

**EMN Main Study 2013:
Migrant access to social security and healthcare: policies and practice**



EMN MAIN STUDY 2013

Migrant access to social security and healthcare: policies and practice

HUNGARY



MIGRANT ACCESS TO SOCIAL SECURITY: POLICIES AND PRACTICE **IN [(MEMBER) STATE NAME]**

EXECUTIVE SUMMARY (UP TO TWO PAGES)

The Executive Summary should summarise the report, focussing on key findings and messages that you consider are of most relevance to policymakers. It may be organised according to the main Sections of your National Report as set out below, or to better meet the information needs of your policymakers.

1. INTRODUCTION: OBJECTIVES, METHODOLOGY AND DEFINITIONS (3-4 pages)

1.1 Objectives

State the objectives of the study, as set out in this document, plus any additional nationally-specific objectives. This is primarily for the benefit of readers who will see only the National Report. Where possible, indicate who is likely to find the report most useful, and for what purpose, in your (Member) State.

1.2 Definitions

To the extent possible, use terms which are in accordance with definitions provided by the EU Acquis, and given in the EMN Glossary, as provided in Section I.d) above. If this is not possible, describe here the terms you are using, along with their definition.

1.3 Methodology

With regard to methodology, please explain how your National Report was produced and who has contributed to the study. In particular, information on the following should be provided:

- an overview of the methods you have used in identifying and selecting sources of data, databases used and criteria followed (such as data/research quality);
- an overview of the type and sources of information used, including existing studies;
- which, if any, organisations/institutions have been contacted to obtain the relevant information;
- any problems encountered in finding information, for example, the fact that statistics on social security take-up might not be disaggregated by citizenship in your Member State;
- whether some aspects (or statistics) could not be addressed (or provided) in accordance with these specifications. NB. If alternative information is provided, please outline how it should be interpreted in relation to the requirements of these specifications);
- an explanation as to how your National Report will complement / add to (published) information already available, and provide information which is useful to and useable by policymakers.



2. OVERVIEW OF THE NATIONAL SOCIAL SECURITY SYSTEM AND HOW IT APPLIES TO MIGRANTS FROM THIRD COUNTRIES

Significant variations exist in the organisation and financing of social security systems in EU Member States, which include different combinations of contributory and non-contributory social security schemes. Contributory social security schemes are financed by national insurance contributions paid by employers and employees, whereas non-contributory social security schemes are financed from general tax revenue. While no common policy (nor common standards) in respect of social security exist in the EU, the European Commission's Mutual Information System on Social Security (MISSOC), provides a common way of categorising the variety of social security benefits and programmes that exist at Member State level. This section provides an overview of the national social security system in terms of the importance of contributory and non-contributory systems of financing these benefits and programmes; the range of social security benefits and programmes that exist in Member States, and how, if at all, the benefits and programmes have been adapted in order to address challenges presented by immigration. The eligibility rules and administrative practices governing some of the benefits presented in this table are then explored in greater detail in sections 3 and 4.

2.1. Overview of social security benefits and programmes and their financing mechanisms

In this section, EMN NCPs are requested first to provide a general overview of their social security system as a context to the responses they provide in completing Table 2.1 below.

2.1.1 Please provide a narrative overview of the social security system in your Member States including a description of the institutional framework, key institutions involved, their main responsibilities and how they are coordinated.

EMN NCPs are asked to complete the following table by listing the social security benefits and programmes identified in their (Member) State's contribution to the European Commission's Mutual Information System on Social Protection (MISSOC) (The MISSOC national guides are accessible here: <http://ec.europa.eu/social/main.jsp?catId=858&langId=en>). The following guidance should be observed:

- *The first column has been completed based on the categorisation of benefits used in the MISSOC national guides. EMN NCPs should not modify these categories.*
- *In the second and third columns, EMN NCPs should list the benefits that are described in each section of the MISSOC national guide and indicate whether the benefits in question are financed through contributions, general taxation or mixed systems (i.e. combining both contributions and general taxation).*
- *If a (Member) State does not have benefits relevant to one of the 'branches' listed in Column 1, the corresponding rows should be left blank. If EMN NCPs are aware of benefits available in their (Member) State that are not mentioned in the MISSOC national guides, these additional benefits can (optionally) be listed in the space provided underneath the table. However, EMN NCPs do not need to conduct additional research to identify whether such additional benefits exist.*



