



EMN study on migrant access to social security, including healthcare

Background and rationale

EMN VI National Seminar, Helsinki 22.11.13

Background to the EMN study

- Study specifications drafted by the study's Advisory Group made up of CZ, IE, DE, LU, UK EMN NCPs and the EU Commission (DG HOME/ EMPL)
- All EMN NCPs had the opportunity to review and discuss the study specifications
- All EMN NCPs invited to participate by producing a National Report according to common specifications (due date is early January 2014)
- Each national report should typically be 30-40 pages long, excluding Data, Annexes, etc.
- A synthesis report will be drafted seeking to compare the provisions in place and identify commonalities and differences in approach.

Objectives of the study

- 1) Outline the formal EU and national rules that shape entitlements to social security and healthcare for TCNs.
- 2) Examine how these entitlements compare to the entitlements of MS nationals.
- 3) Investigate the administrative practices that determine how the formal rules on eligibility are applied in concrete cases (especially rules that have a discretionary element like the 'habitual residence test')
- 4) Identify the guidance provided to government officials to ensure the discretionary criteria are applied consistently;
- 5) Review the bi-lateral agreements that exist between EU MS and third countries that affect social security entitlements.

What the study does not cover

- Does not assess the take-up by migrants of the various social security payments, nor compare take-up by nationality (although background stats will be included, if possible)
- Does not cover the following groups:
 - Mobile TCNS (including cross-border workers and posted workers)
 - Students
 - Asylum-seekers, refugees, persons who have been trafficked
 - Tourists and other kinds of visitors
 - EEA nationals and MS nationals (only as backdrop for the comparison)

Rationale of the study

- Study was proposed by the Irish EMN NCP and selected through the EMN study selection process.
- EMN increasingly seeks to develop topical studies that have a real potential to impact on policy
- This one is of interest to the EU Commission
 - Under-researched area
 - Complements a body of work on social security for citizens
- The study is an opportunity to build upon information available to the Commission (primarily from DG EMPL) on the functioning of social security systems for Member State nationals and other EEA nationals



Policy and political context

- Debate in a number of Member States about immigration, “welfare tourism” and social security spending.
- The debate focuses more on the interface between the EU’s provisions on the free movement of EU citizens and EU regulations on the coordination of social security:
 - In particular, it is feared that the entitlement which EU law gives to non-active EU migrants to claim access to healthcare and special non-contributory benefits in cash can lead to ‘welfare tourism’ and threaten the sustainability of European welfare states.
 - However, a recent report of the EU Commission (2013) showed that non-active EU migrants are not more intensive users of welfare than nationals (at least in so far as the special non-contributory benefits are concerned), and employment continues to be the key driver of migration.



EC legal competences: EU citizens

- Member States are free to regulate their own social security systems.
- EU competences are limited to the coordination of social security systems between Member States (Regulation 883/2004, as amended by Regulation 465/2012).
- Aim of this coordination is to ensure that citizens of the EU have social security coverage and do not lose rights when exercising their right to free movement in the EU
- Based on four principles:
 - EU citizens only pay social security contributions in one country
 - Principle of equal treatment
 - Aggregation principle
 - Principle of exportability



EC legal competences: TCNs

- EU recognises importance of access to social security (as part of a broader package of social services) for the integration of migrant groups.
- 1999 Tampere European Council called on MS to grant third-country nationals who reside legally on the territory of a MS rights and obligations “comparable” to those of EU citizens.
- This commitment has been enshrined in the EU’s Migration Directives with respect to certain groups of TCNs.
- Regulation (EC) No 1231/2010 extends the EU’s social security coordination regulations to TCNs who have moved between one Member State and another.



Social security provisions in EU Migration Directives

- The Single Permit Directive (2011/98/EU) provides that third-country nationals working legally within the EU shall enjoy “equal treatment” with nationals of the MS with respect to working conditions, pensions, social security and access to public services (Art 12, para 1(e)).
- Similar provisions are found in:
 - Long-term residents Directive (2003/109/EC)
 - Researchers Directive (2005/71/EC).
 - Blue Card Directive (2009/50/EC).
- Entitlements to social security of all other groups of TCNs is determined by individual Member State.
- The study will review how MS have implemented these provisions.



