

Report from EMN Sweden 2013:4

Migrant access to social
security:
Policies and practice in
Sweden



Migrant access to social security: Policies and practice in Sweden

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EXECUTIVE SUMMARY

This study, representing the contribution of the Swedish National Contact Point of the European Migration Network (EMN) to a comparative European study, provides an overview of the Swedish welfare and social security system, its different components, financing and coverage, and the conditions under which migrants have access to it.

Sweden is internationally known as a strong welfare state with a long-standing tradition of comprehensive social security, relatively high taxes and a high level of employment protection.¹ Since this study was initiated by the EMN against the background that the access of third-country nationals to social security systems appears to be different across EU Member States (and Norway), and that rights and entitlements of migrants may sometimes be based on their nationality (as third-country nationals, EU-citizens or a country's own nationals) or on their respective status as immigrants, one of the main outcomes of the Swedish report is that equal rights are an important basic feature of the Swedish system. This means that the nationality or immigration status of a person is normally not a criterion for their access to social security benefits. Further to this, a guiding principle of Swedish social security policy is that immigrants should not be subject to specific, separate rules only affecting them as a group on the basis of their nationality. Instead, rights and entitlements are based either on residence, or work, in Sweden. Any person who stays or can be expected to stay in Sweden for more than one year will normally be considered a resident – irrespective of his or her nationality. Therefore, most legal immigrants who are granted a residence permit which is valid for more than one year will be considered residents, and as such, benefit from equal access to any social security measures in the same way as Swedish nationals or EU-nationals living in Sweden. As far as work-related social security is concerned, this is based on a person working in Sweden – even if the period of employment is shorter than one year. Even in this regard, no differences are made on the basis of nationality or immigration status. The only relevant exception to this rule applies to posted workers.

The study further shows that while many benefits are financed through taxes, and as such not dependent on any contributions by an individual to a specific insurance system, others are contributory, such as, for example, earnings-related unemployment benefits. Three case studies provide practical examples of how the Swedish rules are applied in practice.

Due to the fact that entitlements and benefits are not dependent on the nationality of a person applying for it, most statistical data on the different components of social security in Sweden and the extent to which third-country nationals, EU-nationals or Swedish citizens make use of them are not readily available. Therefore, the only statistical data presented and discussed in this study refer to employment, unemployment and inactivity levels. These data were taken from the European Labour Force Survey. They can be disaggregated by nationality groups (Swedish citizens, other EU nationals, and third-country nationals).

As far as unemployment is concerned, the European Labour Force data point towards comparatively high unemployment rates among third-country nationals in Sweden and a significant gap between Swedish nationals and EU citizens on the one hand, and third-country nationals on the other hand. This situation has long been recognised by policy-makers, and efforts are made to speed-up and improve the integration of newly-arrived refugees and other groups of migrants into the labour market.

¹ See e.g. OECD (2012): Recruiting Immigrant Workers – SWEDEN 2011, OECD Publishing, p. 36.

1 INTRODUCTION: OBJECTIVES, METHODOLOGY AND DEFINITIONS

Social security systems, including access to healthcare, constitute one of the most powerful tools to reduce poverty and inequality and promote social inclusion and dignity. By providing security for individuals against specific social risks, including unemployment, sickness and invalidity, social security systems aim to enhance productivity, increasing employability and support sustainable economic growth. While EU Member States share a common commitment to ensuring the well-being of their populations through effective social security systems, their rules on who is entitled to social security and healthcare, which benefits are granted and under what conditions vary significantly.

Two of the most challenging trends to which policymakers in Europe must respond are population ageing and increasing volatility in labour markets. Both of these major challenges will require adjustment of social security and healthcare systems, to meet increased demands for growing retired populations and to meet the needs for income maintenance of displaced workers. Migration from third countries is regarded as one part of the solution to meet labour and resource needs to support Europe's changing populations, but such migrants are particularly exposed to cyclical economic downturns and may face complex national rules on the conditions for entitlement to benefits.

National policy-makers in charge of developing social security and healthcare regulations face conflicting pressures. On the one hand, as labour migration increases and takes more complex forms (including temporary, circular and cross-border migration), there is growing recognition that social security and healthcare systems must be adapted in order to address the needs of migrant workers. These adaptations can in turn play a role in EU and Member State strategies to attract migrant workers and maximize the contribution they can make to European economies. On the other hand, budgetary constraints and a popular perception of immigrants as excessive users of benefits can make it financially and politically difficult to extend social security and healthcare entitlements to new groups.