- *In the fourth column, EMN NCPs should indicate whether the benefits and programmes are accessible by third-country nationals. Where the benefits and programmes are only accessible by certain categories of third-country nationals, this should be indicated. This column should only contain a 'yes' to indicate accessibility by third-country nationals and a listing (if appropriate) of the specific categories of third-country nationals that are eligible. It should not contain information concerning any additional eligibility rules governing access to the benefits as this question is tackled in section 3 of the study specifications. EMN NCPs are asked to make use where possible of the categories of third-country nationals that are of interest to the study, namely:*
 - ***third-country nationals holding long-term residence permits.*** Within this category, EMN NCPs are asked to distinguish between:
 - *long-term residents as defined by Articles 4 to 7 of Council Directive 2003/109/EC; and,*
 - *long-term residents as defined by national legislation.*
 - ***third-country nationals holding time-bound (or fixed-term) residence permits.*** Within this latter category, NCPs are asked to distinguish between the following sub-categories:
 - *workers (including , researchers, seasonal workers, frontier workers and workers with any other type of time-bound or fixed term residence status);*
 - *the self-employed;*
 - *job-seekers; and*
 - *family members.*

If different categories are used in national legislation, these specific categories should be cited.



Table 2.1. Overview of the national social security system presented in the MISSOC national guides as it applies to third-country nationals (benefits and programmes available, financing mechanisms and accessibility).

‘Branch’ of social security	Benefits and programmes included in each branch (rows to be added if required)	Financing mechanisms (contributory/ non-contributory/ mixed)	Accessibility by third-country nationals (please list the categories of third-country nationals that are eligible, where possible making use of the categories specified above)
I. Healthcare			
II. Sickness cash benefits			
III. Maternity and paternity benefits			
IV. Invalidity benefits			
V. Old-age pensions and benefits			
VI. Survivors’ benefits			
VII. Benefits in respect of accidents at work and occupational diseases			
VIII. Family benefits			
IX. Unemployment			



benefits			
X. Guaranteed minimum resources			
XI. Long-term care benefits			

2.1.2. Please list any additional social security benefits that are not included in the MISSOC national guide, specifying their financing mechanism and whether they are accessible by third-country nationals (*this question is optional*).

2.2. Has a link or nexus between policies in relation to social security and to immigration been established by policymakers in your (Member) State? (e.g. is migrant access to social security linked explicitly to your (Member) State's integration policy? Is migrant access to social security linked explicitly to your (Member) State's policy to attract high-skilled migrants? etc.)

Yes/No

If yes, please explain what kind of nexus exists.

2.3. Are there recent/planned changes to the eligibility rules for any of the social security benefits and programmes listed in the second column of the table above that may have an effect on access by third-country nationals?

Yes/No

If yes, please identify the changes that are planned and the main drivers of these changes, for example, are they the result of:

- EU legislation (e.g. transposition of the Single Permit Directive)
- Public perception of high dependence on social security among migrant groups
- Public perception of misuse of social security by migrant groups (welfare tourism)
- Evidence of poverty among migrant groups caused by reduced access to social security
- Legal challenges to the eligibility rules on grounds of equality / new case-law
- Other (please specify)

Please support your answers to question 2.3 with reference to statistics, research or any other sources of information (e.g. media debates, case-law, policy documents, practitioners' views).



3. NATIONAL RULES ON ACCESS TO SOCIAL SECURITY BY THIRD-COUNTRY NATIONALS

The previous section identified benefits in all branches of social security that are accessible by third-country nationals in your Member State. This section requires a more in-depth analysis of the conditions that apply in the case of third-country nationals in order to qualify for the benefits that fall under the following specific 'branches' of social security:¹

- I. Healthcare;
- II. Sickness cash benefits;
- III. Maternity and paternity benefits;
- V. Old-age pensions and benefits;
- VIII. Family benefits;
- IX. Unemployment;
- X. Guaranteed minimum resources.