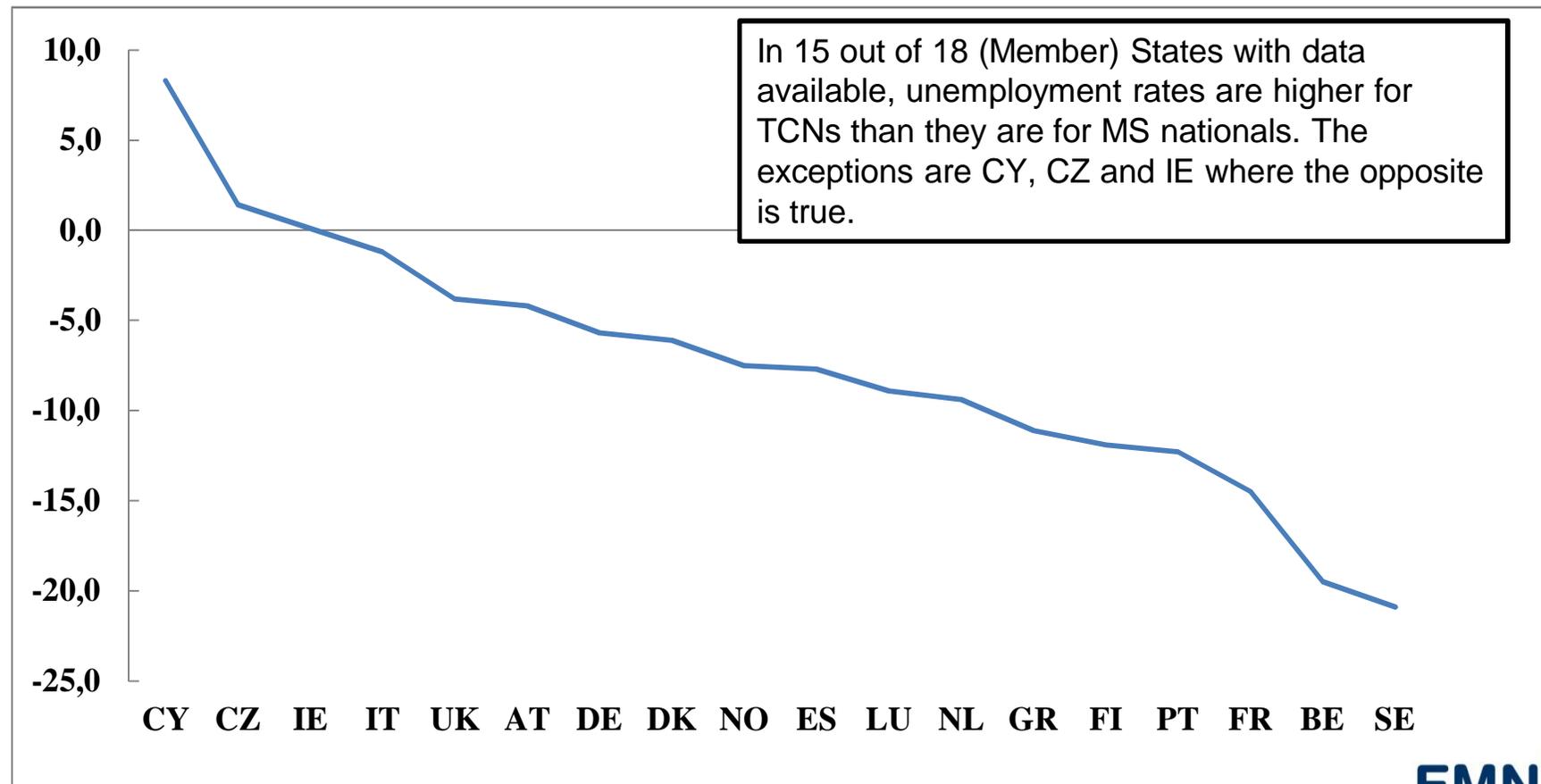
External dimension of social security

- Each MS is free to conclude their own bi-lateral social security agreements with third countries
- However, the EU Commission is keen on encouraging greater cooperation between MS in this area :
 - EU Commission recently issued a Communication on the “The External Dimension of EU Social Security Coordination” which encourages greater cooperation between MS in the field of social security coordination.
 - EU Commission has developed a common EU approach to social security coordination in provisions agreed in association agreements made between the EU, MS and certain third countries.
- With the EU Commission currently negotiating implementation agreements with third countries, the EMN study will inform the policy process by comparing the provisions that exist in existing bi-lateral agreements.