1.1 Objectives

The overall objective of this EMN study is to map the policies and administrative practices that shape third-country nationals' access to social security, including healthcare, in EU Member States. There is substantial variation in how third-country nationals experience the social security system in EU Member States, as complex administrative rules and practices related to nationality, periods of employment, contributions, residency or transferability shape the pattern of take up of social security, including healthcare among migrant groups. By investigating the policies and administrative practices that shape migrant access to social security and healthcare, this study represents a necessary first step towards understanding how social security, including healthcare policies work for third-country workers and their families, within a managed migration system. EU and Member State policymakers may use the resulting "snap-shot" of access across the EU to find more effective ways of meeting the basic needs of migrant workers while ensuring that immigrants do not become a burden for the Member State.

The specific aims of the study are to:

- Outline the formal EU and national rules that shape entitlements to social security and healthcare for third-country nationals in EU Member States; the study shall build upon information available (primarily from DG EMPL) on the functioning of social security systems for MS and other EEA nationals;
- Examine how these entitlements compare to the entitlements of nationals of the Member State in which the third-country nationals reside;²
- Investigate the administrative practices that determine how the formal rules on eligibility for third-country nationals are applied in concrete cases, especially when implementing the 'habitual residence test' and other eligibility rules that contain a discretionary element;
- Identify the circulars, guidelines and other forms of support (e.g. training) provided to government officials involved in processing social security and healthcare claims in order to ensure that the discretionary criteria (e.g. in relation to the 'habitual residence test') are implemented consistently in individual cases within a Member State;
- Review the reciprocal agreements that exist between EU Member States and third countries that affect the entitlement to social security and healthcare of certain groups of immigrants.

Consistent with the remit of EMN and with previous studies, the study will focus on the rules, institutions and administrative practices that affect access to social security and healthcare of third-country nationals only. The issue of access is particularly relevant to third-country nationals who may be exposed to the double risk of losing entitlements to social security and healthcare benefits in their country of origin through absence, while facing restrictions to these benefits in their destination country. The issue of access can also interact in important ways with the mobility patterns of third-country nationals. In some Member States, for example, reliance on social security may have an adverse impact on third-country nationals' access to other rights, including the right to renew a residence permit, apply for naturalisation or apply for family reunification.

As far as the Swedish contribution to this EMN study is concerned, one of the main objectives of the study is to provide an overview of the basic rules and principles concerning the access of migrants to both residence-based and work-related social welfare. Since several public authorities and agencies deal with the different aspects and components of the Swedish social security system and since welfare issues are dealt with both at the national, regional and local level, there has so far not been any broad overview of this kind. Rather, information has been available in a sectorial fashion, focusing on specific social welfare issues, such as through webpages of responsible government ministries or public authorities. Thus, while primarily serving as the Swedish contribution to a comprehensive EMN study, the national report for Sweden also aims at filling a national information gap.

Since Sweden, when it comes to access to social welfare, does not make any distinction based on nationality – not for its own or any other citizens – the proposed limitation of the scope of this study to third-country nationals cannot be applied to this report. As outlined below, access to social welfare in Sweden is based on either

² The comparison does not extend to 'mobile' EU nationals i.e. EU citizens who move to and reside in a second EU Member State, whose entitlements are governed by the EU's social security coordination rules.

residence or work, and not on a person's nationality or – with very few exceptions – immigration status

1.2 Definitions

In this study, terms and definitions are used, to the extent possible, as they are given in the EMN's glossary³.

Since Sweden, when it comes to access to social welfare, does not make any distinction based on nationality – not for its own or any other citizens – the definitions of third-country national and other related terms are not relevant. There is, however, a distinction in EU-law between third country nationals and EU citizens in the sense that these two groups do not always have the same rights when it comes to social security⁴. In Swedish social law, however, citizenship is irrelevant. Instead, social security in Sweden is based on the concepts of residence or work, in the country, as will be developed in later sections of this report.

1.3 Methodology

The study has been created on the basis of common specifications decided upon by the EMN, in order to facilitate a comparison between EU Member States (and Norway). The specifications provide the questions that the study should answer, as well as an outline, common definitions and practical instructions for all participating EMN Contact Points.

The Swedish study's content is based upon recent legal and social science literature, research reports and publications from national ministries and authorities that are active within the field of social security for immigrants. For this purpose, reports prepared by the Parliamentary Committee on Circular Migration in 2010 and 2011 have been particularly useful.⁵

Previous work provided from an EU-perspective has also been very useful to this study. Especially the work done in the context of the MISSOC⁶ and referred to in the specifications for this study (The MISSOC national guides are accessible here: <http://ec.europa.eu/social/main.jsp?catId=858&langId=en>).⁷ While the MISSOC national guides are drafted in order to provide information to mobile EU nationals insured under national law, and not to third-country nationals, there might be significant differences for some (Member) States, but for Sweden none of the social benefits included in this study is differentiated depending on the nationality of the

³ *EMN Glossary*, EMN website.