The conditions that apply to third-country nationals in order to qualify for the benefits that fall under the above-listed seven categories may relate to minimum residence periods, minimum waiting periods, minimum employment periods/contributions, migration specific conditions such as participation in an integration course, and other conditions, such as minimum or maximum age, income levels, number of dependents etc. In their answers to the questions listed below, EMN NCPs should specify, where appropriate, the following:

- *how the conditions vary (if at all) for each category of migrant identified in Table 2.1, in relation to each type of benefit;*
- *how the conditions vary (if at all) from the conditions that apply to nationals of your Member State.*

3.1. Is a minimum residence period attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above?

Yes/No

If yes, please indicate:

- what the minimum residence period is in respect of each of the benefits. (If this minimum residence period varies for each category of migrant identified in Table 2.1 please state this

¹ These seven 'branches' of social security have been selected for in-depth analysis in this section (and in the next section) of the study because they are likely to be of particular relevance to migrants. In-depth analysis of the benefits which fall under the other 'branches' may be carried out at a later stage.



is the case and identify the minimum residence period for each category in respect of each of the benefits);

- whether the minimum residence period applies to third country nationals only, or also to nationals of your (Member) State. (If the minimum residence period applies to nationals of your (Member) State too, please state what the minimum residence period is for nationals in respect of each of the benefits).

3.2. Are any of the benefits that are accessible by third-country nationals under the seven categories listed above exportable once the third country national returns to his/her country of origin?

Yes/No

If yes, please indicate:

- which benefits are exportable once the third country national returns to his/her country of origin. (If the 'exportability' of the benefit varies for each category of migrant identified in Table 2.1, please state this is the case and describe which categories of migrant can benefit from this right in respect of each of the benefits);
- whether the rules regarding the 'exportability' of the benefits are the same for nationals of your (Member) State who move to a third country. (If the rules regarding the 'exportability' of the benefits vary between third-country nationals and nationals of your (Member) State, please specify what the rules are for nationals of your Member State in respect of each of the benefits).

3.3. Is a minimum employment period/ minimum contribution period attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above?

Yes/No

If yes, please indicate:

- what the minimum employment period / minimum period of insurance contributions is in respect of each of the benefits. (If the minimum employment period / minimum period of insurance varies for each category of migrant identified in Table 2.1, please state this is the case and identify the minimum employment period/minimum period of insurance contributions for each category in respect of each of the benefits).
- whether the minimum employment period / minimum period of insurance contributions applies to third country nationals only, or also to nationals of your (Member) State. (If a minimum employment period / minimum period of insurance contributions applies to nationals of your (Member) State as well, please specify what the minimum employment period / minimum period of insurance contributions is for nationals in respect of each of the benefits).



3.4. Are migration-specific conditions (e.g. requirement to hold a particular residence permit, authorisation of stay or visa, a fixed domicile, requirement to participate in an integration course, etc.) attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above?

Yes/No

If yes, please indicate:

- what the migration-specific conditions are in respect of each of the benefits. (If the migration-specific conditions vary for each category of migrant identified in Table 2.1, please state this is the case and identify the migration-specific conditions for each category of third-country national in respect of each of the benefits).

3.5. Are any other conditions (not already listed above), e.g. minimum or maximum age, means-tests, etc. attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above? In this question, please only identify any other conditions that are applied to third-country nationals (and not to nationals of your (Member) State).

Yes/No

If yes, please indicate:

- what the additional conditions are in respect of each of the benefits and specify whether the additional conditions vary for each category of migrant identified in Table 2.1.



4. ADMINISTRATIVE PRACTICES THAT AFFECT THIRD-COUNTRY NATIONALS ACCESS TO SOCIAL SECURITY

This section investigates whether discretionary conditions are applied by (Member) States for determining eligibility of third-country nationals to the benefits that fall under the seven 'branches' of social security reviewed in the previous section. As mentioned in the introduction to the study specifications, an example of such a discretionary condition is the 'habitual residence test', which requires deciding officers to exercise their judgment or discretion as to where the person usually resides, taking into account the individual applicant's specific circumstances.

In questions 4.1, 4.2 and 4.3, EMN NCPs should identify whether discretionary conditions, such as a 'habitual residence test', are applied to any of the benefits analysed in section 3 and if so how. In questions 4.4 and 4.5, EMN NCPs are asked to comment on other administrative practices that may advertently or inadvertently affect a third-country national's decision to claim social security or the success of the claim. It is expected that, in their responses to this section, EMN NCPs should be able to rely primarily on desk-research. However, they may wish to consult with social security specialists, other experts in the field including legal professionals, or practitioners working within government departments or NGOs in order to obtain information on specific questions.