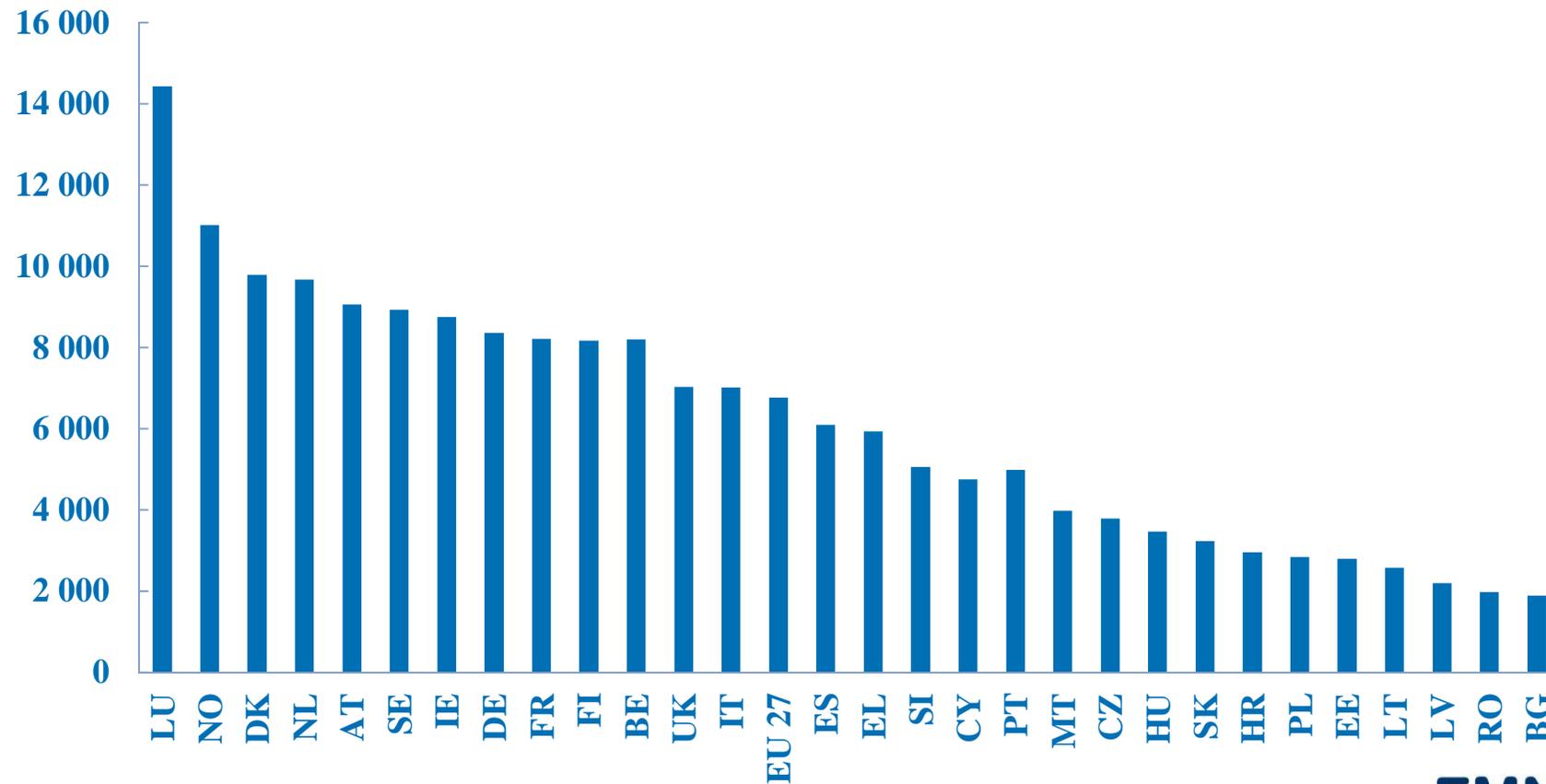
EU-harmonised statistics on social security