⁴ Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010.

⁵ Swedish Government Official Reports Series 2011:28 and 2010:40.

⁶ The EU's Mutual Information System on Social Protection.

⁷ The MISSOC national guides are drafted in order to explain the rights that EU citizens who move from one (Member) State to another enjoy as a result of Regulation (EC) no. 883/04 on the coordination of social security systems.

holder. This means that the information from the MISSOC has been used wherever possible.⁸

To verify the information provided in this report the National Contact Point has been in contact with the Swedish Social Insurance Agency.

Since Sweden, when it comes to access to, or take-up of social welfare, does not make any distinction based on nationality – not for its own or any other citizens – very little statistical data are readily available which would include information on the nationalities of the recipients of benefits.

While working with this study, it has been discovered that there is very little compiled information on the different kinds of social security systems for immigrants. Thus, one aim of this study is to fill this information gap and provide useful information both to potential immigrants and officials working in different areas of the social security system, as well as policy makers.

⁸ With the exception of “guaranteed minimum resources”, these ‘branches of social security’ are covered in Article 3(1) of Regulation (EC) no. 883/04 on the coordination of social security systems. For the purposes of Regulation (EC) no. 883/04, benefits which fall under the category of “guaranteed minimum resources” are considered social assistance and are not subject to EU coordination rules.

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

The general social security system in Sweden comprises the following branches:

- health insurance⁹;
- sickness benefits;
- benefits in respect of accidents at work and occupational diseases;
- invalidity benefits;
- old-age and survivors' pensions;
- unemployment insurance;
- financial aid for studies;
- family benefits and parental insurance.¹⁰

The social security system comprises residence-based insurance providing guaranteed minimum benefits and earnings-related benefits covering loss of income. The system covers everyone who is resident or working in Sweden. A person who has his or her real domicile in Sweden is considered to be residing here.¹¹

The right to benefit from the Swedish social insurance system is mainly regulated in the Social Insurance Code (socialförsäkringsbalken), which entered into force 1 of January 2011. According to this, the right to benefits can be based either on residence in the country or employment in the country, but not on nationality.¹²

⁹ Sweden has a regional healthcare system that is largely independent of the social security system. Each county council (landsting) or region (region) and in one case municipality (kommun) is required to ensure that everyone domiciled in the county or region has access to quality medical care. Domicile in this respect is linked to the Swedish population registry.

¹⁰ MISSOC, July 2013, "Your social security rights in Sweden", p. 5.

¹¹ MISSOC, July 2013, "Your social security rights in Sweden", p. 5.

¹² Swedish Government Official Reports Series 2011:28, p. 162.

As a general rule, any persons who come to live in Sweden are considered to be residing in the country if they can be expected to stay for more than one year. Anyone coming to Sweden to study is not considered a resident even if they can be expected to stay for more than a year and are registered in the population registry. Posted workers in Sweden employed by a foreign employer are exempt from receiving work-based benefits. Any persons resident in Sweden who leave the country are held to be still residing in Sweden if their absence can be presumed to be of no more than one year's duration.

In Sweden the social security system is fundamentally founded on the principle of national insurance. The group of people protected is thus not defined according to a certain social status, and no major distinction is made between employees and the self-employed. Self-employed persons thus enjoy the social protection of the general system.

The social security system in Sweden has two main categories:

- Residence-based benefits; and
- work-based benefits.

The most common residence-based benefits which everyone residing in the country may qualify for include:

- Parental benefit, (minimum guaranteed level);
- Child allowance;
- Child support (underhållsstöd);
- Housing allowance;
- Invalidity benefit (tax-financed part);
- Assistance allowance;
- Sick pay (guaranteed level);
- Survivors' benefits;
- Rehabilitation.¹³

The concept of being resident in the country means, if nothing else is specifically stated, that a person is to be seen as residing in the country if he/she has his/her real domicile here. Any person coming to Sweden, who can be expected to stay legally for more than one year, shall be considered resident in the country in the social security context. A person living in Sweden who is leaving the country is considered as still being resident here if the time abroad is one year or less. There is no requirement to be registered in the population registry to be considered as resident in Sweden¹⁴.

The Swedish Tax Agency (Skatteverket) is responsible for the population registry and persons with a residence permit that is valid for more than one year should normally register there. If the person is intending to stay in the country for a year or more he/she will be given a personal identity number which is used in all contacts with authorities in the country. If the person is staying less than a year in Sweden the tax authority are instead issuing a co-ordination number.