4.1. Are discretionary criteria applied within the administrative law / rules when assessing an individual claim for social security in any of the seven branches of social security in your Member State? (for example a habitual residence test)?

Yes/No

If yes, please indicated:

- the benefits, under each of the seven branches of social security, where discretionary criteria apply;
- the nature of the discretionary criteria (e.g. habitual residence tests); and,
- who the deciding officers are that must apply their discretion.

4.2. Please identify the factors which a deciding officer must take into account when judging whether an applicant has met the above-listed discretionary criteria (e.g. habitual residence test). If these factors differ for individual benefits, please specify.

4.3. Please describe any written circulars or guidelines that deciding officers receive in order to ensure the consistent implementation of the discretionary criteria (e.g. 'habitual

residence test') to individual claimants within your (Member) State. Please also state whether deciding officers receive specific training to support their work.

In their responses to this question, EMN NCPs are asked to focus exclusively on those circulars, guidelines or training that are aimed specifically to support deciding officers in their implementation of the (e.g. 'habitual residence test') in relation to third-country nationals. Other guidance available to deciding officers regarding the administration of social security claims should not be presented.

4.4 Might claiming social security affect a third-country national's access to a residence permit renewal, application for naturalisation, or for family reunification, where these aspects are dependant on an individual's ability to be self-supporting?

Yes/No

If yes, please list those aspects that can be affected by a social security claim and identify the statutory provisions that specify this.

4.5. Please indicate whether translation, interpretation or other forms of support are available to third-country nationals wishing to access a social security benefit or programme in your country.

5. EXTERNAL DIMENSION OF SOCIAL SECURITY

Social security coordination with third countries is dealt with by means of bilateral social security agreements made between Member States and third countries. While each Member State is free to conclude their own bi-lateral agreements, the Commission has recently issued a Communication on "The External Dimension of EU Social Security Coordination" (COM(2012)153 final of 30.3.2012), encouraging greater cooperation between Member States in the field of social security coordination with third countries.² There is also a common EU approach to social security coordination contained in provisions agreed in association agreements made between the EU, its Member States and certain third countries. With the Commission currently negotiating implementation agreements with each of these third countries, this section aims to inform the policy process by presenting information on the external dimension of (Member) State's social security policy, including the scope and functioning of any bi-lateral social security agreements reached with third countries.

This section explores the bi-lateral agreements reached by each (Member) State with third-countries for the specific purpose of co-ordinating social security; it is not interested in other types of bi-lateral agreements that (Member) States may have concluded with third countries (recognising that some (Member) States have concluded a large number of bi-lateral agreements with third-countries covering other issues). For countries that have concluded a large number of such agreements, the questions in this section can be answered by making reference to a selection of bi-lateral agreements, without attempting to cover them all.

² [http://europa.eu/rapid/press-release MEMO-12-234 en.htm#PR metaPressRelease bottom](http://europa.eu/rapid/press-release_MEMO-12-234_en.htm#PR_metaPressRelease_bottom)

5.1. Have bi-lateral agreements on the co-ordination of social security been reached by your (Member) State with any third countries?

Yes/No

If yes, please list the third countries with which such bi-lateral agreements have been reached and provide information on the data of signature and ratification.

5.2. Please provide more information about the bi-lateral social security agreements that have been concluded by your (Member) State which:

i) allow a worker from a third-country to work in your (Member) State while remaining subject to the social security legislation of the sending state;

Yes/No

If yes, please summarise the provisions

ii) guarantee equal treatment in the system of the host state in respect of particular benefits (e.g. reciprocal healthcare arrangements);

Yes/No

If yes, please summarise the provisions

iii) allow social security benefits (e.g. state pensions) to be exported to the territory of the other state;

Yes/No

If yes, please summarise the provisions

- contain any other provisions of relevance to the coordination of social security systems with third countries.

Yes/No

If yes, please summarise the provisions

5.3. Please provide any information available on the extent to which third-country nationals have invoked their rights under the bi-lateral social security agreements reached between your (Member) State and third-countries. It is recognised that this information may not be available in all countries.