- To contextualise the study and provide a snapshot of the situation in MS, available statistics at EU level will be presented in the Synthesis Report on:
 - Numbers of TCNs employed, unemployed and inactive (EU LFS);
 - Take-up of social security benefits among TCNs (EU-SILC) – these stats have just been received
 - Costs to each MS of providing social security benefits including healthcare to TCNs (ESSPROS) – not disaggregated by national groups

Example 1. Difference in unemployment rates – MS nationals versus TCNs (2012), EU Labour Force Survey

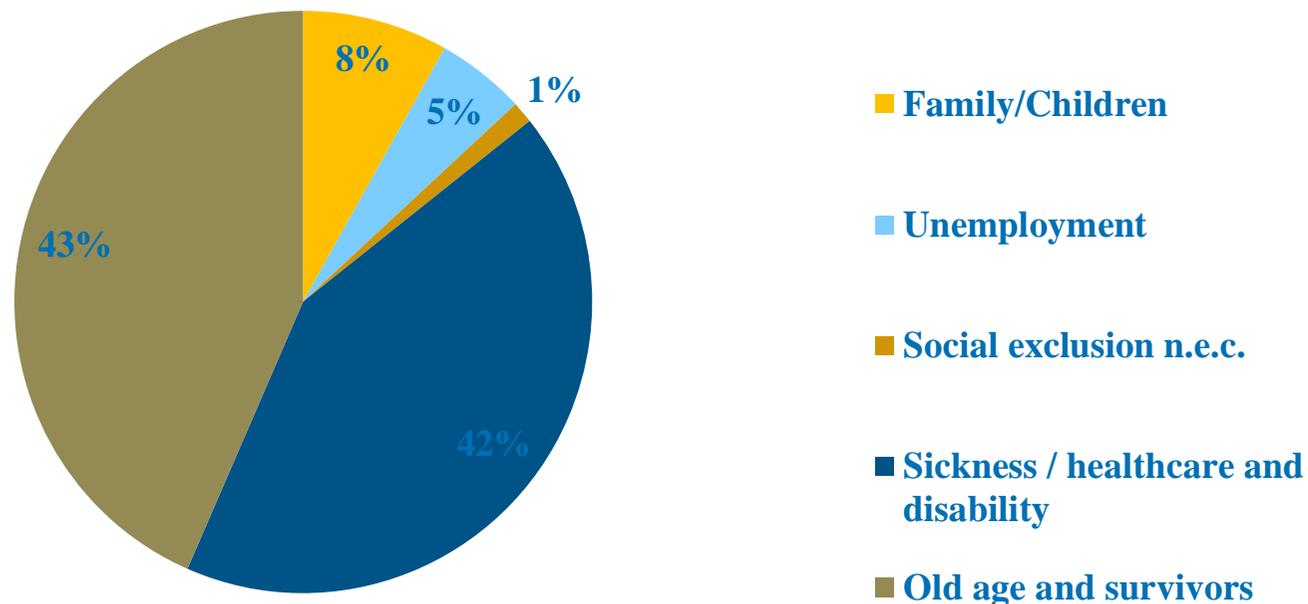


Example 2. Expenditure on all types of social protection benefits, excluding housing, PPS per inhabitant (2010), ESSPROS



Example 3. Distribution of expenditure on social security by type of benefit (2010), ESSPROS

European Union (28 countries)



Study timeframe

- Deadline for submission of National Reports is now early January 2014
- Aim is to finalise the Synthesis Report in the first quarter of 2014
- Process of drafting the Synthesis Report will begin when 20 National Reports have been received
- EMN NCPs have an opportunity to comment on drafts of the Synthesis Report prior to completion.



Thank you!

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Home Affairs

The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

