free, if you are covered by health insurance</i>	<i>As above.</i>  <i>See above</i>	<i>Yes</i>  <i>Yes</i>
<b>Non-EEA family members of EEA nationals</b>	<i>Entitlement is the same as for EEA national family member that is exercising treaty right.</i>  <i>Yes, if registered as unemployed at Töötukassa and meet qualification criteria (see above).</i>	<i>Entitlement is the same as for EEA national family member that is exercising treaty right</i>  <i>N/A</i>	<i>Yes, subject to qualifying criteria set out above.</i> <i>yes</i>	<i>Perhaps. If meet qualifying criteria.</i>  <i>Yes, subject to meeting qualification criteria.</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>  <i>Yes- free access to primary care, if you are covering health insurance.</i> <i>Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i>	<i>Free access to secondary care if settled in UK</i>  <i>Yes- free, if you are covered by health insurance</i>	<i>See above</i>  <i>See above</i>	<i>Yes</i>  <i>Yes</i>

<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>	<p>Entitlement to some benefits, subject to meeting qualification criteria.</p> <p><i>Yes, if registered as unemployed at Töötukassa and meet qualification criteria (see above).</i></p>	<p>Yes, subject to meeting qualification criteria.</p> <p><i>N/A</i></p>	<p>No. But nationals of Turkey who are lawfully working in UK may, by virtue of that country's Association Agreement with the EU, have access to child benefit, subject to qualifying criteria. Nationals of Croatia and former Yugoslav Republic of Macedonia may have access to child benefit by virtue of the bilateral UK/Yugoslavia social security agreement, again subject to qualifying criteria.</p> <p><i>yes</i></p>	<p>No</p> <p><i>Yes, subject to meeting qualification criteria.</i></p>	<p>Yes</p> <p><i>Yes – if you are covering health insurance</i></p>	<p>Yes</p> <p><i>Yes – if you are covered by health insurance</i></p>	<p>Yes, subject to assessment of eligibility for assistance.</p> <p><i>See above</i></p>	<p>Yes</p> <p><i>Yes</i></p>
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>	<p>Yes, subject to subject to meeting qualification criteria.</p> <p><i>Yes, if registered as unemployed at Töötukassa and meet qualification criteria (see above).</i></p>	<p>Yes, subject to subject to meeting qualification criteria</p> <p><i>N/A</i></p>	<p>Yes, subject to qualifying criteria.</p> <p><i>yes</i></p>	<p>Yes, if they have been granted leave to enter or remain in the UK with recourse to public funds (unless they are subject to a maintenance undertaking of 5 years).</p> <p><i>Yes, subject to meeting qualification criteria.</i></p>	<p>Yes</p> <p><i>Yes – if you are covering health insurance</i></p>	<p>Yes</p> <p><i>Yes – if you are covered by health insurance</i></p>	<p>Yes, subject to assessment of eligibility for assistance.</p> <p><i>See above</i></p>	<p>Yes</p> <p><i>Yes</i></p>
<b>Non-EEA students (time limited leave)</b>	<p>No.</p> <p><i>Generally no. But entitled, if has previously been working in addition to studies and has become unemployed (conditions apply as to the length of employment and work load).</i></p>	<p>No</p> <p><i>N/A</i></p>	<p>No.</p> <p><i>yes</i></p>	<p>No</p> <p><i>Generally no, because one of the conditions of issuing a temporary residence permits is actual place of residence in Estonia.</i></p>	<p>Free access to primary care and A&amp;E care until admitted to hospital.</p> <p><i>Yes – if you are covering health insurance</i></p> <p><i>Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i></p>	<p>Free access to secondary care if full time course is more than 6 months or substantially funded by UK Government.</p> <p><i>Yes – if you are covered by health insurance</i></p>	<p>No, unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection).</p> <p><i>No</i></p>	<p><i>a) Study for six months or less - A child must attend a school or private education institution that meets the requirements of the immigration rules and is outside the maintained sector, unless the child is coming for a short exchange or educational visit.</i></p> <p><i>b) Study for more than six months- If the child is less than 16 years old, he or she must produce proof of acceptance for a course of</i></p>

								<p><i>study at an independent fee-paying school outside the maintained sector or a bona fide private educational institution. If a child is found to be attending a maintained school other than for a short exchange or educational visit, they will infringe the conditions of their leave to enter and action could be taken against them by the United Kingdom Border Agency.</i></p> <p><i>N/A</i></p>
<b>Non-EEA workers (time limited leave)</b>	<p>No</p> <p><i>No. However, EU Blue Card holders are allowed to stay for 3 months after having become unemployed and during that time they are allowed to register as unemployed and able to claim unemployment benefits</i></p>	<p>No.</p> <p><i>N/A</i></p>	<p>No. But nationals of third countries with an EU Association Agreement providing equal treatment in field of social security – Algeria, Morocco, San Marino, Tunisia and Turkey – who are lawfully working in the UK may have access to child benefit, subject to qualifying criteria.</p> <p><i>yes</i></p>	<p>No</p> <p><i>Generally no, because one of the conditions of issuing a temporary residence permits is actual place of residence in Estonia.</i></p>	<p>Free access to primary care and A&amp;E until admitted to hospital.</p> <p><i>Yes – if you are covering health insurance</i></p> <p><i>Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i></p>	<p>Yes if employed by UK-based employer.</p> <p><i>Yes – if you are covered by health insurance</i></p>	<p>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons).</p> <p><i>Generally no</i></p>	<p>N/A</p> <p><i>N/A</i></p>
<b>Non-EEA family members (time limited leave)</b>	<p>No</p> <p><i>Yes, if registered as unemployed at Töötukassa and meet qualification criteria (see above).</i></p>	<p>No</p> <p><i>N/A</i></p>	<p>No (but member of a family of a non-EEA worker from third country with an EU Association Agreement may have access to child benefit, provided that family member is living with the worker, again subject to qualifying criteria.</p> <p><i>yes</i></p>	<p>Generally no. May be exceptional circumstances, if lived in UK for more than 5 years.</p> <p><i>Generally no, because one of the conditions of issuing a temporary residence permit is actual place of residence in Estonia.</i></p>	<p>Free access to primary care and A&amp;E until admitted to hospital.</p> <p><i>Yes – if you are covering health insurance.</i></p> <p><i>Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i></p>	<p>Free access to secondary care if settled in UK</p> <p><i>Yes – if you are covered by health insurance</i></p>	<p>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons).</p> <p><i>Generally no</i></p>	<p>Yes</p> <p><i>N/A</i></p>
<b>Non-EEA refugees and humanitarian</b>	<p>Yes</p> <p><i>Yes, if registered</i></p>	<p>Yes</p>	<p>Yes, subject to qualifying criteria</p>	<p>Yes</p> <p><i>Yes, subject to</i></p>	<p>Yes</p> <p><i>Yes, subject to</i></p>	<p>Yes</p> <p><i>Yes, subject to</i></p>	<p>Yes, subject to assessment of eligibility for assistance</p>	<p>Yes</p>

<b>protection</b>	<i>as unemployed at Töötukassa and meet qualification criteria (see above).</i>		<i>yes</i>	<i>meeting qualification criteria</i>	<i>meeting qualification criteria. Emergency care is free for everyone, who is visiting Estonia( legal or illegal grounds)</i>	<i>meeting qualification criteria. Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i>	<i>Yes</i>	<i>Yes</i>
<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>Depends on the individual circumstances of the migrant.</i>  <i>N/A</i>	<i>Depends on the individual circumstances of the migrant.</i>  <i>N/A</i>	<i>Yes, subject to qualifying criteria set out above.</i>  <i>N/A</i>	<i>Yes</i>  <i>N/A</i>	<i>Yes</i>  <i>N/A</i>	<i>Yes if settled in UK</i>  <i>N/A</i>	<i>Yes, subject to assessment of eligibility for assistance</i>  <i>N/A</i>	<i>Yes</i>  <i>N/A</i>
<b>Non-EEA visitors</b>	<i>No</i>  <i>No.</i>	<i>No</i>  <i>N/A</i>	<i>No.</i>  <i>No</i>	<i>No</i>  <i>No</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i> <i>No.</i>  <i>Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i>	<i>No free access to secondary care unless from specified country or other rare circumstances</i>  <i>No</i>	<i>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons.</i>  <i>No</i>	<i>Yes. But visitors cannot bring children to the UK where the primary purpose of the child's visit is to receive free education.</i>  <i>N/A</i>
<b>Non-EEA asylum seekers</b>	<i>No</i>  <i>Yes, if registered as unemployed at Töötukassa (able to do so when 1 year has passed since applying for asylum and no decision has been taken as to their asylum application at first instance) and meet qualification criteria (see above).</i>	<i>No</i>  <i>N/A</i>	<i>No</i>  <i>No</i>	<i>No. But may receive support via Asylum Support System</i>  <i>No. Asylum seekers normally reside in the reception centre during asylum proceedings.</i>	<i>Yes</i>  <i>Yes, free primary care is organized thru reception centre. Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i>	<i>Yes</i>  <i>Yes, free primary care is organized thru reception centre. Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i>	<i>Yes, subject to assessment of eligibility for assistance. Destitute asylum seekers receive support from the UK Border Agency or, where there are community care needs from local authorities.</i>  <i>Yes</i>	<i>Yes</i>  <i>Yes</i>

<b>Failed asylum seekers</b>	<i>No</i>  <i>No.</i>	<i>No</i>  <i>N/A</i>	<i>No</i>  <i>No</i>	<i>No</i>  <i>No</i>	<i>Free primary care and A&amp;E until admitted to hospital.</i>  <i>Free primary care is organized thru reception centre in case if the asylum seeker has appealed the decision. Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds).</i>	<i>Free secondary care only in restricted circumstances. Free Secondary care is organized thru reception centr. in case if the asylum seeker has appealed the decision.</i>  <i>Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds.)</i>	<i>Failed in-country asylum seekers - support can only be provided if the withholding or withdrawing of support would constitute a breach of human rights.</i>  <i>Generally no</i>	<i>Yes</i>  <i>Yes</i>
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	<i>No</i>  <i>No.</i>	<i>No</i>  <i>N/A</i>	<i>No</i>  <i>No</i>	<i>No</i>  <i>No</i>	<i>Free primary care and A&amp;E until admitted to hospital</i>  <i>No. Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i>	<i>No free secondary care unless detained under Immigration Acts or for infectious diseases</i>  <i>No. Emergency care is free for everyone, who is visiting Estonia (legal or illegal grounds)</i>	<i>May depend on immigration status and / or nationality. If there are no immigration restrictions in place, standard assessment processes apply. If immigration restrictions apply (on account of being unlawfully present) support can only be provided if the withholding or withdrawing of support would constitute a breach of human rights.</i>  <i>Generally no.</i>	<i>Yes</i>  <i>Yes</i>

## **FINLAND**

Disclaimer: The following Table contains simplified information of migrants' access to benefits in Finland. More detailed information on qualifying conditions and individual social security benefits in Finland can be obtained from the public institutes and municipalities managing the social security system. The footnotes contain important explanatory information related to various benefits and should always be taken into account when examining the access to benefits for different categories of migrants.

	<p>Entitlement to unemployment benefits?</p> <p>A. KELA (The Social Insurance Institution) <a href="http://www.kela.fi">www.kela.fi</a> - basic unemployment allowance and labour market subsidy<sup>2</sup></p> <p>B. UNEMPLOYMENT INSURANCE FUNDS <a href="http://www.tyj.fi">www.tyj.fi</a> - earnings-related allowance<sup>3</sup></p>	<p>Entitlement to in-work benefits?</p> <p>Plases include details of support to those with disabilities.</p> <p>A. KELA (The Social Insurance Institution) <a href="http://www.kela.fi">www.kela.fi</a> - parental allowance, sickness allowance, disability allowance</p> <p>B. EARNINGS-RELATED PENSION PROVIDERS <a href="http://www.etk.fi">www.etk.fi</a> - earnings-related pension<sup>4</sup></p> <p>C. PRIVATE INSURANCE COMPANIES <a href="http://www.tvl.fi">www.tvl.fi</a> - accidents at work, occupational disease<sup>5</sup></p>	<p>Entitlement to child benefits?</p> <p>Question presumes the child is not a national of your country</p> <p>KELA (The Social Insurance Institution) <a href="http://www.kela.fi">www.kela.fi</a> - child allowance, child home care allowance, private day care allowance, child maintenance allowance</p>	<p>Entitlement to social housing?</p> <p>KELA (The Social Insurance Institution) – housing benefits</p>	<p>Free access to primary healthcare and accident and emergency (A&amp;E)?</p> <p>A. KELA (The Social Insurance Institution)<sup>6</sup> - reimbursements for the cost of medical treatment</p> <p>B. MUNICIPALITY - basic nursing - necessary medical care and urgent medical treatment</p>	<p>Free access to secondary healthcare?</p> <p><i>Immediately necessary secondary care is never withheld, but may be charge</i></p> <p>MUNICIPALITY - specialized medical treatment - necessary medical care and urgent medical treatment</p>	<p>Entitlement to support for destitute migrants who may not otherwise qualify for benefits?</p> <p><i>In the UK this support is provided by Local Authorities – see <a href="http://www.nrpfnetwork.org.uk">www.nrpfnetwork.org.uk</a></i></p> <p>MUNICIPALITY – social assistance</p>	<p>Free access to compulsory education for children?</p> <p>MUNICIPALITY<sup>7</sup></p>
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<sup>2</sup> The Finnish social security system is based on residence in the country. Except for certain cases, persons who reside in Finland permanently are entitled to social security benefits provided by the Social Insurance Institution of Finland (Kela). When a foreign national moves to Finland, Kela decides on whether the person is covered by the Finnish social security system, that is, whether the person is entitled to social security benefits provided by Kela. The decision is based on the Finnish Act on the Application of Residence-based Social Security Legislation, also known as the Scope of Application Act (1573/1993).

Workers not residing in Finland may also be entitled to Finnish social security benefits paid by Kela. EU-nationals are entitled to same benefits as those workers residing in Finland. However, those third country nationals on temporary work assignments in Finland are only entitled to sickness allowance and reimbursement for the cost of medical treatment as far as benefits paid by Kela are concerned. Employment in Finland is based on the EU-Regulation 833/2004, Section 3 b of the Finnish Scope of Application Act or the Finnish Sickness Insurance Act.

<sup>3</sup> In Finland a person is entitled to earnings-related allowance if the requirements of a membership in a Finnish unemployment fund and as a wage earner are met. The membership requirement is met if the person has been a member of an unemployment fund for at least 34 weeks. The requirement as a wage earner is met if the person has been gainfully employed during the membership in an unemployment fund for at least 18 hours a week for 34 weeks during the last 28 months and has received wages according to the industry's collective agreement or at least 1134 €/month (year 2013).

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<sup>4</sup> Finnish pension benefits consist mainly of employment-based earnings-related pension and the residence-based national pension, which provides a minimum income. In Finland almost all gainful employment, public and private, as well as self employment, accrue, with minor restrictions, pension rights based on earnings or income. Employees, self-employed persons, farmers, seamen and public sector employees have their own pension acts. The administration of the earnings-related pension scheme is decentralized. In the private sector earnings-related pension provisions are handled by pension insurance companies, company pension funds and industry-wide pension funds.

Employees Pensions Act - General provisions:

- Earnings-related pension insurance covers all waged work (when one's income exceeds 55,59 €/month)
- Liability for the employer to take out insurance for employees aged 18-67
- Applies to nationalities working in Finland
- There are some exceptions to the main rule such as posted workers from EU/EEA countries and bilateral social security agreement countries

Self-Employed Persons' Pensions Act – General provisions:

- Earnings-related pension insurance covers self-employed work when one's estimated yearly earnings surpass 7303,99 €/year
- Liability for the self-employed person to take out insurance when aged 18-67
- Gainful activity of the self-employed must continue at least 4 months straight
- Self-employed person must live in Finland (permanent residence or equivalent)

<sup>5</sup> Entitlement to benefits in case of accident at work or occupational disease is not tied to nationality in Finland. Entitlement to benefits is based on employment or other requirements which are prescribed in the Accident Insurance Act. The employers are obliged to insure any workers they employ who work in Finland. If the employer fails to comply with the obligation the employee is still entitled to compensation.