5.4. Please explain how your (Member) State arranges the payment of social security benefits to citizens of your own country that live in a third-country with which your (Member) State has not reached a bi-lateral agreement.

6. CASE-STUDIES

In order to better understand the entitlements and access to social security by third-country nationals arriving for the first time, for each of the case-studies below, please describe the decision making procedure, and whether the social security claims made by the third-country nationals concerned would ultimately be successful in your (Member) State. It is recognised that, in order to determine eligibility for the specific benefits in accordance with the rules of your (Member) State, additional information about the particular circumstances of each case

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may be required. EMN NCPs are asked to identify the circumstances that would make it possible for the individuals concerned to access the benefits.

Case-study 1: Tho and Lien, a married couple holding Vietnamese citizenship, aged 28 and 30, moved to your (Member) State 10 years ago. They hold long-term residence permits. Tho has worked in a car manufacturing company for the last 8 years, paying obligatory insurance contributions throughout this time. Lien has worked as a chef in the restaurant of a large hotel, also paying obligatory insurance contributions, for the last 2 years. Tho and Lien are expecting the birth of their first child in 6 weeks' time. Last week, the car manufacturing company where Tho works announced that they were making him redundant. Faced with the loss of Tho's income at a time when Lien would need to take time off work, following the birth of their child, Tho decided to apply for unemployment benefits while Lien applied for maternity benefits.

Case study 2: Jasmine is a single parent, aged 29, holding Filipino citizenship, who moved to your (Member) State 2 and a half years ago. She has a 2-year old child (also holding Filipino citizenship) that lives with her and another child aged five that lives in the Philippines with Jasmine's mother. She holds a temporary/salaried worker residence permit that has been renewed once. Jasmine has worked as a nurse in a residential day-care unit in your (Member) State for 2 and a half years. She sends a small amount of money every month to the Philippines to help support her daughter. Last month, Jasmine's employer announced significant cuts in staff salaries in response to budget reductions. Faced with a significantly reduced income, Jasmine has moved into a hostel as she can no longer afford to rent private accommodation. She has also been forced to halve the amount of money she sends to her family in the Philippines every month. She has decided to apply for family benefits and guaranteed minimum resources.

Case study 3: Senghor is a high-skilled worker from Senegal. He arrived in your (Member) State six years ago with a temporary residence permit arranged through the IT company that employed him. Senghor is single and does not have children, but has recently succeeded in bringing his elderly mother to the country on the basis of family reunification. Aged 80, his mother is entirely dependent on Senghor's income. Last week, Senghor suffered an accident at work that left him incapable of carrying out the work for which he was employed for a period of 3 years. He decided to apply for invalidity benefits, sickness benefits and family benefits.

7. STATISTICS ON SOCIAL SECURITY PAYMENTS RELATED TO MIGRATION

NCPs are requested to provide any available data referred to in section 7.1 below for the years 2007-2012 using the standardised tables provided in Annex 1. It is acknowledged that the data requested may not be available in all countries. In addition, the Service Provider will liaise with DG Employment to determine the availability of EU-harmonised data under 7.2 and 7.3.

7.1. Please present any available data on numbers or persons employed, unemployed and inactive by national group. If data on persons employed, unemployed and inactive is

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not disaggregated by national group in your (Member) State but by another level of disaggregation that could serve as a proxy for national group (e.g. country of origin), please provide this data.

7.2. Data/research on the take up of social security benefits among third-country nationals (by type of payment by national group, duration in country, age, sex, for last five years)? (To be collected by the Service Provider if available at EU level).

7.3. The costs to each (Member) State of providing social security benefits including healthcare to third-country nationals (To be collected by the Service Provider if available at EU level).

8. KEY FINDINGS

This section should present a summary of your National Report. Policy recommendations can be included on an optional basis.

ANNEX(ES)

- 1. Further sources in relation to migration and welfare**
- 2. Standardised tables for the collection of statistics on numbers employed, unemployed and inactive by national group**

Available compilations of previous related **EMN Ad-Hoc Queries** (pdf files) and a List of Directives as set out in the **EU Acquis** in relation to irregular migration will be uploaded into a folder assigned to this Study on the Information Exchange System.