<sup>6</sup> It is important to note that the Finnish system has both public and private healthcare. Public healthcare services are primarily provided by municipalities. Compensation for medical treatment paid out by Kela, the Social Insurance Institution of Finland, complements the system by allowing persons covered by Kela benefits to receive compensation for medicine, transport and the costs incurred from the use of private healthcare services. A person's inclusion in the public healthcare system is primarily based on the person residing in Finland permanently and having a municipality of domicile as specified in the Finnish Domicile Act. Decisions on the municipality of domicile are made by the registrar's office. When a person has a municipality of domicile, he or she is entitled to all public healthcare services in exchange for the municipal resident's patient fee. The right to compensation for medical expenses paid by Kela, on the other hand, is based on whether the person is covered by Finnish national sickness insurance.

<sup>7</sup> Schooling is not tied to nationality in Finland. Immigrants who reside in Finland permanently and are of compulsory school age (7–17) are entitled to the same basic education as Finns. Under the Constitution of Finland, everyone has the right to basic education free of charge, and pursuant to the Finnish Basic Education Act, the local authority has the obligation to arrange basic education for children of compulsory school age residing in its area. Pursuant to the Finnish Basic Education Act, children permanently residing in Finland shall attend compulsory schooling. The local municipality (or other provider of schooling) can, however, accept a child as a student regardless of whether the child is considered to have permanent domicile in the municipality he or she resides in. In practice, schooling is also provided to children who reside in municipalities on a temporary basis.

Problems in this area have primarily involved children of asylum seekers who reside in Finland on a temporary basis. The legislation has been criticised for having a grey area in this regard, which is not in the best interest of children.

<p><b>EEA national exercising Treaty rights</b></p> <p>(Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)</p>	<p><b>A. Yes - entitled to basic unemployment allowance if certain conditions set for the employment are met and employed for at least 8 months during the two years preceding the unemployment</b></p> <p>Only those residing in Finland may be eligible to labour market subsidy</p> <p><b>B. Yes - if registered as an unemployed job seeker at an employment office after having worked in Finland</b></p> <p>No - full-time students, entrepreneurs or those who are self-employed</p>	<p><b>A. Yes - entitled to parental, sickness and disability allowances if certain conditions are met. Yes - disability benefits.</b></p> <p><b>B. Yes - based on employment, subject to meeting qualification criteria - unless otherwise provided in the EU social security coordination regulations.</b></p> <p>Earnings-related pension insurance accrues from work. The accrual is also possible from certain social security benefits, if corresponding conditions are met (sickness allowance, unemployment allowance, parental leave benefits, certain studies).</p> <p><b>C. Yes</b></p>	<p>Yes - if working or residing in Finland and other conditions for issuing benefits are met</p>	<p>Yes - if regarded to be residing in Finland. Those only working in Finland are entitled to housing benefits if certain conditions are met</p>	<p><b>A.</b></p> <p>Those residing in Finland temporarily: yes, if the treatment is necessary medically</p> <p>Those working in Finland: yes, if insured against sickness (provided that employment will last at least 4 months and the conditions regarding salary and working hours are met)</p> <p>Those residing in Finland permanently: yes</p> <p><b>B.</b></p> <p>Those residing in Finland temporarily: yes, entitled to medical treatment when necessary medically</p> <p>Those workers covered by employment pension insurance in Finland: yes, entitled to basic nursing</p> <p>Those residing in Finland permanently: yes, entitled to basic nursing</p> <p><b>A. Yes - if insured against sickness in Finland</b></p> <p><b>B. Yes - if place of domicile in Finland</b></p>	<p>Those residing in Finland temporarily: yes, if the treatment is necessary medically</p> <p>Those workers covered by employment pension insurance in Finland: yes, entitled to specialized medical treatment</p> <p>Those residing in Finland permanently: yes, entitled to specialized medical treatment</p>	<p>Yes</p>	<p>Yes</p>
<p><b>EEA national not exercising Treaty rights</b></p> <p>(EEA nationals who are</p>	<p><b>A. Yes - entitled to labour market subsidy if residing in Finland permanently</b></p>	<p><b>A. Yes - entitled to parental and sickness allowances and disability benefits if residing in Finland and other conditions</b></p>	<p>Yes - if residing in Finland and other conditions for issuing benefits are met</p>	<p>Yes - if residing in Finland</p>	<p><b>A. Yes - if insured against sickness in Finland</b></p> <p><b>B. Yes - if place of domicile in Finland</b></p>	<p>Yes - entitled to specialized medical treatment if domicile in Finland</p>	<p>Equal access for all persons living or staying temporarily in Finland in emergency cases.</p>	<p>Grey area</p>

<p>destitute or not economically active)</p>	<p><b>B. No – unless having worked and/or resided in the EU/EEA-area</b></p>	<p>for issuing benefits are met</p> <p><b>B. Yes – based on employment, subject to meeting qualification criteria - unless otherwise provided in the EU social security coordination regulations</b></p> <p><b>C. Yes</b></p>			<p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	<p>Always entitled to urgent treatment (may be required to pay actual costs)</p>		
<p>Non-EEA family members of EEA nationals</p>	<p><b>A. Yes - entitled to labour market subsidy and basic unemployment allowance if residing in Finland and other conditions for the benefits are met</b></p> <p><b>B. Yes – after having worked in Finland</b></p>	<p><b>A. Yes – entitled to parental and sickness allowances and disability benefits if residing in Finland and other conditions for issuing benefits are met</b></p> <p><b>B. Yes – based on employment, subject to meeting qualification criteria - unless otherwise provided in the EU social security coordination regulations. Family membership is not a relevant factor</b></p> <p><b>C. Yes (survivors' benefits)</b></p>	<p><b>Yes – if residing in Finland</b></p>	<p><b>Yes – if residing in Finland</b></p>	<p>Rights are derived from those of the head of the family, see group 1: EEA national exercising Treaty rights</p>	<p>Rights are derived from those of the head of the family, see group 1: EEA national exercising Treaty rights</p>	<p><b>Yes</b></p>	<p><b>Yes</b></p>
<p>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECsMA)</p>	<p><b>A. No</b></p> <p><b>B. No</b></p>	<p><b>A. Agreement between Finland and Israel: Entitled to parental allowances if certain conditions are met</b></p> <p><b>B. Yes – based on employment, subject to meeting qualification criteria - unless otherwise provided in the bilateral agreements</b></p> <p><b>C. Yes</b></p>	<p><b>Agreement between Finland and USA: Entitled to child allowance in some cases</b></p>	<p><b>No</b></p>	<p><b>Agreement between Finland and Australia:</b></p> <p><b>Those coming temporarily: entitled to reimbursements for the cost of medical treatment and immediate basic nursing</b></p> <p><b>Those belonging to the personnel of diplomatic representations or</b></p>	<p><b>Agreement between Finland and Australia:</b></p> <p><b>Those coming temporarily: entitled to immediate specialized medical treatment</b></p> <p><b>Those belonging to the personnel of diplomatic representations or consulates:</b></p>		

					<p>consulates: entitled to reimbursements for the cost of medical treatment and basic nursing regardless of the length of residence</p> <p>Agreement between Finland and Quebec (Canada):</p> <p>Certain groups of persons (i.e. those working temporarily):entitled to reimbursements for the cost of medical treatment and basic nursing</p>	<p>entitled to specialized medical treatment regardless of the length of residence</p> <p>Agreement between Finland and Quebec (Canada):</p> <p>Certain groups of persons (i.e. those working temporarily): entitled to specialized medical treatment</p>		
<p><b>Non-EEA national with permanent residence/ indefinite leave to remain</b></p> <p><b>Permanent residence permit P - unrestricted employment (Aliens Act, Section 79 (1))</b></p>	<p><b>A. Yes - entitled to labour market subsidy and basic unemployment allowance if regarded to be residing in Finland permanently and other conditions for the benefits are met</b></p> <p><b>B. Yes -after having worked in Finland</b></p>	<p><b>A. Yes – entitled to parental and sickness allowances and disability benefits if residing in Finland and other conditions for issuing benefits are met</b></p> <p><b>B. Yes – based on employment, subject to meeting qualification criteria</b></p> <p><b>C. Yes</b></p>	<b>Yes – if residing in Finland</b>	<b>Yes – if residing in Finland</b>	<p><b>A. Yes – if insured against sickness</b></p> <p><b>B. Entitled to basic nursing if domicile in Finland</b></p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	<p>Entitled to specialized medical treatment if domicile in Finland</p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	<b>Yes</b>	<b>Yes</b>
<p><b>Non-EEA students (time limited leave)</b></p> <p><b>Fixed-term residence permits: temporary B or continuous A - restricted employment (Aliens Act, Section 80 (1)(1))</b></p>	<p><b>A. No - if the sole purpose for residence in Finland is studying</b></p> <p><b>B. No – if full-time student</b></p>	<p><b>A. Usually not entitled to parental and sickness allowances nor to disability benefits</b></p> <p><b>B. Yes – based on employment, subject to meeting qualification criteria</b></p> <p><b>C. Yes (if they work and an accident at work or occupational disease occurs)</b></p>	<b>Usually no</b>	<b>Usually no</b>	<p><b>A. Yes – if insured against sickness</b></p> <p><b>B. Entitled to basic nursing if domicile in Finland</b></p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p> <p>Covered by the student healthcare services</p>	<p>Entitled to specialized medical treatment if domicile in Finland</p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	<b>Usually no. Equal access for all persons living or staying temporarily in Finland in emergency cases.</b>	<b>Yes</b>

		In addition to above certain accidents which are study-related and occur in circumstances comparable to work are covered under specific legislation. This specific legislation cover only those types of studies that are mentioned in the Finnish legislation.						
<p><b>Non-EEA workers (time limited leave)</b></p> <p><b>Fixed-term residence permits: temporary B or continuous A</b></p>	<p>A. Usually no. If citizens of 3<sup>rd</sup> countries come to work in Finland from another EU-country and after termination of employment remain in Finland as jobseekers they may be eligible for basic unemployment allowance</p> <p>B. Yes – after having worked in Finland</p>	<p>A. Not entitled to parental allowances unless residing in Finland.</p> <p>Entitled to sickness allowance if residing or working in Finland</p> <p>B. Yes – based on employment, subject to meeting qualification criteria</p> <p>C. Yes</p>	<p>No – if coming directly from 3<sup>rd</sup> countries Yes – if coming from another EU-country</p>	<p>Usually no. Yes – if the worker resides in Finland.</p>	<p>A. Yes - if insured against sickness (provided that employment will last at least 4 months and the conditions regarding salary and working hours are met)</p> <p>B. Entitled to basic nursing if domicile in Finland</p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	<p>Entitled to specialized medical treatment if domicile in Finland</p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	<p>Usually no. Equal access for all persons living or staying temporarily in Finland in emergency cases.</p>	Yes
<p><b>Non-EEA family members (time limited leave)</b></p> <p><b>Fixed-term residence permits: temporary B or continuous A - unrestricted employment (Aliens Act, Section 79 (2))</b></p>	<p>A. Yes - entitled to labour market subsidy if regarded to be residing in Finland</p> <p>B. Yes – after having worked in Finland</p>	<p>A. Not entitled to parental or sickness allowances unless residing in Finland</p> <p>B. Yes – based on employment, subject to meeting qualification criteria.</p> <p>Family membership is not a relevant factor</p> <p>C. Yes (survivors' benefits)</p>	<p>Not entitled unless residing in Finland</p>	<p>Usually not entitled. Yes – if residing in Finland</p>	<p>A. Yes – if insured against sickness</p> <p>B. Entitled to basic nursing if domicile in Finland</p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	<p>Entitled to specialized medical treatment if domicile in Finland</p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	Yes	Yes

<p>Non-EEA refugees and humanitarian protection - unrestricted employment (Aliens Act, Section 79 (1))</p>	<p>A. Yes - entitled to labour market subsidy if residing in Finland</p> <p>B. Yes - after having worked in Finland</p>	<p>A. Yes- if residing in Finland</p> <p>B. Yes - based on employment, subject to meeting qualification criteria</p> <p>C. Yes</p>	<p>Yes if residing in Finland</p>	<p>Yes - if residing in Finland</p>	<p>A. Yes - if insured against sickness</p> <p>B. If domicile in Finland: entitled to basic nursing</p>	<p>If domicile in Finland: entitled to specialized medical treatment</p>	<p>Yes</p>	<p>Yes</p>
<p>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</p> <p>Residence permit based on Section 51 of the Finnish Aliens Act - restricted employment (Aliens Act, Section 80 (1)(6))</p>	<p>A. No</p> <p>B. No</p>	<p>A. No</p> <p>B. Yes - based on employment, subject to meeting qualification criteria</p> <p>C. Yes</p>	<p>No</p>	<p>No</p>	<p>A. Yes - if insured against sickness</p> <p>B. Entitled to basic nursing if domicile in Finland</p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	<p>Entitled to specialized medical treatment if domicile in Finland</p> <p>Always entitled to urgent treatment (may be required to pay actual costs)</p>	<p>Yes</p>	<p>Grey area</p>
<p>Non-EEA visitors</p> <p>Tourists with a visa or visafree for a maximum of 3 months - restricted employment (Aliens Act, Section 81 (1 + 3))</p>	<p>A. No</p> <p>B. No</p>	<p>A. No</p> <p>B. Yes - based on employment, subject to meeting qualification criteria</p> <p>C. Yes</p>	<p>No</p>	<p>No</p>	<p>A. No</p> <p>B. Entitled to urgent basic nursing (may be required to pay actual costs)</p>	<p>Entitled to urgent specialized medical treatment (may be required to pay actual costs)</p>	<p>Equal access for all persons living or staying temporarily in Finland in emergency cases</p>	<p>No</p>
<p>Non-EEA asylum seekers - restricted employment (Aliens Act, Section 81 (2))</p>	<p>A. No</p> <p>B. No</p>	<p>A. No</p> <p>B. Yes - based on employment, subject to meeting qualification criteria</p>	<p>No</p>	<p>No</p>	<p>A. Yes - if insured against sickness</p> <p>B. Urgent treatment financed by reception centre</p>	<p>Urgent specialized medical treatment financed by reception centre</p> <p>If minor: entitled</p>	<p>Not covered by the Act on Social Assistance. Support for the asylum seekers is provided in accordance with the Act on the Reception of People Applying for International Protection.</p>	<p>Grey area</p>

		<b>C. Yes</b>			<i>If minor: entitled to necessary basic nursing</i>  <i>If domicile in Finland: entitled to basic nursing</i>	<i>to necessary specialized medical treatment</i>  <i>If domicile in Finland: entitled to specialized medical treatment</i>		
<b>Failed asylum seekers</b>	<b>A. No</b> <b>B. No</b>	<b>A. No</b> <b>B. No</b> <b>C. Yes</b>	<b>No</b>	<b>No</b>	<b>B. Entitled to urgent basic nursing (may be required to pay actual costs)</b>	<b>Urgent specialized medical treatment (may be required to pay actual costs)</b>	<b>Equal access for all persons living or staying temporarily in Finland in emergency cases</b>	<b>Grey area</b>
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	<b>A. No</b> <b>B. No</b>	<b>A. No</b> <b>B. No</b> <b>C. Yes</b>	<b>No</b>	<b>No</b>	<b>B. Entitled to urgent basic nursing (may be required to pay actual costs)</b>	<b>Urgent specialized medical treatment (may be required to pay actual costs)</b>	<b>Equal access for all persons living or staying temporarily in Finland in emergency cases</b>	<b>Grey area</b>

## FRANCE

	Entitlement to unemployment benefits?	Entitlement to in-work benefits?  Please include details of support to those with disabilities.	Entitlement to child benefits?  Question presumes the child is not a national of your country	Entitlement to social housing?	Free access to primary healthcare and accident and emergency (A&E)?	Free access to secondary healthcare?	Entitlement to support for destitute migrants who may not otherwise qualify for benefits?	Free access to compulsory education for children?  <i>In France compulsory education is from age 6 to 16.</i>
<b>EEA national exercising Treaty rights</b>  <b>(Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)</b>	<i>Yes – under certain conditions.</i>  <i>No – for students and self sufficient persons.</i>	<i>Yes – under certain conditions.</i>  <i>No – for students and self-sufficient persons.</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes (Subject to qualifying criteria).</i>  <b>No – For self sufficient persons are not entitled to social housing.</b>	<i>Yes.</i>	<i>Yes, if they are settled in France.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>EEA national not exercising Treaty rights</b>  <b>(EEA nationals who are destitute or not economically active)</b>	<i>Generally no but may be entitled to other benefits.</i>	<i>Yes (Subject to qualifying criteria criteria).</i>  <i>No – for EEA nationals who are not economically active.</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes.</i>	<i>Free access if they have been settled in France for more than three months or if they are temporarily visiting and hold a European Health Insurance Card.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>

<b>Non-EEA family members of EEA nationals</b>	<i>Yes – under certain conditions.</i>	<i>Yes – under certain conditions.</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes.</i>	<i>Yes, if they are settled in France.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>	<i>Generally yes, depending on the agreements.</i>	<i>Generally yes, depending on the agreements.</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Generally yes, depending on the agreements.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>	<i>Yes – under certain conditions.</i>	<i>Yes – under certain conditions.</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Non-EEA students (time limited leave)</b>	<i>No.</i>	<i>No.</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Non-EEA workers (time limited leave)</b>	<i>Yes – under certain conditions.</i>  <i>No – Seasonal workers.</i>	<i>Yes – under certain conditions.</i>	<i>Yes (Subject to qualifying criteria).</i>	<i>Yes (Subject to qualifying criteria).</i>  <i>No – Seasonal workers, temporary workers and posted workers.</i>	<i>Yes.</i>	<i>Yes, if they are settled in France.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Non-EEA family members (time limited leave)</b>	<i>Yes. These are contribution based benefits.</i>	<i>Yes, but they may be subject to certain conditions.</i>	<i>Yes, if they are settled in France.</i>	<i>Yes, if they are settled in France.</i>	<i>Yes.</i>	<i>Yes, if they are settled in France.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Non-EEA refugees and humanitarian protection</b>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>

<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>Yes. These are contribution based benefits.</i>	<i>Yes, but they may be subject to certain conditions.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Non-EEA visitors</b>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>Yes.</i>	<i>No.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Non-EEA asylum seekers</b>	<i>No, but they may receive support via the temporary waiting allowance.</i>	<i>No</i>	<i>Not in general. It is only possible if they entered France with a long-stay visa issued for asylum.</i>	<i>No, but they may receive support via the reception system for asylum seekers.</i>	<i>Yes.</i>	<i>Yes. Asylum seekers who have been refused temporary admission to stay during the asylum procedure only have access to secondary healthcare if they have been settled in France for more than three months.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Failed asylum seekers</b>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>Yes.</i>	<i>Yes, if they have been settled in France for more than three months.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>Yes.</i>	<i>Yes, if they have been settled in France for more than three months.</i>	<i>Not applicable in France.</i>	<i>Yes.</i>

**GERMANY**

	<b>Entitlement to unemployment benefits?</b>	<b>Entitlement to in-work benefits?</b>  Please include details of support to those with disabilities.	<b>Entitlement to child benefits?</b>  Question presumes the child is not a national of your country	<b>Entitlement to social housing?</b>	<b>Free access to primary healthcare and accident and emergency (A&amp;E)?</b>	<b>Free access to secondary healthcare?</b>	<b>Entitlement to support for destitute migrants who may not otherwise qualify for benefits?</b>	<b>Free access to compulsory education for children?</b>
<b>EEA national exercising Treaty rights</b>  (Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)	<i>Yes.</i> <i>No for students.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>
<b>EEA national not exercising Treaty rights</b>  (EEA nationals who are destitute or not economically active)	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>
<b>Non-EEA family members of EEA nationals</b>	<i>Yes..</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>

<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes, unless exempt from the application of the housing benefit law as a result of a bilateral agreement.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>
<b>Non-EEA students (time limited leave)</b>	<i>No.</i>	<i>Yes.</i>	<i>No.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>
<b>Non-EEA workers (time limited leave)</b>  <b>On the assumption that seasonal workers and contract workwers are meant</b>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>No.</i>
<b>Non-EEA family members (time limited leave)</b> <b>On the assumption that the families of seasonal workers and contract workers are meant</b>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>No.</i>
<b>Non-EEA refugees and humanitarian protection</b>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>

<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>
<b>Non-EEA visitors</b>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>No (own travel insurance cover required as a condition for allowing entry)</i>	<i>No (own travel insurance cover required as a condition for allowing entry)</i>	<i>Yes, in case of acute emergency</i>	<i>No.</i>
<b>Non-EEA asylum seekers</b>	<i>No.</i>	<i>No..</i>	<i>No.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>
<b>Failed asylum seekers</b>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>No.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>	<i>Yes.</i>

Explanatory remarks concerning the table:

The receipt of benefits is dependent upon the particular residence permit issued in each individual instance; in addition, irrespective of the requirements relating to the right of residence and/or to the right to freedom of movement, certain specific requirements relating to the respective type of benefit must be met.

- Support for unemployed persons takes the form of a contribution-based unemployment benefit.
- Persons who are of working age and available for employment in the job market, but who are not entitled to unemployment benefit or have ceased to be so entitled, will receive a non-contribution-based basic security benefit for jobseekers, to help them integrate themselves into the job market. In the case of the severely handicapped, the Gesetz zur Sicherung der Eingliederung Schwerbehinderter in Arbeit, Beruf und Gesellschaft (Schwerbehindertengesetz)<sup>8</sup> also applies.
- Aliens who are not nationals of the EU, the EEA or Switzerland will receive child benefit in respect of their children if they are in possession of indefinite residence permit or, in certain instances, in possession of other residence permits, or if they are counted as employees on the basis of inter-governmental agreements (agreements of this kind are in place with Algeria, Bosnia and Herzegovina, Kosovo, Morocco, Serbia, Montenegro, Tunisia and Turkey).
- Our answers are made on the basis of entitlement to the receipt of financial benefits (as a rent subsidy) in accordance with the Wohngeldgesetz<sup>9</sup>. The decision concerning any entitlement to lease social housing will be made at a local community level.
- As a matter of principle, the German healthcare system does not recognise any gradations in terms of entitlement to healthcare. All medical measures that may be necessary will be provided in all cases. In the case of claims for medical services made, on the basis of the Asylbewerberleistungsgesetz<sup>10</sup>, by asylum applicants, persons who are

<sup>8</sup> = Act to Ensure the Integration of Severely Handicapped Persons into the Workplace, Professional Life and Society (German Disabilities Act)

<sup>9</sup> = German Housing Allowance Act

under an obligation to depart from the country and persons whose stay is only temporary, there is an explicit restriction to such medical measures as are necessary. The same applies in respect of the receipt of social security in the event that the sole purpose of the subject's entry into Germany has been to obtain medical treatment.

- Destitute persons will receive support to the extent necessary through the granting of social security in accordance with the Twelfth Book of the Sozialgesetzbuch<sup>11</sup>. Asylum applicants, persons who are under an obligation to depart from the country and persons whose stay is only temporary will receive provisions, essential everyday necessities, housing and medical aid to an extent comparable to that granted under the Asylbewerberleistungsgesetz.
- The school system falls under the jurisdiction of the individual German Federal States. There is, as a matter of principle, a general obligation to attend school from the age of six and, in most cases, to remain in school for nine years.

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<sup>10</sup> = German Asylum Seekers Benefits Act

<sup>11</sup> = German Social Security Code

## HUNGARY

HUNGARY	Entitlement to unemployment benefits?	Entitlement to in-work benefits?  Please include details of support to those with disabilities.	Entitlement to child benefits?  Question presumes the child is not a national of your country	Entitlement to social housing?	Free access to primary healthcare and accident and emergency (A&E)?	Free access to secondary healthcare?	Entitlement to support for destitute migrants who may not otherwise qualify for benefits?	Free access to compulsory education for children?  <i>In Hungary compulsory education is from ages 5-16. Children are obliged to attend nursery school from age 3. The State supports young people until the completion of their first vocational training (usually until the age of 18).</i>
<p><b>EEA national exercising Treaty rights</b></p> <p><b>(Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)</b></p>	<p><i>Yes – Jobseekers (workers, self employed persons) subject to meeting qualification criteria.</i></p> <p><i>No- Full-time students are not eligible.</i></p> <p><i>There is no special category for self-sufficient persons.</i></p> <p><i>Temporarily unemployed person: System for partial unemployment does not exist in Hungary, but temporarily unemployed person can receive unemployment benefit.</i></p>	<p><i>In case of home maintenance support: yes</i></p>	<p><i>Yes</i></p>	<p><i>Since the change of regime in Hungary the number of social houses is very low, the private ownership is general in the country. Local municipalities that are responsible for their social houses are not obliged to support any type of migrants with housing. The few social houses are available on social basis, low income status or in case of vis major (e.g. house fire) for Hungarian citizens or for refugees who have the same access to social services like Hungarian citizens.</i></p>	<p><i>Yes.</i></p>	<p><i>Yes.</i></p>	<p><i>Yes</i></p>	<p><i>Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.</i></p>

<p><b>EEA national not exercising Treaty rights</b></p> <p><b>(EEA nationals who are destitute or not economically active)</b></p>	<p><i>Yes, if they meet the criteria.</i></p> <p><i>According to Hungarian law they have to be able to and available for full time work and have to actively seeking employment.</i></p>	<p><i>In case of home maintenance support: yes</i></p>	<p><i>Yes</i></p>	<p><i>N/A</i></p>	<p><i>Primary healthcare:</i></p> <p><i>Yes, if they have EHIC or other documents, or if they are lawfully resident in Hungary.</i></p> <p><i>Note that in some cases inactive persons are required to pay HUF 6660 per month to have full access to health care services.</i></p> <p><i>Accident and emergency care is never withheld, but EHIC or other document may be required or it may be charged.</i></p>	<p><i>Secondary healthcare:</i></p> <p><i>Yes, if they have S2 or other documents, or if they are lawfully resident in Hungary.</i></p> <p><i>Note that in some cases inactive persons are required to pay HUF 6660 per month to have full access to health care services.</i></p> <p><i>Immediately necessary secondary care is never withheld, but EHIC or other document may be required or it may be charged.</i></p>	<p><i>Yes, in case they do not become unreasonable burden to the social assistance system.</i></p>	<p><i>Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.</i></p>
<p><b>Non-EEA family members of EEA nationals</b></p>	<p><i>Entitlement is the same as for EEA national family member.</i></p>	<p><i>In case of home maintenance support: yes</i></p>	<p><i>Yes</i></p>	<p><i>N/A</i></p>	<p><i>The same as inactive EEA nationals.</i></p>	<p><i>The same as inactive EEA nationals.</i></p>	<p><i>Yes, in case they do not become unreasonable burden to the social assistance system.</i></p>	<p><i>Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.</i></p>
<p><b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b></p>	<p><i>Yes, it is possible. Entitlement depends on the concrete bilateral agreement. As a main rule third country nationals will be entitled to unemployment benefit in their country of nationality.</i></p>	<p><i>In case of home maintenance support: no</i></p>	<p><i>Not significant</i></p>	<p><i>N/A</i></p>	<p><i>Yes.</i></p> <p><i>Bilateral agreements are usually applied to economically active insured persons.</i></p>	<p><i>Yes.</i></p> <p><i>Bilateral agreements are usually applied to economically active insured persons.</i></p>	<p><i>No</i></p>	<p><i>N/A</i></p>
<p><b>Non-EEA national with permanent residence/ indefinite leave to remain</b></p>	<p><i>Yes, they are subject to meeting qualification criteria.</i></p>	<p><i>In case of home maintenance support: yes</i></p>	<p><i>Yes</i></p>	<p><i>N/A</i></p>	<p><i>Yes.</i></p> <p><i>Note that in some cases inactive persons are required to pay HUF 6660 per month to have</i></p>	<p><i>Yes.</i></p> <p><i>Note that in some cases inactive persons are required to pay HUF 6660 per</i></p>	<p><i>Yes</i></p>	<p><i>Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.</i></p>

					full access to health care services.	month to have full access to health care services.			
<b>Non-EEA students (time limited leave)</b>	No	In case of home maintenance support: no	Entitlement is limited to maternity grant (anyasági támogatás), provided, that during her pregnancy the mother took part in at least four prenatal examination (or one in case of premature birth) in Hungary.	N/A	No.  Non-EEA students can enter into agreement with the National Health Service for a fee amounting to 50 % of the minimum wage to have access to the health care services.	No.  Non-EEA students can enter into agreement with the National Health Service for a fee amounting to 50 % of the minimum wage to have access to the health care services.	Citizens of the members of the European Social Charter are entitled to temporary assistance (átmeneti segély), shelter and meal, if the lack of these endangers the person's life. Citizens of the members of the European Social Charter are entitled to irregular child protection allowance (rendkívüli gyermekvédelmi támogatás).	Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.	
<b>Non-EEA workers (time limited leave)</b>	No	In case of home maintenance support: no	There are two categories: EU Blue Card holders are entitled to all types of family benefits. In case of other categories of non-EEA workers entitlement is limited to maternity grant (anyasági támogatás), provided, that during her pregnancy the mother took part in at least four prenatal examination (or one in case of premature birth) in Hungary.	N/A	Yes.	Yes.	EU Blue Card holders are entitled to old-age allowance (időskorúak járadéka).  Citizens of the members of the European Social Charter are entitled to temporary assistance (átmeneti segély), shelter and meal, if the lack of these endangers the person's life. Citizens of the members of the European Social Charter are entitled to irregular child protection allowance (rendkívüli gyermekvédelmi támogatás).	N/A	
<b>Non-EEA family members (time limited leave)</b>	No	In case of home maintenance support: no	Entitlement is limited to maternity grant (anyasági támogatás), provided, that during her pregnancy the mother took part in at least four prenatal examination (or one in case of premature birth) in Hungary.	N/A	No.  Non-EEA family members can enter into agreement with the National Health Service for a fee amounting to 50 % of the minimum wage to have access to the health care services.	No.  Non-EEA family members can enter into agreement with the National Health Service for a fee amounting to 50 % of the minimum wage to have access to the health care services.	Citizens of the members of the European Social Charter are entitled to temporary assistance (átmeneti segély), shelter and meal, if the lack of these endangers the person's life. Citizens of the members of the European Social Charter are entitled to irregular child protection allowance (rendkívüli gyermekvédelmi támogatás).	Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.	

<b>Non-EEA refugees and humanitarian protection</b>	<i>Yes, they are subject to meeting qualification criteria. (If they are qualified as a refugee, a temporarily protected person, or a person under subsidiary protection)</i>	<i>In case of home maintenance support: yes</i>	<i>Yes</i>	<i>Theoretically Yes but based on the poor supply it is not common.</i>	<i>Yes. If they are lawfully resident in Hungary.</i>	<i>Yes. If they are lawfully resident in Hungary.</i>	<i>Yes</i>	<i>Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.</i>	
<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>Yes, they are subject to meeting qualification criteria. (If they are qualified as a refugee, a temporarily protected person, or a person under subsidiary protection)</i>	<i>In case of home maintenance support: no</i>	<i>No</i>	<i>N/A</i>	<i>No. These persons can enter into agreement with the National Health Service for a fee amounting to 50 % of the minimum wage to have access to the health care services.</i>	<i>No. These persons can enter into agreement with the National Health Service for a fee amounting to 50 % of the minimum wage to have access to the health care services.</i>	<i>No</i>	<i>Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.</i>	
<b>Non-EEA visitors</b>	<i>No</i>	<i>In case of home maintenance support: no</i>	<i>No</i>	<i>N/A</i>	<i>No.</i>	<i>No.</i>	<i>No</i>	<i>N/A</i>	
<b>Non-EEA asylum seekers</b>	<i>No</i>	<i>In case of home maintenance support: no</i>	<i>No</i>	<i>N/A</i>	<i>No. These persons can enter into agreement with the National Health Service for a fee amounting to 50 % of the minimum wage to have access to the health care services.</i>	<i>No. These persons can enter into agreement with the National Health Service for a fee amounting to 50 % of the minimum wage to have access to the health care services.</i>	<i>No</i>	<i>Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.</i>	
<b>Failed asylum seekers</b>	<i>No</i>	<i>In case of home maintenance support: no</i>	<i>No</i>	<i>N/A</i>	<i>No.</i>	<i>No.</i>	<i>No</i>	<i>Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.</i>	
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	<i>No</i>	<i>In case of home maintenance support: no</i>	<i>No</i>	<i>N/A</i>	<i>No.</i>	<i>No.</i>	<i>No</i>	<i>Yes, if the parents are authorized to stay in the country for more than 3 months and they are in employment. Otherwise tuition fees apply.</i>	



## ITALY

	<b>Entitlement to unemployment benefits?</b>	<b>Entitlement to in-work benefits?</b>	<b>Entitlement to child benefits?</b>	<b>Entitlement to social housing?</b>	<b>Free access to primary healthcare and accident and emergency (A&amp;E)?</b>	<b>Free access to secondary healthcare?</b>	<b>Entitlement to support for destitute migrants who may not otherwise qualify for benefits?</b>	<b>Free access to compulsory education for children?</b>
	<p>No distinction is made between EU and non-EU nationals qualifying for unemployment benefits.</p> <p>Seasonal workers are not included.</p>	<p>No distinction is made between EU and non-EU nationals qualifying for unemployment benefits.</p> <p>Concerning non-EU nationals, disabilities benefits are linked to the possession of EC long-term residence status, although case-law foresees this possibility also for holders of stay permits longer than 2 years.</p>	<p><b>Question presumes the child is not a national of your country</b></p> <p>Applied to all non-nationals residing in Italy and to citizens of countries that have signed bilateral agreements with Italy.</p>	<p>Applied to EU nationals and TCNs residing in Italy and holding EC long-term residence status. Some Municipalities may require 2 years residence.</p>	<p>Envisaged for all non-nationals regularly present.</p> <p>Irregular migrants are required to apply for the so-called "STP card" for "temporary present aliens".</p>	<p>Envisaged for all EU and non-EU residents and, for urgent matters, also for non residents.</p>	<p>Support is only envisaged for over 65 nationals, EU nationals and TCNs holding EC long-term residence status. This kind of support is called "assegno sociale".</p>	<p>Yes, for all categories. Compulsory education in Italy is up to 16 years.</p>
<p><b>EEA national exercising Treaty rights</b></p> <p><b>(Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)</b></p>	<p><i>Yes. Subject to meeting qualification criteria.</i></p>	<p><i>Yes. Subject to meeting qualification criteria.</i></p>	<p><i>Yes. Subject to meeting qualification criteria.</i></p>	<p><i>Yes –residents subject to meeting qualification criteria (some Municipalities may require 2 years residence)</i></p>	<p><i>Yes</i></p>	<p><i>Yes</i></p>	<p><i>See above</i></p>	<p><i>Yes</i></p>
<p><b>EEA national not exercising Treaty rights</b></p> <p><b>(EEA nationals)</b></p>	<p><i>Yes. Subject to meeting qualification criteria.</i></p>	<p><i>Yes. Subject to meeting qualification criteria.</i></p>	<p><i>Yes. Subject to meeting qualification criteria.</i></p>	<p><i>Yes –residents subject to meeting qualification criteria (some Municipalities may</i></p>	<p><i>Yes</i></p>	<p><i>Yes</i></p>	<p><i>See above</i></p>	<p><i>Yes</i></p>

<b>who are destitute or not economically active)</b>				<i>require 2 years residence)</i>				
<b>Non-EEA family members of EEA nationals</b>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes –residents subject to meeting qualification criteria (some Municipalities may require 2 years residence)</i>	<i>Yes</i>	<i>Yes</i>	<i>See above</i>	<i>Yes</i>
<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes, subject to meeting qualification criteria.</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes –residents subject to meeting qualification criteria (some Municipalities may require 2 years residence)</i>	<i>Yes</i>	<i>Yes</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes, subject to subject to meeting qualification criteria.</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes –residents subject to meeting qualification criteria (some Municipalities may require 2 years residence)</i>	<i>Yes</i>	<i>Yes</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA students (time limited leave)</b>	<i>No.</i>	<i>No</i>	<i>No.</i>	<i>No</i>	<i>Yes</i>	<i>Free access to secondary care for more urgent matters</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA workers (time limited leave)</b>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>No. But nationals of third countries with an EU Association Agreement providing equal treatment in field of social security who are lawfully working may have access to child benefit, subject to qualifying criteria.</i>	<i>Yes –residents subject to meeting qualification criteria (some Municipalities may require 2 years residence)</i>	<i>Yes</i>	<i>Free access to secondary care for more urgent matters</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA family members (time limited leave)</b>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes –residents subject to meeting qualification criteria (some Municipalities may require 2 years</i>	<i>Yes</i>	<i>Free access to secondary care for more urgent matters</i>	<i>See above</i>	<i>Yes</i>

				residence)				
<b>Non-EEA refugees and humanitarian protection</b>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes –residents subject to meeting qualification criteria (some Municipalities may require 2 years residence)</i>	<i>Yes</i>	<i>Yes</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>See above</i>	<i>N/A</i>
<b>Non-EEA visitors</b>	<i>No</i>	<i>No</i>	<i>No.</i>	<i>No</i>	<i>Yes</i>	<i>Free access to secondary care for more urgent matters</i>	<i>See above</i>	<i>Yes.</i>
<b>Non-EEA asylum seekers</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Yes</i>	<i>Yes</i>	<i>See above</i>	<i>Yes</i>
<b>Failed asylum seekers</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Free primary care and A&amp;E until admitted to hospital.</i>	<i>Yes</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Yes upon acquisition of the so called “STP card” for temporary present aliens</i>	<i>No</i>	<i>See above</i>	<i>Yes</i>

**LATVIA**

	<b>Entitlement to unemployment benefits?</b>	<b>Entitlement to in-work benefits?</b>  <b>Plases include details of support to those with disabilities.</b>	<b>Entitlement to child benefits?</b>  <b>Question presumes the child is not a national of your country</b>	<b>Entitlement to social housing?</b>	<b>Free access to primary healthcare and accident and emergency (A&amp;E)?</b>	<b>Free access to secondary healthcare?</b>  <i>Immediately necessary secondary care is never withheld, but may be charge</i>	<b>Entitlement to support for destitute migrants who may not otherwise qualify for benefits?</b>  <i>In the UK this support is provided by Local Authorities – see <a href="http://www.nrpfnetwork.org.uk">www.nrpfnetwork.org.uk</a></i>	<b>Free access to compulsory education for children?</b>  <i>In the UK compulsory education is from ages 5-16</i>
<p><b>EEA national exercising Treaty rights</b></p> <p><b>(Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)</b></p>	<p><i>Yes - Jobseekers and permanent residents (subject to meeting qualification criteria.)</i></p> <p><i>No- Students and self-sufficient persons are not eligible.</i></p>	<p><i>Yes - workers and permanent residents</i></p> <p><i>Self employed may be able to claim some benefits</i></p> <p><i>No – self-sufficient and students</i></p>	<p><i>Yes. Subject to meeting qualification criteria.</i></p>	<p><i>Yes – permanent residents, employed and self-employed. (subject to meeting qualification criteria.)</i></p> <p><i>No - students and self-sufficient persons are not entitled to social housing</i></p>	<p><i>Free access to primary care and A&amp;E care (until admitted to hospital).</i></p> <p>LV – Access to health care system in Latvia is allowed if status of the person corresponds to one established by the Article 17<sup>th</sup> of Health Treatment Law (Ārstniecības likums):</p> <ol style="list-style-type: none"> <li>1) Latvian citizens;</li> <li>2) Latvian non-citizens;</li> <li>3) citizens of European Union (EU), European Economic Area (EEA) and Switzerland who are residing in Latvia due to employment or self-employment, as well as their family members;</li> <li>4) foreigners who have permanent residence in Latvia;</li> <li>5) refugees and persons with subsidiary</li> </ol>	<p><i>Free access to secondary care if settled in the UK</i></p> <p><i>Free access for students if on a full time course of 6 months or more or a full time course substantially funded by UK Government</i></p> <p>LV – Access to health care system in Latvia is allowed if status of the person corresponds to one established by the Article 17<sup>th</sup> of Health Treatment Law (Ārstniecības likums):</p> <ol style="list-style-type: none"> <li>1) Latvian citizens;</li> <li>2) Latvian non-citizens;</li> <li>3) citizens of European Union (EU), European Economic Area (EEA) and Switzerland who are residing in Latvia due to employment or self-employment, as well as their family</li> </ol>	<p><i>EEA nationals can only be provided with assistance if it was assessed that the withholding or withdrawing of support would constitute a breach of the individual's or family's human rights or Community Treaty rights.</i></p>	<p><i>Yes</i></p>

				<p>status;</p> <p>6) detained, arrested and convicted persons who are deprived of their liberty.</p> <p>If status of person corresponds to one of the mentioned above, the rights to access are equal (emergency care, primary care and secondary care).</p> <p>In accordance to the part four of Article 17<sup>th</sup> of Health Treatment Law, minor children of the persons corresponding to one of the status above mentioned have rights to receive health care services free of charge that are paid from the state budget and funds of users of health care services.</p> <p>Spouses of Latvian citizens and non-citizens with temporary residence in Latvia, have rights to receive pregnancy care and birth assistance free of charge, paid from the state budget and funds of users of health care services, in accordance to the terms defined by the legislation.</p> <p>Also, if person holds</p>	<p>members;</p> <p>4) foreigners who have permanent residence in Latvia;</p> <p>5) refugees and persons with subsidiary status;</p> <p>6) detained, arrested and convicted persons who are deprived of their liberty.</p> <p>If status of person corresponds to one of the mentioned above, the rights to access are equal (emergency care, primary care and secondary care).</p> <p>In accordance to the part four of Article 17<sup>th</sup> of Health Treatment Law, minor children of the persons corresponding to one of the status above mentioned have rights to receive health care services free of charge that are paid from the state budget and funds of users of health care services.</p> <p>Spouses of Latvian citizens and non-citizens with temporary residence in Latvia, have rights to receive pregnancy care and birth assistance free of charge, paid from the</p>		
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					<p>European health insurance card obtained in another country of EU, EEA or Switzerland, it provides the access to health care services of the same extent as for the socially insured residents of the country</p> <p>The rest of the persons receiving health care services will be charged.</p>	<p>state budget and funds of users of health care services, in accordance to the terms defined by the legislation.</p> <p>If secondary health care is considered emergency/ necessary care, person holding European health insurance card obtained in another country of EU, EEA or Switzerland, will be given the access to health care services of the same extent as for the socially insured residents of the country.</p> <p>The rest of the persons receiving health care services will be charged.</p>		
<p><b>EEA national not exercising Treaty rights</b></p> <p><b>(EEA nationals who are destitute or not economically active)</b></p>	<p><i>Generally no. But may be entitled to some contribution based benefit.</i></p>	<p>No</p>	<p>No</p>	<p>No</p>	<p><i>Free access to primary care and A&amp;E care (until admitted to hospital).</i></p> <p>See above.</p>	<p><i>Free access to secondary care if settled in the UK or if temporarily visiting and hold a European Health Insurance Card.</i></p> <p>See above.</p>	<p>As above.</p>	<p>Yes</p>
<p><b>Non-EEA family members of EEA nationals</b></p>	<p><i>Entitlement is the same as for EEA national family member that is exercising treaty right.</i></p>	<p><i>Entitlement is the same as for EEA national family member that is exercising treaty right</i></p>	<p><i>Yes, subject to qualifying criteria set out above.</i></p>	<p><i>Perhaps. If meet qualifying criteria.</i></p>	<p><i>Free access to primary care and A&amp;E until admitted to hospital.</i></p> <p>See above.</p>	<p><i>Free access to secondary care if settled in UK</i></p> <p>See above.</p>	<p>See above</p>	<p>Yes</p>

<p><b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b></p>	<p><i>Entitlement to some benefits, subject to meeting qualification criteria.</i></p>	<p><i>Yes, subject to meeting qualification criteria.</i></p>	<p><i>No. But nationals of Turkey who are lawfully working in UK may, by virtue of that country's Association Agreement with the EU, have access to child benefit, subject to qualifying criteria. Nationals of Croatia and former Yugoslav Republic of Macedonia may have access to child benefit by virtue of the bilateral UK/Yugoslavia social security agreement, again subject to qualifying criteria.</i></p>	<p><i>No</i></p>	<p><i>Yes</i> Latvia has agreement with Ukraine about the terms of social security. It states that both sides provide emergency health care in case of temporary residence. Also pensioners with permanent residence in the territory of partner country have right to receive the same health care services as the person socially insured of the respective country. Latvia has agreement with Russian Federation about the military pensioners of RF which guarantee to military pensioners with permanent residence in Latvia the access to health care services paid from the state's budget at the same extent and order as persons socially insured in Latvia.</p>	<p><i>Yes</i> Latvia has agreement with Ukraine about the terms of social security. It states that both parts provide emergency health care services in case of temporary residence, inclusive necessary secondary health care services. Also pensioners with permanent residence in the territory of partner country have right to receive the same health care services as the person socially insured of the respective country.</p>	<p><i>Yes, subject to assessment of eligibility for assistance.</i></p>	<p><i>Yes</i></p>
<p><b>Non-EEA national with permanent residence/ indefinite leave to remain</b></p>	<p><i>Yes, subject to subject to meeting qualification criteria.</i></p>	<p><i>Yes, subject to subject to meeting qualification criteria.</i></p>	<p><i>Yes, subject to qualifying criteria.</i></p>	<p><i>Yes, if they have been granted leave to enter or remain in the UK with recourse to public funds (unless they are subject to</i></p>	<p><i>Yes</i> <b>Yes</b></p>	<p><i>Yes</i> <b>Yes</b></p>	<p><i>Yes, subject to assessment of eligibility for assistance.</i></p>	<p><i>Yes</i></p>

				<i>a maintenance undertaking of 5 years).</i>				
<b>Non-EEA students (time limited leave)</b>	<i>No.</i>	<i>No</i>	<i>No.</i>	<i>No</i>	<p><i>Free access to primary care and A&amp;E care until admitted to hospital.</i></p> <p>See the answer to the first question. There are no another exceptions.</p>	<p><i>Free access to secondary care if full time course is more than 6 months or substantially funded by UK Government.</i></p> <p>See the answer to the first question. There are no another exceptions.</p>	<p><i>No, unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection).</i></p>	<p><b>a) Study for six months or less</b> - A child must attend a school or private education institution that meets the requirements of the immigration rules and is outside the maintained sector, unless the child is coming for a short exchange or educational visit.</p> <p><b>b) Study for more than six months-</b> If the child is less than 16 years old, he or she must produce proof of acceptance for a course of study at an independent fee-paying school outside the maintained sector or a bona fide private educational institution. If a child is found to be attending a maintained school other than for a short exchange or educational visit, they will infringe the conditions of their leave to enter and action could be taken against them by the United Kingdom Border Agency.</p>
<b>Non-EEA workers (time limited leave)</b>	<i>No</i>	<i>No.</i>	<i>No. But nationals of third countries with an EU Association Agreement providing equal treatment in field of social security –</i>	<i>No</i>	<p><i>Free access to primary care and A&amp;E until admitted to hospital.</i></p> <p>See the answer to the first question. There are</p>	<p><i>Yes if employed by UK-based employer.</i></p> <p>See the answer to the first question. There are no another</p>	<p><i>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons).</i></p>	<i>N/A</i>

			<i>Algeria, Morocco, San Marino, Tunisia and Turkey – who are lawfully working in the UK may have access to child benefit, subject to qualifying criteria.</i>		no other exceptions.	exceptions.		
<b>Non-EEA family members (time limited leave)</b>	<i>No</i>	<i>No</i>	<i>No (but member of a family of a non-EEA worker from third country with an EU Association Agreement may have access to child benefit, provided that family member is living with the worker, again subject to qualifying criteria.</i>	<i>Generally no. May be exceptional circumstances, if lived in UK for more than 5 years.</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>  <i>See the answer to the first question. There are no other exceptions.</i>	<i>Free access to secondary care if settled in UK</i>  <i>See the answer to the first question. There are no other exceptions.</i>	<i>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons).</i>	<i>Yes</i>
<b>Non-EEA refugees and humanitarian protection</b>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to qualifying criteria</i>	<i>Yes</i>	<i>Yes</i>  <i>See the answer to the first question.</i>	<i>Yes</i>  <i>Yes. See the answer to the first question.</i>	<i>Yes, subject to assessment of eligibility for assistance</i>	<i>Yes</i>
<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>Depends on the individual circumstances of the migrant.</i>	<i>Depends on the individual circumstances of the migrant.</i>	<i>Yes, subject to qualifying criteria set out above.</i>	<i>Yes</i>	<i>Yes</i>  <i>Yes. See the answer to the first question (if the questioned status is person with subsidiary status).</i>	<i>Yes if settled in UK</i>  <i>Yes. See the answer to the first question.</i>	<i>Yes, subject to assessment of eligibility for assistance</i>	<i>Yes</i>
<b>Non-EEA visitors</b>	<i>No</i>	<i>No</i>	<i>No.</i>	<i>No</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>  <i>See the answer to the first question. There are no other exceptions.</i>	<i>No free access to secondary care unless from specified country or other rare circumstances</i>  <i>See the answer to the first question. There are no other exceptions.</i>	<i>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons).</i>	<i>Yes. But visitors cannot bring children to the UK where the primary purpose of the child's visit is to receive free education.</i>
<b>Non-EEA asylum seekers</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No. But may receive</i>	<i>Yes.</i> <i>Yes. In accordance to terms No.1046 –</i>	<i>Yes</i> <i>Yes.</i>	<i>Yes, subject to assessment of eligibility for assistance. Destitute asylum seekers</i>	<i>Yes</i>

				<i>support via Asylum Support System</i>	asylum seekers also have right to access health care services paid from the state budget (budget of Ministry of Interior) See the answer to the first question.		<i>receive support from the UK Border Agency or, where there are community care needs from local authorities.</i>	
<b>Failed asylum seekers</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Free primary care and A&amp;E until admitted to hospital. Yes, if the person is foreigner detained in accordance to the order established in the Immigration Law.</i>	<i>Free secondary care only in restricted circumstances. Yes, if the person is foreigner detained in accordance to the order established in the Immigration Law.</i>	<i>Failed in-country asylum seekers - support can only be provided if the withholding or withdrawing of support would constitute a breach of human rights.</i>	<i>Yes</i>
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Free primary care and A&amp;E until admitted to hospital. Yes, if the person is foreigner detained in accordance to the order established in the Immigration Law.</i>	<i>No free secondary care unless detained under Immigration Acts or for infectious diseases. Yes, if the person is foreigner detained in accordance to the order established in the Immigration Law.</i>	<i>May depend on immigration status and / or nationality. If there are no immigration restrictions in place, standard assessment processes apply. If immigration restrictions apply (on account of being unlawfully present) support can only be provided if the withholding or withdrawing of support would constitute a breach of human rights.</i>	<i>Yes</i>

## LITHUANIA

	<b>Entitlement to unemployment benefits?</b>	<b>Entitlement to in-work benefits?</b>  <b>Plases include details of support to those with disabilities.</b>	<b>Entitlement to child benefits?</b>  <b>Question presumes the child is not a national of your country</b>	<b>Entitlement to social housing?</b>	<b>Free access to primary healthcare and accident and emergency (A&amp;E)?</b>	<b>Free access to secondary healthcare?</b>  <i>Immediately necessary secondary care is never withheld, but may be charge</i>	<b>Entitlement to support for destitute migrants who may not otherwise qualify for benefits?</b>  <i>In the UK this support is provided by Local Authorities – see <a href="http://www.nrpfnetwork.org.uk">www.nrpfnetwork.org.uk</a></i>	<b>Free access to compulsory education for children?</b>  <i>In the UK compulsory education is from ages 5-16</i>
<p><b>EEA national exercising Treaty rights</b></p> <p><b>(Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)</b></p>	In Lithuania, allocation and payment of unemployment social insurance benefits are regulated by the Law on Unemployment Social Insurance (Official Gazette, No 4-26, 2004). Unemployment insurance benefits are paid to workers enrolled in compulsory insurance schemes. These benefits are income-related. The insured persons registered as unemployed at a local labour exchange are entitled to unemployment insurance benefits, provided they meet other requirements set by legal acts.	Equal rights and social opportunities of the disabled and the principles of their social integration in Lithuania are regulated by the Law on Social Integration of the Disabled (Official Gazette, No 36-969, 1991) This Law applies to persons who permanently reside in the Republic of Lithuania; aliens residing in the Republic of Lithuania who have been issued a temporary residence permit for the purposes of highly-qualified employment in the Republic of Lithuania (Blue Card); other persons to whom the articles referred to in this Law apply under EU regulations on the coordination of social security systems.	Child benefits are granted in Lithuania under the Law of the Republic of Lithuania on Child Benefits (Official Gazette, No 89-1706, 1994) This Law applies to persons who permanently reside in the Republic of Lithuania and who, in accordance with the procedure laid down by laws, have been appointed guardians (curators) of a child who is a citizen of the Republic of Lithuania, and alien children who reside in the Republic of Lithuania and who, in accordance with the procedure laid down by laws, have been placed under guardianship (curatorship) in the Republic of Lithuania or the implementation	The right to municipal social housing is granted to persons (families) if they do not possess their own dwelling in the territory of the Republic of Lithuania or useful floor space of owned dwelling per family member is less than 10 square metres or is less than 14 square metres if a family includes a person who has been established a severe or moderate disability in accordance with the procedure laid down by the Law on Social Integration of the Disabled or for whom incapacity for work (who has lost 75-100 per cent of capacity for work) or partial incapacity for work (has lost 60-70 per cent of capacity for work)	The right to receive emergency care in Lithuania is regulated by the Law On Health System (State Gazette, 1994, N0. 63-1231). Emergency health care is guaranteed for all groups of foreigners.	The right to receive secondary medical care in Lithuania is regulated by the Law On Health insurance (State Gazette, 1996, N0. 55-1287). The right to medical care is guaranteed for foreigners who are unaccompanied minors, people under international protection or workers legally employed in Lithuania.	The Law on Cash Social Assistance for Low-Income Residents applies to persons whose data on the place of residence in the Republic of Lithuania (in the case of persons without the place of residence – the information about the municipality in which they are resident) are entered in the Residents’ Register of the Republic of Lithuania: 1) citizens of the Republic of Lithuania; 2) aliens holding a permit of a long-term resident of the Republic of Lithuania to reside in the European Community; 3) citizens of a Member State of the European Union and their family members who are issued, in the manner prescribed by legal acts, the documents confirming their right to reside in the Republic of Lithuania and who have been residing in the Republic of Lithuania for not less than three months. Family members of a citizen of a Member State of the European Union shall mean the person’s spouse or the person with whom a registered partnership has been contracted, his direct descendants who are under the age of 21 or are dependants, including direct descendants of the spouse or	The right to access compulsory education for children in Lithuania is regulated by the Law On Education (State Gazette, 1991, N0. 23-593). Compulsory education is provided free of charge to all children under the age of 16. Foreigners in possession of a valid temporary and permanent residence permit or EU citizen and their family members in possession of a certificate have the right to free compulsory education. Foreigners who do not have a valid residence permit/certificate are ineligible.
<p><b>EEA national not exercising Treaty rights</b></p> <p><b>(EEA nationals who are destitute or not economically active)</b></p>								
<p><b>Non-EEA family members of EEA nationals</b></p>								

<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>			of guardianship (curatorship) of whom has been taken over by a competent institution of the Republic of Lithuania; aliens who reside in the Republic of Lithuania and who have been issued a temporary residence permit for the purpose of highly qualified employment in the Republic of Lithuania; persons to whom legal acts of Lithuania apply under EU regulations on the coordination of social security systems.	has been recognised or who has reached the pensionable age and for whom the level of considerable special needs has been established or a person suffering from a severe form of a chronic disease entered on the list approved by the Government or an institution authorised by it and if the income and assets of the person (his family) for the calendar year preceding the year of application for entry on the respective list and the year of granting of social housing, are below the maximum amount of income and assets as specified by the Government.			person with whom the registered partnership has been contracted, who are under the age of 21 or those who are dependants, the dependent direct relatives in the ascending line of a citizen of a Member State of the European Union, of the spouse or of the person with whom the person has contracted a registered partnership; 4) aliens who have been granted subsidiary protection or temporary protection in the Republic of Lithuania, with the exception of those who during the integration period receive support from the funds designated for integration.	
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>								
<b>Non-EEA students (time limited leave)</b>								
<b>Non-EEA workers (time limited leave)</b>								
<b>Non-EEA family members (time limited leave)</b>								
<b>Non-EEA refugees and humanitarian protection</b>								
<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>								
<b>Non-EEA visitors</b>								
<b>Non-EEA asylum seekers</b>								
<b>Failed asylum seekers</b>								

Article 5 of the Law on Social Services stipulates:  
The following persons shall be entitled to social services:

- 1) citizens of the Republic of Lithuania;
- 2) aliens, including stateless persons, holding a permanent or temporary residence permit in the Republic of Lithuania;
- 3) other persons in the cases provided for in international treaties of the Republic of Lithuania.

**Non-EEA  
immigration  
offenders (e.g.  
illegal entrants  
and  
overstayers).**

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## LUXEMBOURG

	Entitlement to unemployment benefits? (1)	Entitlement to in-work benefits? (2)  Please include details of support to those with disabilities.	Entitlement to child benefits? (3)  Question presumes the child is not a national of your country	Entitlement to social housing? (4)	Free access to primary healthcare and accident and emergency (A&E)? (5)	Free access to secondary healthcare? (5)  <i>Immediately necessary secondary care is never withheld, but may be charge</i>	Entitlement to support for destitute migrants who may not otherwise qualify for benefits? (6)  <i>Social aid RMG (Minimum guaranteed revenue)</i>	Free access to compulsory education for children? (7)
<b>EEA national exercising Treaty rights</b>  (Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)	<i>See note 1</i>	<i>See note 2</i>	<i>See note 3</i>	<i>See note 4</i>	<i>See note 5</i>  <i>Yes for vital emergency</i>	<i>See note 5</i>	<i>See note 6</i>	<i>Yes</i>
<b>EEA national not exercising Treaty rights</b>  (EEA nationals who are destitute or not economically active)	<i>See note 1</i>	<i>See note 2</i>	<i>See note 3</i>	<i>See note 4</i>	<i>See note 5</i> <i>Yes for vital emergency</i>	<i>See note 5</i>	<i>See note 6</i>	<i>Yes</i>
<b>Non-EEA family members of EEA nationals</b>	<i>See note 1</i>	<i>See note 2</i>	<i>See note 3</i>	<i>See note 4</i>	<i>See note 5</i> <i>Yes for vital emergency</i>	<i>See note 5</i>	<i>See note 6</i>	<i>yes</i>

<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>	<i>See note 1</i>	<i>See note 2</i>	<i>See note 3</i>	<i>See note 4</i>	<i>See note 5</i> Yes for vital emergency	<i>See note 5</i>	<i>See note 6</i>	Yes
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>	<i>See note 1</i>	<i>See note 2</i>	<i>See note 3</i>	<i>See note 4</i>	<i>See note 5</i> Yes for vital emergency	<i>See note 5</i>	<i>See note 6</i>	Yes
<b>Non-EEA students (time limited leave)</b>	No	No	<i>See note 3</i>	<i>See note 4</i>	<i>See note 5</i> A TCN student has to be covered by a health insurance  Yes for vital emergency	<i>See note 5</i>	<i>See note 6</i>	Yes
<b>Non-EEA workers (time limited leave)</b>	<i>See note 1</i>	<i>See note 2</i>	<i>See note 3</i>	<i>See note 4</i>	<i>See note 5</i> Yes for vital emergency	<i>See note 5</i>	<i>See note 6</i>	Yes
<b>Non-EEA family members (time limited leave)</b>	<i>See note 1</i>	<i>See note 2</i>	<i>See note 3</i>	<i>See note 4</i>	<i>See note 5</i> Yes for vital emergency	<i>See note 5</i>	<i>See note 6</i>	Yes
<b>Non-EEA refugees and humanitarian protection</b>	<i>See note 1</i>	<i>See note 2</i>	<i>See note 3</i>	<i>See note 4</i>	<i>See note 5</i> Yes for vital emergency	<i>See note 5</i>	<i>See note 6</i>	Yes
<b>Non-EEA (8) nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>See note 8</i> No for: -delay of order to leave the territory -suspension of an order to leave the territory -« private reasons » residence permit which is only granted for “temporary residence”	<i>See note 2</i>	<i>See note 3</i> No for: -delay of order to leave the territory -Suspension to leave the territory	<i>See note 4</i>	<i>See note 5</i> Yes for vital emergency	<i>See note 5</i>	<i>See note 6</i>  The beneficiaries of a measure to delay the order to leave the territory or of a temporary suspension to leave the territory can benefit of a humanitarian aid in accordance with article 27 of the Law of 18 December 2009 organizing social aid.	Yes
<b>Non-EEA visitors</b>	No	No	No	<i>See note 4</i>	Yes for vital emergency		<i>See note 6</i>	
<b>Non-EEA asylum seekers</b>	No	No	No: social aid offered by the Luxembourg Reception and	Housing is organised by OLAI	Maternity and sickness insurance is based on the	Maternity and sickness insurance is based on the	No. Specific social aid offered by the Luxembourg Reception and Integration Agency (OLAI)	Yes

			<i>Integration Agency (OLAI)</i>		<i>voluntary insurance system. The OLAI takes charge of the monthly payments related to the voluntary insurance during all the duration of the procedure. The right to benefiting of the medical services it is possible after three months after filing the application at the Social Security Common Centre. During these three months the medical services required by the applicant will be cover by OLAI only if they are considered as vital medical emergency.</i>  <i>Yes for vital emergency</i>	<i>voluntary insurance system. The OLAI takes charge of the monthly payments related to the voluntary insurance during all the duration of the procedure. The right to benefiting of the medical services it is possible after three months after filing the application at the Social Security Common Centre. During these three months the medical services required by the applicant will be cover by OLAI only if they are considered as vital medical emergency.</i>		
<b>Failed asylum seekers</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>See note 4</i>	<i>Yes for vital emergency</i>		<i>See note 6</i>	<i>Yes</i>
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>See note 4</i>	<i>No</i> <i>Yes for vital emergency</i>	<i>No</i>	<i>See note 6</i>	<i>Yes</i>

In the following paragraphs we will be referring to the applicable national law. Nevertheless, we mention the fact that when considering social benefits you have to take into account the international regulations, especially regulation 883/2004 on coordination of the social security systems and in relation with the notion of social advantage. It is important to refer to regulation 1612/68 related to free movement of workers.

**(1)Entitlement to unemployment benefits**

Third country nationals who have a residence permit which allow them to register in the Agency for the development of employment (ADEM), have the right to benefit from unemployment benefits if they fulfill the general conditions for the right to be granted. One of the conditions is that the worker must have to be working under one or various contracts during at least 26 weeks (at least 16 hours per week) in the 12 months preceding its inscription as an unemployed person at the ADEM.

Les personnes ayant un titre de séjour (TCN) permettant l'inscription à l'Agence pour le Développement de l'Emploi ont droit au bénéfice des allocations de chômage si elles répondent aux conditions générales qui ouvrent le droit au bénéfice ; une de ces conditions étant que le salarié doit avoir été occupé par un ou plusieurs contrats de travail pendant 26 semaines au minimum (à raison de 16 heures au moins par semaine) au cours des 12 mois précédant son inscription comme demandeur d'emploi à l'ADEM

Any person looking for a job can be registered at the ADEM as an unemployed person if s/he is:

- a Luxembourgish national, EU national, EEA national or a Swiss national.
- family member as it is defined in article 12 of the Law of 29 August 2008 on free movement of persons and immigration
- third country nationals who have the status of a long term resident, or if they have a valid residence permit.

People who cannot register at the ADEM:

- international protection applicants;
- seasonal workers, or posted and transferred workers when the duration of their residence permit is formally limited.
- students and trainees.

It is important to mention that Luxembourg conditions the right to unemployment benefits to the accomplishment of a certain period of active work. Nevertheless, it will take into consideration periods of employment accomplished in another MS.

#### Entitlement to in-work benefits? (2)

These are some of the measures that the ADEM can grant the applicant. The opening of this right is not condition on the basis of nationality. It depends on the fact that the person has registered at the ADEM and benefit of an authorization of stay in the country.

### Job search assistance for benefit recipients

#### a. Reemployment aid :

The employment fund can grant a re-employment aid in case of a reclassification of the applicant in an employment which represents a lower level of remuneration than the one s/he previously had.

#### b. Contract to support employment (Contrat d'appui-emploi)

The objective of this type of contract is to offer the young job seeker (less than 30 years old) an initiation and/or a practical or theoretical training with the objective of increasing its competences and facilitate their integration or reintegration in the labour market.

One of the conditions for benefiting of this aid is to be registered for at least one month at the ADEM.

#### c. Aid for hiring elderly unemployed or long term unemployed

The employer who decides to hire an elderly or long term unemployed, can recuperate its social security contribution (not only the employers part but also the employee part) under certain conditions which vary in relation with the age of the applicant (See [http://www.adem.public.lu/demandeur/aides/embauche\\_duree/index.html](http://www.adem.public.lu/demandeur/aides/embauche_duree/index.html))

This benefit is granted accordingly to the duration of period during which the applicant has been registered at the ADEM.

### 2. Granting the handicapped worker status

According to the Law of 16 December 2011 on handicapped persons establishes that the handicapped worker status can be granted to:

- a Luxemburgish national, an EU national, an EEA national, a Swiss national, a recognized stateless person, a refugee and to any third country national who works in any company legally established in the Grand-Duchy of Luxembourg or who legally resides in the territory

All of them must be domiciled and effectively residing in the country and who must be available for an employment and must fulfill the conditions to exercise a professional activity in Luxembourg.

To be granted the status these persons must:

- have at least 30% of reduction in its work capacity;

- being recognized as able to exercise a wage-earner employment in the ordinary labour market or in a protected workplace

- have a stable medical condition (no long term sickness or does not have an invalidity procedure in due course). If there is no stable medical condition the status of handicapped worker can be granted on temporary basis.

Seen that the draft of the grand-ducal regulation is being drafted at the moment, it is not possible to enumerate with any certitude the different categories of persons who can be eligible.

The Director of the ADEM with the opinion of the Orientation and professional reclassification commission, fix the measures to be implemented for the integration and reintegration of handicapped workers.

The employer and the worker can benefit from different measures and aids (See :

[http://www.adem.public.lu/demandeur/servicehandicapes/qual\\_salarie\\_hand/mes\\_travhand/index.html](http://www.adem.public.lu/demandeur/servicehandicapes/qual_salarie_hand/mes_travhand/index.html)).

#### Entitlement to child benefits (3)

We limit ourselves to two types of benefits: family allowances and the « boni » for children.

- a) Family allowances are in principle reserve to any children residing effectively and continuously in Luxembourg and having its legal domicile in the Grand Duchy of Luxembourg. The right to family allowances can be granted on the basis that one of the parent exercises a professional activity in Luxembourg. The allowance is due a month after the birth of the child until s/he becomes 18 years old. Except for the first month, the conditions for granting the allowance must be fulfilled the first day of each month.  
Any person who is subject to Luxemburgish law has the right to family allowances for all the children who are considered as part of the household living abroad in accordance with the EU regulations.
- b) For any living child, who lives in the family household, or in case of legal separation or divorce in the household of one of its parents who assures the care and education of the child and who has right to the family allowances, will be granted a “child bonus” which is granted ex-officio as a tax reduction.

#### Entitlement to social housing? (4)

The actual regulation on attribution of social housing (letting) does not foresees an exhaustive criteria list to take into consideration neither a listing of priorities of these criteria. It is up to the public promoters (municipalities, la Société nationale des habitations à bon marché and the Fonds pour le développement du logement et de l'habitat) in the specific case taking into consideration all the particularities presented by the person.

Different criteria for the access to social housing are fixed by the Grand-ducal regulation of 18 March 2008 which modified grand-ducal regulation of 16 November 1998 on housing aid. Article 4 of the regulation established that households to have access to social housing cannot be owners nor have any property rights on housing and cannot benefit of a right of housing in another property. Also article 13 of the regulation

establishes that if the promoter is a municipality, the application of priority criteria can be reserved to households which have their domicile in the territory since at least three years, as well as households in which one of the members has a professional activity in its territory. Based on this article the Municipality of Luxembourg City applies its criteria.

The Fond pour le développement du logement et de l'habitat rents, under certain conditions, properties in all the territory to modest income households.

Complete applications that have been filed in due time are examined in the order they are filed and are subject to a social investigation in case it is required. The rent of this social housing is calculated in function with two parameters, household net annual income and the useful habitable surface of the rented property.

Free access to primary or secondary healthcare and accident and emergency (A&E)? (5)

Any person, independent of its status or nationality, can benefits of vital emergency care.

The medical care (primary, secondary healthcare) is granted from the first day of affiliation except in case of voluntary insurance in which case the three months period will apply.

Entitlement to support for destitute migrants who may not otherwise qualify for benefits? (6)

- (a) **The law of 18 December 2009 organising social aid which enter into force 1 January 2011 creates the right to social aid for people in need and their family. This aid allows these people to have a life with dignity. Any person residing in the Grand-Duchy of Luxembourg, in principle has the right to social aid. However, it excludes the following groups:**
- a. **Persons benefiting of international protection status and who benefits of special regime due to their status.**
  - b. **Persons who benefit from an authorization of stay that have being sponsored by a third party who is responsible for their needs,**
  - c. **The foreign pupil/student, who is granted an authorization of stay to do its studies or internship.**
  - d. **EU, EEA or Swiss national or a member of their family, independent of its nationality, during the first three months of residence in the Grand-Duchy of Luxembourg or during the period in which this person is looking for a job. This disposition is not applicable to salaried or non salaried workers or to persons who benefit from this status or to their family members independent of their nationality.**
  - e. **Persons in temporary residence in Luxembourg.**

**Whoever, article 27 of this law allows the competent authority to make a derogation in special circumstances (emergency aid for a short period of time) to persons who does not fulfill the eligibility conditions for granting social aid.**

- (b) The law on minimum guaranteed income (revenu minimum garanti – RMG) creates a right to public financial assistance in favor of people and households whose income does not reach a certain cap, considered as the vital minimum. The RMG is considered as an insertion aid or as a complementary allowance or in function of the composition of the household, a payment comprehending both. Its main objective is to fight social exclusion, assuring sufficient means for living and professional and social insertion measures.

To be eligible the applicant must fulfill the following conditions:

- a. Be at least 25 years old;
- b. Be domiciled in Luxembourg and reside effectively in the territory or benefit from a residence permit;
- c. Has a monthly income below the RMG cap established by law;
- d. Be willing to exhaust all the non-used possibilities to ameliorate its situation.
- e. In the case of a third country national who benefit of a residence permit and who is not a stateless person or a refugee, the person has to prove that s/he had resided in the territory at least 5 years in the last 20 years.

The family members of a EU, EEA or Swiss national who are third country nationals are not subject to this residence condition.

**Free access to compulsory education for children? (7)**

All children living in the Grand-Duchy of Luxembourg independent of their status (regular or irregular migrants) and who are at least 4 years old on 1 September of the school year are obliged to be schooled and must attend a class in the fundamental school (pre-primary and primary school) of the municipality in which s/he resides, except if the child is registered:

- In another school of the municipality of residence;
- In another school out of the municipality of residence;
- In a private school or in the European School
- In a school located abroad.

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**Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed (8).**

A) The law of 29 August 2008 on free movement of persons and immigration established two types of residence permits for third country nationals under these circumstances:

- a) Authorization of stay for private reasons. In this case it must fulfill the criteria of article 78 (1) a, b, and c of the Law<sup>12</sup>.

<sup>12</sup> Art. 78.

(1) A condition que leur présence ne constitue pas de menace pour l'ordre public, la santé ou la sécurité publiques et qu'ils disposent de la couverture d'une assurance maladie et d'un logement approprié, le ministre peut accorder une autorisation de séjour pour raisons privées:

a) au ressortissant de pays tiers qui rapporte la preuve qu'il peut vivre de ses seules ressources;

b) aux membres de la famille visés à l'article 76;

c) au ressortissant de pays tiers qui ne remplit pas les conditions du regroupement familial, mais dont les liens personnels ou familiaux, appréciés notamment au regard de leur intensité, de leur ancienneté et de leur stabilité, sont tels que le refus d'autoriser son séjour porterait à son droit au respect de sa vie privée et familiale une atteinte disproportionnée au regard des motifs de refus;

(2) Les personnes visées au paragraphe (1) qui précède doivent justifier disposer de ressources suffisantes telles que définies par règlement grand-ducal.

b) Authorization of stay for humanitarian reasons of an exceptional gravity. In this case the applicant must fulfill the conditions of article 78 (3) of the Law<sup>13</sup>.

In both cases the authorization is granted in a discretionary manner by the Ministry of Immigration. Article 79 of the Law establishes that the residence permit for private reasons will be issued for a maximum duration of three years and can be renewable if the conditions based on which it was granted still subsist. In the case of the article 78 (3) the law foresees the possibility of granting a salaried worker residence permit if the conditions of article 42 (1) 3 and 4 of the Law are met.

B) Delay to the order to leave the country: Article 125 bis of the Law of 29 August 2008 establishes that if a third country national who has an order to leave cannot leave because of reasons out of its control or that s/he cannot enter its country of origin can be granted by the Ministry of Immigration a temporary authorization to stay in the territory during a reasonable period of time and until the order to leave the country can be executed. In this case the person can be granted a humanitarian aid based on article 27 of the Law of 18 December 2009 organizing social aid<sup>14</sup>.

### C) Suspension of execution of the order to leave the country for medical reasons

According to article 130 of the Law of 29 August 2008<sup>15</sup>, except if there is a threat to national security or public order, an order to leave the country cannot be executed against the third country national if it is proven by a medical certificate that him/her needs urgent medical care seen its health condition and not doing so will generate consequences of exceptional seriousness and the person proves that s/he cannot receive the adequate medical treatment in the country to which the person is going to be expelled. This suspension can be granted for six months and can be extended up to 2 years maximum. After the expiration of the 2 years the person proves that his/her health condition has not improved, the Minister of Immigration, with the recommendation of a delegated physician, can grant a residence permit for medical reasons for the duration of the treatment or up to one year. It can be renewed after reexamination of the case<sup>16</sup>. In case the suspension is granted the person will be entitled to an attestation

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<sup>13</sup> Article 78

(3) A condition que leur présence ne constitue pas de menace pour l'ordre public, la santé ou la sécurité publiques, le ministre peut accorder une autorisation de séjour pour des motifs humanitaires d'une exceptionnelle gravité au ressortissant de pays tiers. La demande est irrecevable si elle se base sur des motifs invoqués au cours d'une demande antérieure qui a été rejetée par le ministre. En cas d'octroi d'une autorisation de séjour telle que visée ci-dessus, une décision de retour prise antérieurement est annulée.»

<sup>14</sup> «Art. 125bis.

(1) Si l'étranger justifie être dans l'impossibilité de quitter le territoire pour des raisons indépendantes de sa volonté ou s'il ne peut ni regagner son pays d'origine, ni se rendre dans aucun autre pays conformément à l'article 129, le ministre peut reporter l'éloignement de l'étranger pour une durée déterminée selon les circonstances propres à chaque cas et jusqu'à ce qu'existe une perspective raisonnable d'exécution de son obligation. L'étranger peut se maintenir provisoirement sur le territoire, sans y être autorisé à séjourner. La décision de report de l'éloignement peut être assortie d'une assignation à résidence dans les conditions de l'article 125, paragraphe (1).

(2) Au cours de la période pendant laquelle l'éloignement a été reporté, l'étranger bénéficie d'un secours humanitaire tel que défini à l'article 27 de la loi du 18 décembre 2009 organisant l'aide sociale. Les mineurs d'âge ont accès au système éducatif de base en fonction de la durée de leur séjour. L'unité familiale avec les membres de la famille présents sur le territoire est maintenue dans la mesure du possible. Les besoins spécifiques des personnes vulnérables, à savoir les mineurs, les mineurs non accompagnés, les personnes handicapées, les personnes enceintes, les parents isolés accompagnés d'enfants mineurs et les personnes qui ont été victimes de torture, de viol ou d'une autre forme grave de violence psychologique, physique ou sexuelle, sont pris en compte.

(3) Le ministre peut accorder au bénéficiaire de la décision de report qui le demande, une autorisation d'occupation temporaire pour la durée du report de l'éloignement. L'octroi de l'autorisation d'occupation temporaire est soumis aux conditions de l'article 42. L'autorisation d'occupation temporaire est valable pour un employeur déterminé et pour une seule profession. Elle est retirée lorsque son bénéficiaire travaille auprès d'un employeur ou dans une profession autres que ceux prévus dans son autorisation ou lorsque son bénéficiaire a eu recours, dans une intention frauduleuse, à des pratiques malhonnêtes ou à des déclarations inexacts pour l'obtenir.»

<sup>15</sup> Art. 130.

Sous réserve qu'il ne constitue pas une menace pour l'ordre public ou la sécurité publique, l'étranger ne peut être éloigné du territoire s'il établit au moyen de certificats médicaux que son état de santé nécessite une prise en charge médicale dont le défaut entraînerait pour lui des conséquences d'une exceptionnelle gravité, et s'il rapporte la preuve qu'il ne peut effectivement bénéficier d'un traitement approprié dans le pays vers lequel il est susceptible d'être éloigné.

<sup>16</sup> Art. 131.

which allows him to stay in the country. The beneficiary can be granted to receive a humanitarian aid in accordance with article 27 of the Law of 18 December 2009 and the Ministry can grant the person a temporary occupation authorization for a maximum period of six months which is renewable for the same period if the person fulfills the conditions of article 42 of the Law of 29 August 2008. This authorization is valid only for one employer and for one profession<sup>17</sup>.

### **Additional questions :**

1. The services offered by the Luxembourg social security system are financed through the insurance monthly payments. The unemployment benefits are financed through taxation. The social aid benefits (RMG, social aid) are not based on contribution (premiums) payments.

2. Luxembourg has a National Minimum Wage. There is a National Minimum Wage for qualified workers aged 18 years and older (13,000€hour) and for non-qualified workers. The amount/hour of a non-qualified worker varies in relation with age:

a) 18 years and older: 10,833€hour (100%)

b) people aged between 17 and 18 years old : 8,666€hour (80%)

c= people aged between 15 and 17 years old : 8,125€hour (75%)

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(1) L'étranger qui satisfait aux conditions énoncées à l'article 130 peut obtenir un sursis à l'éloignement pour une durée maximale de six mois. Ce sursis est renouvelable, sans pouvoir dépasser la durée de deux ans.

(2) Si, à l'expiration du délai de deux ans visé au paragraphe (1) qui précède, l'étranger rapporte la preuve que son état tel que décrit à l'article 130 persiste, il peut obtenir une autorisation de séjour pour raisons médicales pour la durée du traitement, sans que cette durée ne puisse dépasser un an. Le cas échéant cette autorisation peut être renouvelée, après réexamen de sa situation.

(3) Les décisions visées aux paragraphes (1) et (2) qui précèdent, sont prises par le ministre, sur avis motivé du médecin délégué visé à l'article 28, selon les modalités à déterminer par règlement grand-ducal. Le médecin délégué procède aux examens qu'il juge utiles. L'avis du médecin délégué porte sur la nécessité d'une prise en charge médicale, les conséquences d'une exceptionnelle gravité et la possibilité de bénéficier d'un traitement approprié dans le pays vers lequel l'étranger est susceptible d'être éloigné.

(4) Le ministre peut, le cas échéant, étendre le bénéfice des mesures prévues aux paragraphes (1) et (2) qui précèdent, aux membres de la famille qui accompagnent l'étranger et qui sont également susceptibles d'être éloignés du territoire, pour une durée identique à celle accordée au bénéficiaire principal.

<sup>17</sup> Art. 132.

(1) Le bénéficiaire d'un sursis à l'éloignement visé à l'article 131, paragraphe (1) se voit délivrer une attestation sursis à l'éloignement qui lui permet de demeurer sur le territoire, sans y être autorisé à séjourner.

(2) L'attestation confère au bénéficiaire un secours humanitaire tel que défini à l'article 27 de la loi du 18 décembre 2009 organisant l'aide sociale.» Le ministre peut accorder au bénéficiaire qui le demande, une autorisation d'occupation temporaire pour une période maximale de six mois, renouvelable pour une durée identique qui ne peut cependant dépasser la durée du sursis à l'éloignement. L'octroi de l'autorisation d'occupation temporaire est soumis aux conditions de l'article 42. L'autorisation d'occupation temporaire est valable pour un employeur déterminé et pour une seule profession. Elle est retirée lorsque son bénéficiaire travaille auprès d'un employeur ou dans une profession autres que ceux prévus dans son autorisation ou lorsque son bénéficiaire a eu recours, dans une intention frauduleuse, à des pratiques malhonnêtes ou à des déclarations inexactes pour l'obtenir.

(3) Les bénéficiaires d'une autorisation de séjour pour raisons médicales se voient délivrer un titre de séjour temporaire, conformément à l'article 78.

## NORWAY

<p><b>NORWAY's response</b></p>	<p><b>Entitlement to unemployment benefits?</b></p>	<p><b>Entitlement to in-work benefits?</b></p> <p><b>Plases include details of support to those with disabilities.</b></p>	<p><b>Entitlement to child benefits?</b></p> <p><b>Question presumes the child is not a national of your country</b></p>	<p><b>Entitlement to social housing?</b></p> <p><i>In Norway subsidised housing may be provided by local authorities to those registered as residents who qualify</i></p>	<p><b>Free access to primary healthcare and accident and emergency (A&amp;E)?</b></p> <p><i>All registered residents are covered by the national health insurance system (compulsory)</i></p>	<p><b>Free access to secondary healthcare?</b></p> <p><i>All registered residents are covered by the national health insurance system (compulsory)</i></p>	<p><b>Entitlement to support for destitute migrants who may not otherwise qualify for benefits?</b></p> <p><i>In Norway financial support for basic needs is provided by Local Authorities</i></p>	<p><b>Free access to compulsory education for children?</b></p> <p><i>In Norway education is compulsory for all resident children ages 5-16, and a right for those in ages 16 - 19</i></p>
<p><b>EEA national exercising Treaty rights</b></p> <p><b>(Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)</b></p>	<p><i>Must be seeking and available for a job, and reside or be staying in Norway. Subject to the same qualifying requirements as other residents, but in certain circumstances benefit and work periods from other EEA countries may be taken into account. Exceptions: wholly unemployed citizens from an EEA country may forward a written claim to retain unemployment benefits for up to three months while they look for work in another EEA country. Students are</i></p>	<p><i>The meaning of 'in-work benefits' is unclear. Entitlement is likely to be subject to the same conditions as those regulating entitlement for registered resident citizens</i></p>	<p><i>Yes. Subject to meeting qualification criteria.</i></p>	<p><i>Entitlement is likely to be subject to the same qualifying conditions as those regulating entitlement for registered resident citizens</i></p>	<p><i>See above</i></p>	<p><i>See above</i></p>	<p><i>Entitlement is likely to be subject to the same qualifying conditions as those regulating entitlement for registered resident citizens</i></p>	<p><i>Yes</i></p>

	<i>usually not eligible</i>							
<b>EEA national not exercising Treaty rights</b>  (EEA nationals who are destitute or not economically active)	<i>No: See above</i>	<i>See above</i>	<i>Yes, if the child is resident in Norway (is intended to stay in Norway for at least 12 months).</i>	<i>See above</i>	<b><i>See above</i></b>	<b><i>See above</i></b>	<i>See above.</i>	<i>Yes</i>
<b>Non-EEA family members of EEA nationals</b>	<i>As for other residents.</i>	<i>See above</i>	<i>Yes, if the child is resident in Norway (is intended to stay in Norway for at least 12 months).</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>Yes</i>
<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>	<i>As for other residents.</i>	<i>See above</i>	<i>No. (Yes, if the child is resident in Norway (is intended to stay in Norway for at least 12 months).)</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>	<i>As for other residents.</i>	<i>See above.</i>	<i>Yes, subject to qualifying criteria.</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA students (time limited leave)</b>	<i>No.</i>	<i>See above</i>	<i>Yes, if the child is resident in Norway (is intended to stay in Norway for at least 12 months).</i>	<i>See above</i>	<i>See above.</i>	<i>See above.</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA workers (time limited leave)</b>	<i>As for other residents</i>	<i>See above</i>	<i>Yes, if the child is resident in Norway (is intended to stay in Norway for at least 12 months).</i>	<i>See above</i>	<i>See above</i>	<i>See above.</i>	<i>See above</i>	<i>N/A</i>

<b>Non-EEA family members (time limited leave)</b>	<i>As for other residents</i>	<i>See above</i>	<i>Yes, if the child is resident in Norway (is intended to stay in Norway for at least 12 months).</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA refugees and humanitarian protection</b>	<i>As for other residents</i>	<i>See above</i>	<i>Yes, if the child is resident in Norway (is intended to stay in Norway for at least 12 months). The child and the parent must have a resident permit in Norway.</i>	<i>See above, but note that the municipality of residence will receive a general supplementary transfer from the government during a 5 year period after the settlement of the person.</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>As for other residents</i>	<i>See above</i>	<i>Yes, if the child is resident in Norway (is intended to stay in Norway for at least 12 months). The child and the parent must have a resident permit in Norway.</i>	<i>See the entries for EEA citizens</i>	<i>See above</i>	<i>See above</i>	<i>See above</i>	<i>Yes</i>
<b>Non-EEA visitors</b>	<i>No</i>	<i>See above</i>	<i>No.</i>	<i>No</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>	<i>No Visitors are required to carry a health insurance</i>	<i>No</i>	<i>No</i>
<b>Non-EEA asylum seekers</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No. But will be offered to reside in a reception centre until settled in a municipality, leaving for another Dublin-country or the country of origin following a final rejection of the application</i>	<i>Will receive all necessary health care</i>	<i>Will receive all necessary health care</i>	<i>Those residing in a reception centre will receive a basic daily allowance</i>	<i>Yes</i>
<b>Failed asylum seekers</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>See above</i>	<i>Will receive all necessary health care</i>	<i>Will receive all necessary health care</i>	<i>Those residing in a reception centre will receive a basic daily allowance</i>	<i>Yes</i>
<b>Non-EEA immigration offenders (e.g. illegal entrants and</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Free primary care and A&amp;E until admitted to hospital</i>	<i>Will receive necessary health care</i>	<i>No.</i>	<i>N/A</i>

overstayers).

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## SLOVENIA

	Entitlement to unemployment benefits?	Entitlement to in-work benefits?  Please include details of support to those with disabilities.	Entitlement to child benefits?  Question presumes the child is not a national of your country	Entitlement to social housing?	Free access to primary healthcare and accident and emergency (A&E)?	Free access to secondary healthcare?  <i>Immediately necessary secondary care is never withheld, but may be charge</i>	Entitlement to support for destitute migrants who may not otherwise qualify for benefits?	Free access to compulsory education for children?  <i>In the SI compulsory education is from ages 6-15</i>
<b>EEA national exercising Treaty rights</b>  (Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)	Yes, under the same conditions as nationals, one of which is a minimum 9-month prior insurance period.	Yes, under the same conditions as nationals.	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.	.	yes	<i>Access to secondary care if they hold special Health Insurance Agreement or if temporarily visiting and hold a European Health Insurance Card</i>	Yes, under the same conditions as nationals, one of which is a permanent residence.	Yes
<b>EEA national not exercising Treaty rights</b>  (EEA nationals who are destitute or not economically active)	No, since they do not meet the conditions under relevant national legislation (a minimum 9-month prior insurance period).	No, since they do not meet the conditions under relevant national legislation (employment).	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.	.	yes	<i>Access to secondary care if they hold special Health Insurance Agreement or if temporarily visiting and hold a European Health Insurance Card.</i>	Yes, under the same conditions as nationals, one of which is a permanent residence.	Yes
<b>Non-EEA family members of EEA nationals</b>	Yes, under the same conditions as nationals, one of which is a minimum 9-	Yes, under the same conditions as nationals.	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.	.	yes	<i>Access to secondary care if they hold special Health Insurance Agreement or if</i>	Yes, under the same conditions as nationals, one of which is a permanent residence.	Yes

	month prior insurance period.					<i>temporarily visiting and hold a European Health Insurance Card.</i>		
<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>	Yes, under the same conditions as nationals, one of which is a minimum 9-month prior insurance period.	Yes, under the same conditions as nationals.	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.		yes		Yes, under the same conditions as nationals, one of which is a permanent residence.	Yes
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>	Yes, under the same conditions as nationals, one of which is a minimum 9-month prior insurance period.	Yes, under the same conditions as nationals.	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.		yes	<i>Access to secondary care if they hold special Health Insurance Agreement or if temporarily visiting and hold a European Health Insurance Card.</i>	Yes, under the same conditions as nationals.	Yes.
<b>Non-EEA students (time limited leave)</b>	No, since they do not meet the conditions under relevant national legislation (students in Slovenia, including nationals, can only perform temporary work and cannot be employed or registered as unemployed).	No, since they do not meet the conditions under relevant national legislation (students in Slovenia, including nationals, can only perform temporary work and cannot be employed).	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.		yes	<i>Access to secondary care if they hold special Health Insurance Agreement or if temporarily visiting and hold a European Health Insurance Card.</i>	No, since one of the conditions under relevant national legislation is a permanent residence.	Yes.
<b>Non-EEA workers (time limited leave)</b>	Yes, under the same conditions as nationals, one of which is a minimum 9-month prior insurance period.	Yes, under the same conditions as nationals.	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.		yes	<i>Access to secondary care if they hold special Health Insurance Agreement or if temporarily visiting and hold a European Health Insurance Card.</i>	No, since one of the conditions under relevant national legislation is a permanent residence.	Yes.
<b>Non-EEA family members (time limited leave)</b>	Yes, under the same conditions as nationals, one of which is a minimum 9-	Yes, under the same conditions as nationals.	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.		yes	<i>Access to secondary care if they hold special Health Insurance Agreement or if</i>	No, since one of the conditions under relevant national legislation is a permanent residence.	Yes.

	month prior insurance period.					<i>temporarily visiting and hold a European Health Insurance Card.</i>		
<b>Non-EEA refugees and humanitarian protection</b>	Yes, under the same conditions as nationals, one of which is a minimum 9-month prior insurance period.	Yes, under the same conditions as nationals.	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.		yes		Yes, under the same conditions as nationals (persons with subsidiary protection are entitled despite the fact they have temporary residence).	Yes.
<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	Yes, under the same conditions as nationals, one of which is a minimum 9-month prior insurance period.	Yes, under the same conditions as nationals.	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.		yes		No, since one of the conditions under relevant national legislation is a permanent residence.	Yes.
<b>Non-EEA visitors</b>	No, since they do not meet the conditions under relevant national legislation.	No, since they do not meet the conditions under relevant national legislation.	No, since they do not meet the conditions under relevant national legislation.		yes	<i>Access to secondary care if they hold special Health Insurance Agreement or if temporarily visiting and hold a European Health Insurance Card.</i>	No, since one of the conditions under relevant national legislation is a permanent residence.	Yes.
<b>Non-EEA asylum seekers</b>	Yes, under the same conditions as nationals, one of which is a minimum 9-month prior insurance period.	Yes, under the same conditions as nationals.	Yes, under the same conditions as nationals, one of which is that a child has residence in Slovenia.		<i>Free primary care and A&amp;E.</i>	<i>No. Free secondary care only in restricted circumstances.</i>	No, since one of the conditions under relevant national legislation is a permanent residence.	Yes
<b>Failed asylum seekers</b>	No, since they do not have access to Slovenian labour market.	No, since they do not have access to Slovenian labour market.	No, since they do not meet the conditions under relevant national legislation.		<i>Free primary care and A&amp;E</i>	<i>No.</i>	No, since one of the conditions under relevant national legislation is a permanent residence.	Yes
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	No, since they do not have access to Slovenian labour market.	No, since they do not have access to Slovenian labour market.	No, since they do not meet the conditions under relevant national legislation.		<i>Free primary care and A&amp;E</i>	<i>No.</i>	No, since one of the conditions under relevant national legislation is a permanent residence.	Yes



## UNITED KINGDOM

	Entitlement to unemployment benefits?	Entitlement to in-work benefits?  Please include details of support to those with disabilities.	Entitlement to child benefits?  Question presumes the child is not a national of your country	Entitlement to social housing?	Free access to primary healthcare and accident and emergency (A&E)?	Free access to secondary healthcare?  <i>Immediately necessary secondary care is never withheld, but may be charge</i>	Entitlement to support for destitute migrants who may not otherwise qualify for benefits?  <i>In the UK this support is provided by Local Authorities – see <a href="http://www.nrpfnetwork.org.uk">www.nrpfnetwork.org.uk</a></i>	Free access to compulsory education for children?  <i>In the UK compulsory education is from ages 5-16</i>
<b>EEA national exercising Treaty rights</b>  (Workers, self employed, students or self sufficient persons, permanent residents. Also includes jobseekers and EEA workers who have become temporarily unemployed)	<i>Yes - Jobseekers and permanent residents (subject to meeting qualification criteria.)</i>  <i>No- Students and self-sufficient persons are not eligible.</i>	<i>Yes - workers and permanent residents</i>  <i>Self employed may be able to claim some benefits</i>  <i>No – self-sufficient and students</i>	<i>Yes. Subject to meeting qualification criteria.</i>	<i>Yes – permanent residents, employed and self-employed. (subject to meeting qualification criteria.</i>  <i>No - students and self-sufficient persons are not entitled to social housing</i>	<i>Free access to primary care and A&amp;E care (until admitted to hospital).</i>	<i>Free access to secondary care if settled in the UK</i>  <i>Free access for students if on a full time course of 6 months or more or a full time course substantially funded by UK Government</i>	<i>EEA nationals can only be provided with assistance if it was assessed that the withholding or withdrawing of support would constitute a breach of the individual's or family's human rights or Community Treaty rights.</i>	<i>Yes</i>
<b>EEA national not exercising Treaty rights</b>  (EEA nationals who are destitute or not economically active)	<i>Generally no. But may be entitled to some contribution based benefit.</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Free access to primary care and A&amp;E care (until admitted to hospital).</i>	<i>Free access to secondary care if settled in the UK or if temporarily visiting and hold a European Health Insurance Card.</i>	<i>As above.</i>	<i>Yes</i>
<b>Non-EEA family members of EEA nationals</b>	<i>Entitlement is the same as for EEA national family member that is exercising treaty</i>	<i>Entitlement is the same as for EEA national family member that is exercising treaty right</i>	<i>Yes, subject to qualifying criteria set out above.</i>	<i>Perhaps. If meet qualifying criteria.</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>	<i>Free access to secondary care if settled in UK</i>	<i>See above</i>	<i>Yes</i>

	<i>right.</i>							
<b>Bilateral social security agreements (for example, lawfully resident beneficiaries of ECSMA)</b>	<i>Entitlement to some benefits, subject to meeting qualification criteria.</i>	<i>Yes, subject to meeting qualification criteria.</i>	<i>No. But nationals of Turkey who are lawfully working in UK may, by virtue of that country's Association Agreement with the EU, have access to child benefit, subject to qualifying criteria. Nationals of Croatia and former Yugoslav Republic of Macedonia may have access to child benefit by virtue of the bilateral UK/Yugoslavia social security agreement, again subject to qualifying criteria.</i>	<i>No</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to assessment of eligibility for assistance.</i>	<i>Yes</i>
<b>Non-EEA national with permanent residence/ indefinite leave to remain</b>	<i>Yes, subject to subject to meeting qualification criteria.</i>	<i>Yes, subject to subject to meeting qualification criteria.</i>	<i>Yes, subject to qualifying criteria.</i>	<i>Yes, if they have been granted leave to enter or remain in the UK with recourse to public funds (unless they are subject to a maintenance undertaking of 5 years).</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to assessment of eligibility for assistance.</i>	<i>Yes</i>
<b>Non-EEA students (time limited leave)</b>	<i>No.</i>	<i>No</i>	<i>No.</i>	<i>No</i>	<i>Free access to primary care and A&amp;E care until admitted to hospital.</i>	<i>Free access to secondary care if full time course is more than 6 months or substantially funded by UK Government.</i>	<i>No, unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection).</i>	<p><b>a) Study for six months or less</b> - A child must attend a school or private education institution that meets the requirements of the immigration rules and is outside the maintained sector, unless the child is coming for a short exchange or educational visit.</p> <p><b>b) Study for more than six months-</b> If the child is less than 16 years old, he or she must produce proof of acceptance for a course of study at an independent</p>

								<i>fee-paying school outside the maintained sector or a bona fide private educational institution. If a child is found to be attending a maintained school other than for a short exchange or educational visit, they will infringe the conditions of their leave to enter and action could be taken against them by the United Kingdom Border Agency.</i>
<b>Non-EEA workers (time limited leave)</b>	<i>No</i>	<i>No.</i>	<i>No. But nationals of third countries with an EU Association Agreement providing equal treatment in field of social security – Algeria, Morocco, San Marino, Tunisia and Turkey – who are lawfully working in the UK may have access to child benefit, subject to qualifying criteria.</i>	<i>No</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>	<i>Yes if employed by UK-based employer.</i>	<i>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons).</i>	<i>N/A</i>
<b>Non-EEA family members (time limited leave)</b>	<i>No</i>	<i>No</i>	<i>No (but member of a family of a non-EEA worker from third country with an EU Association Agreement may have access to child benefit, provided that family member is living with the worker, again subject to qualifying criteria.</i>	<i>Generally no. May be exceptional circumstances, if lived in UK for more than 5 years.</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>	<i>Free access to secondary care if settled in UK</i>	<i>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons).</i>	<i>Yes</i>
<b>Non-EEA refugees and humanitarian protection</b>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to qualifying criteria</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to assessment of eligibility for assistance</i>	<i>Yes</i>

<b>Non-EEA nationals with exceptional immigration status - for example, discretionary leave granted to those who cannot be removed.</b>	<i>Depends on the individual circumstances of the migrant.</i>	<i>Depends on the individual circumstances of the migrant.</i>	<i>Yes, subject to qualifying criteria set out above.</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes if settled in UK</i>	<i>Yes, subject to assessment of eligibility for assistance</i>	<i>Yes</i>
<b>Non-EEA visitors</b>	<i>No</i>	<i>No</i>	<i>No.</i>	<i>No</i>	<i>Free access to primary care and A&amp;E until admitted to hospital.</i>	<i>No free access to secondary care unless from specified country or other rare circumstances</i>	<i>No unless the person has a need for care and attention beyond simply being destitute (e.g. serious health condition or child protection reasons..</i>	<i>Yes. But visitors cannot bring children to the UK where the primary purpose of the child's visit is to receive free education.</i>
<b>Non-EEA asylum seekers</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No. But may receive support via Asylum Support System</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes, subject to assessment of eligibility for assistance. Destitute asylum seekers receive support from the UK Border Agency or, where there are community care needs from local authorities.</i>	<i>Yes</i>
<b>Failed asylum seekers</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Free primary care and A&amp;E until admitted to hospital.</i>	<i>Free secondary care only in restricted circumstances.</i>	<i>Failed in-country asylum seekers - support can only be provided if the withholding or withdrawing of support would constitute a breach of human rights.</i>	<i>Yes</i>
<b>Non-EEA immigration offenders (e.g. illegal entrants and overstayers).</b>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>Free primary care and A&amp;E until admitted to hospital</i>	<i>No free secondary care unless detained under Immigration Acts or for infectious diseases</i>	<i>May depend on immigration status and / or nationality. If there are no immigration restrictions in place, standard assessment processes apply. If immigration restrictions apply (on account of being unlawfully present) support can only be provided if the withholding or withdrawing of support would constitute a breach of human rights.</i>	<i>Yes</i>

## SUPPLEMENTAL QUESTIONS

1. Please describe whether benefits are contributory in your Member State and, if so, what support is available to those who have made no contributions?
2. What is the statutory minimum wage (if applicable) in your Member State?

	<b><u>ESTONIA</u></b>	<ol style="list-style-type: none"> <li>1. More about benefits in Estonia please see: <a href="http://www.sm.ee/eng/activity/benefits-and-support.html">http://www.sm.ee/eng/activity/benefits-and-support.html</a></li> <li>2. In Estonia monthly minimum wage in 2012 was 290 eur and for 2013- 320 eur.</li> </ol>
	<b><u>FINLAND</u></b>	<ol style="list-style-type: none"> <li>1. The Finnish social security system is unusual in the European Union, insofar as it is divided into employment-based and residence-based social security.  Subject to meeting qualification criteria, a person coming to work in Finland is covered by employment-based social security, meaning earnings-related pension, industrial accident and unemployment insurance, immediately on commencing work. The right to residence-based social security benefits and services in Finland takes effect if the person concerned is forecast to remain in Finland permanently. Residence-based social security includes the sickness and parental allowances, unemployment benefit, national pensions and family allowances paid by the Social Insurance Institution of Finland (Kela).  Social welfare benefits are financed from tax revenues in Finland, whereas the funds that enable payment of earnings-linked benefits based on employment come from the social insurance contributions of employers and employees.</li> <li>2. Finland does not have a statutory minimum wage. Instead, minimum wages are determined on an industry-specific basis by collective labour agreements or, in the case of government and local government employment, by public sector collective agreements. The wages specified in collective agreements apply to all industry employees.  The employer shall observe at least the provisions of a national collective agreement considered representative in the sector in question (generally applicable collective agreement) on the terms and working conditions of the employment relationship that concern the work the employee performs or nearest comparable work (Finnish Employment Contracts Act, Chapter 2, Section 7).  If neither a collective agreement binding under the Collective Agreements Act nor a generally applicable collective agreement is applicable to an employment relationship, and the employer and the employee have not agreed on the remuneration to be paid for the work, the employee shall be paid a reasonable normal remuneration for the work performed (Finnish Employment Contracts Act, Chapter 2, Section 10).</li> </ol>
	<b><u>FRANCE</u></b>	<ol style="list-style-type: none"> <li>1. In France, only unemployment benefits are contributory.</li> <li>2. In France, the guaranteed monthly minimum wage (SMIC = salaire minimum de croissance) is 1 430.22 euros gross (9.40 euros per hour).</li> </ol>

	<b>GERMANY</b>	<p>1. In respect of unemployment insurance and statutory health insurance, statutory nursing care insurance and statutory pension insurance, the benefits that a person receives will depend upon that person's payment of contributions (and, in part, upon the contributions made by his or her respective employer and upon public subsidies to the respective social insurance funds). If there is no entitlement arising out of a person's own contributions, or if the extent of that person's entitlement is not sufficient, then that person will be granted either a basic security benefit (for persons capable of work) in accordance with the Second Book of the Sozialgesetzbuch or, in accordance with the Twelfth Book, social security (for persons who are not capable of work).</p> <p>2. There is no uniform minimum wage in Germany. In some industries, minimum wages have been agreed between the employees' side and the employers' side within the meaning of the Arbeitnehmer-Entsendegesetz and declared binding by means of a regulation from the Federal Ministry of Labour and Social Affairs. Accordingly, for example, from the beginning of 2013 the minimum wage for a specialist (i.e. semi-skilled) worker within the main construction trades will be 13.70 € in the former West Germany, 13.55 € in Berlin and 10.25 € in the former East Germany.</p>
	<b>HUNGARY</b>	<p>1. Please describe whether benefits are contributory in your Member State and, if so, what support is available to those who have made no contributions?</p> <p><b>Family benefits</b> The family benefits regulated by the Act LXXXIV of 1998 on Family Support are non-contributory benefits. These benefits are the following:</p> <ul style="list-style-type: none"> <li>• <b>family allowance</b> (családi pótlék): it is provided from birth to the compulsory schooling age (usually 0- 16 years), then for secondary school education or vocational training, up to 20 years of age (up to 23 years in case of special educational needs, or without age limit in case of a seriously disabled person without regular income).</li> <li>• <b>maternity grant</b> (anyasági támogatás): it is a one-off benefit provided for every mother (or adopting parents) right after giving birth. Birth grant is conditional upon that the mother completed at least four prenatal medical examinations (one in case of premature birth).</li> </ul> <p>Child care benefits:</p> <ul style="list-style-type: none"> <li>• <b>child home care allowance</b> (gyermekgondozási segély): a flat-rate child care benefit, which is provided until the age of 3 years of the child. In case of twins, the benefit is provided until the twins enter into primary education. In case of a child being permanently ill or seriously disabled, the benefit is provided until the age of 10 years of the child.</li> <li>• <b>child raising benefit</b> (gyermeknevelési támogatás): a flat-rate child care benefit for those who raise three or more minor children (being under the age of 18) in the family. The benefit shall be provided from the age of 3 years of the youngest child until she/he reaches the age of 8 years.</li> </ul> <p>Among income substituting child care benefits there are also contributory benefits, regulated by the Act LXXXIII on the Benefits of Compulsory Health Insurance:</p> <ul style="list-style-type: none"> <li>• <b>pregnancy confinement benefit</b> (terhességi gyermekágyi segély) is an insurance-based benefit, provided for the period of the maternity leave, namely 24 weeks (4 weeks before, 20 weeks after planned date of birth, or 24 weeks after the date of birth, as the choice of the mother).</li> <li>• <b>child care fee</b> (gyermekgondozási díj) is an insurance based benefit, provided after the period of pregnancy confinement benefit for as long as the insurance period of the parent lasts, but maximum to the age of 2 years of the child.</li> </ul>

		<p>If somebody is not entitled to the contributory child care benefits, (s)he can claim the non-contributory <b>child home care allowance</b>.</p> <p><b>Social assistances</b></p> <p>The social assistances regulated by the Act III of 1993 on the Social Administration and Social Benefits and the Act XXXI of 1997 on the protection of children and guardianship administration are non-contributory, usually means-tested benefits provided for those in need.</p> <p>In the context of the question, three benefits have to be highlighted:</p> <ul style="list-style-type: none"> <li>• <b>Benefit for people in active age:</b> it is a social assistance to the unemployed, who are not, or no longer entitled to contributory unemployment benefit</li> <li>• <b>Old-age allowance:</b> a social assistance for those who do not have sufficient resources of living, because they are not entitled to pension, or the amount of the pension is below the threshold defined by law</li> <li>• <b>Entitlement to health care services:</b> it is an official instrument, which certifies that the person has no sufficient resources, and because of this fact is entitled to health care services</li> </ul> <p>2. point</p> <p><b>Salaries and wages (minimum wage, guaranteed minimum wage)</b></p> <table border="1" data-bbox="454 746 1733 1018"> <thead> <tr> <th></th> <th>Gross monthly wage HUF</th> <th>Monthly net wage****</th> <th>Weekly gross wage HUF/week</th> <th>Daily gross wage HUF/day</th> <th>Gross hourly wage HUF/hour</th> </tr> </thead> <tbody> <tr> <td><i>Minimum wage Section 2 (1) of Government Decree no. 390/2012 (XII.20.).</i></td> <td>98,000</td> <td>64,190</td> <td>22,560</td> <td>4,510</td> <td>564</td> </tr> <tr> <td><i>Guaranteed minimum wage* Section 2 (2) of Government Decree no. 390/2012 (XII.20.).</i></td> <td>114,000</td> <td>74,670</td> <td>26,250</td> <td>5,250</td> <td>656</td> </tr> </tbody> </table>		Gross monthly wage HUF	Monthly net wage****	Weekly gross wage HUF/week	Daily gross wage HUF/day	Gross hourly wage HUF/hour	<i>Minimum wage Section 2 (1) of Government Decree no. 390/2012 (XII.20.).</i>	98,000	64,190	22,560	4,510	564	<i>Guaranteed minimum wage* Section 2 (2) of Government Decree no. 390/2012 (XII.20.).</i>	114,000	74,670	26,250	5,250	656
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	<b>LITHUANIA</b>	<p>1. In Lithuania, the main requirement of the social security system for the payment of benefits is to be an employed person (a person employed under an employment contract) or a self-employed person and to pay contributions. The State Social Insurance Fund Board and its local offices enter these persons in the social insurance register. In Lithuania, employees are covered by all types of social insurance on a compulsory basis, whereas self-employed persons are subject only to several of them (pension, maternity, maternity (paternity) and paternity). These persons may be covered by other types of insurance on a voluntary basis.</p> <p>Self-employed persons are not, in their own right, covered by insurance against accidents at work, occupational diseases and unemployment, however, they are, in their own right, covered by insurance for the basic pension and, where they pay contributions, are also insured to receive the supplementary part of the pension. There exist different systems of pension insurance and health insurance systems for employed persons and self-employed persons (the system of benefits is the same for all persons, but contributions differ).</p> <p>2. In Lithuania, a specified national minimum wage rate applies. In compliance with Government of the Republic of Lithuania Resolution No 1543 on the Increase of the Minimum Wages (Official Gazette, No 152-7772, 2012), since 1 January 2013 the minimum monthly salary has increased up to LTL 1000 and the hourly pay – up to LTL 6.06.</p>
	<b>LUXEMBOURG</b>	<p>1. The services offered by the Luxembourg social security system are financed through the insurance monthly payments. The unemployment benefits are financed through taxation. The social aid benefits (RMG, social aid) are not based on contribution (premiums) payments.</p> <p>2. Luxembourg has a National Minimum Wage. There is a National Minimum Wage for qualified workers aged 18 years and older (13,000€hour) and for non-qualified workers. The amount/hour of a non-qualified worker varies in relation with age:</p> <p>a) 18 years and older: 10,8335€hour (100%)  b) people aged between 17 and 18 years old : 8,6668€hour (80%)  c= people aged between 15 and 17 years old : 8,1251€hour (75%)</p>
	<b>SLOVENIA</b>	<p>1. Unemployment benefits and in-work benefits are contributory, while child benefits and support for destitute migrants are not. Those who have made no contributions and have no income rely on social assistance.</p> <p>2. Since January 1st 2013 the minimum wage (a monthly salary for a full-time work) is 783,66 €(gross).</p>
	<b>UNITED KINGDOM</b>	<p><b>1. In the UK, any person can establish an entitlement to receive certain benefits such as job seekers allowance, employment and support allowance (a form of support for sick and disabled persons), state pension, sick and maternity pay by paying national insurance contributions. Two years' contributions can entitle a person to certain of these benefits for a limited period (e.g. months). There are no residence or immigration restrictions to this entitlement. However, there are separate forms of jobseekers allowance and employment and support allowance which are paid on the basis of need and are not based on contributions. There is no time limit on how long a person can claim these benefits, but they are subject to a qualifying test of habitual residence.</b></p> <p><b>2. The UK has a National Minimum Wage. The rate depends on a person's age and whether or not they are an apprentice. Only persons who are at least of school leaving age are eligible to receive the minimum wage. The current rate for 2012, per hour is as follows: £6.19 (for ages 21 and over), £4.98 (ages 18 to 20), £3.68 (under 18 years) and £2.65 (for apprentices - note, this rate is for apprentices under 19 or those in their first year. If aged 19 or over and past the first year the rate that applies is based on a person's age).</b></p>

	<b>NORWAY</b>	<p>1. Please describe whether benefits are contributory in your Member State and, if so, what support is available to those who have made no contributions? Child benefit is granted for all children resident in Norway, and do not depend on contributions. For other benefits, see above</p> <p>2. What is the statutory minimum wage (if applicable) in your Member State? There is no minimum wage legislation in Norway, but for some labour markets the collective agreements in force have been made compulsory for all employers and workers. See the Regulations by the Tariff Board available on <a href="http://www.regjeringen.no/nb/dep/ad/kampanjer/tariffnemnda/regelverk/forskrifter.html?id=546686">http://www.regjeringen.no/nb/dep/ad/kampanjer/tariffnemnda/regelverk/forskrifter.html?id=546686</a>:</p>
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