¹³ Swedish Government Official Reports Series 2011:28, p. 164.

¹⁴ However, the access to health care is directly linked to the population registry administered by the Swedish Tax Agency.

The work-based social benefits which everyone working in the country is entitled to include:

- Pregnancy allowance;
- Parental benefits based on income;
- Temporary parental benefits;
- Old-age pension based on income;
- Sick pay;
- Sickness cash benefit;
- Rehabilitation;
- Child pension;
- Income related sickness compensation or activity compensation;¹⁵
- Unemployment benefit.

The work-based benefits are covering a loss of income. The amount is dependent on the income of the person and has a ceiling.

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.

The Swedish social security system, except for unemployment insurance and financial aid for studies, falls under the jurisdiction of the Ministry of Health and Social Affairs (*Socialdepartementet*). The basic parts of the insurance cover sickness and parental insurance (*sjuk- och föräldraförsäkring*), old-age pension (*ålderspension*), survivors' pension (*efterlevandepension*), sickness compensation (*sjukersättning*) and activity compensation (*aktivitetsersättning*) and work injury insurance (*arbetskadeförsäkring*).

Under the Social Insurance Code, which entered into force on 1 January 2011, social insurance is divided into a residence-based insurance providing guaranteed amounts and benefits and a work-related insurance against loss of income. Both categories apply equally to everyone who is habitually resident or working in Sweden. Swedish citizenship is no longer one of the conditions of the insurance.

The Swedish Social Insurance Agency (*Försäkringskassan*) is responsible for the administration of social insurance, with the exception of old-age and survivors' pensions, which are the responsibility of the Swedish Pensions Agency (*Pensionsmyndigheten*).

Healthcare is a responsibility of the Swedish county councils or regions (in one case a municipality), which also have a right to establish how much tax should be levied to finance the provision of healthcare.

Unemployment insurance is under the jurisdiction of the Ministry of Employment (*Arbetsmarknadsdepartementet*). It consists of two parts: a basic insurance and an optional earnings-related insurance. The basic insurance covers persons who are 20 years or older who are not optionally insured. The optional earnings-related insurance is voluntary. Unemployment insurance is administered by unemployment insurance funds.

¹⁵ See also Swedish Government Official Reports Series 2011:28, p. 165.

Social assistance, which is not considered to be a part of social insurance in Sweden, is under the jurisdiction of the Ministry of Health and Social Affairs. It is supervised by the National Board of Health and Welfare (*Socialstyrelsen*). The administration and provision of social assistance, including care and service for children and families, care for elderly and disabled, is a responsibility of the municipalities.

Financial aid for studies is handled by the Swedish Board for Study Support (*Centrala studiestödsnämnden*, CSN).

The system is financed through taxes and earnings-related contributions. Employers' contributions amounting to 31.42 % of the wage bill cover most of the cost. Self-employed persons pay insurance contributions equivalent to 28.97 % of their income. The contributions of self-employed persons can be slightly decreased if they accept a longer waiting period in the sickness insurance.¹⁶

In addition, insured persons' contributions have recently been introduced to finance part of the old-age pension scheme. Contributions cover around 60 % of all insurance expenditure. The rest is financed by yield from funds and by taxes via the national budget.

Pension contributions are deducted from wages and paid directly to the tax authorities. Persons who are registered with an unemployment insurance fund have to pay their contributions to this fund by themselves.

Employers' contributions are reduced for persons over 65 years of age.

The regional healthcare system is financed through regional taxes and, to some extent, from State subsidies and user fees. Social assistance is financed mainly through local taxes.

Table 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 <i>(rows to be added if required)</i>	Financing mechanisms <i>(contributory/ non-contributory/ mixed)</i>	Accessibility by third-country nationals <i>(please list the categories of third-country nationals that are eligible, where possible making use of the categories specified above)</i>
I. Healthcare	Healthcare includes general medical assistance (including doctor's visits and specialist care), hospital care, physiotherapy and any other medical treatment, dental care and medicine.	Mixed but mainly financed by taxes	Everyone resident in the country, with a permit to stay for one year or more

¹⁶ Employment, Social Affairs & Inclusion, Your social security rights in Sweden, July 2012/7.

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II. Sickness cash benefits	Sickness cash benefit	Earnings-related contribution from the employer	Yes
	Sick pay ¹⁷	Earnings-related contribution from the employer	Yes
III. Maternity and paternity benefits	Maternity benefit – minimum guaranteed benefit	Non-contributory	Yes
	Maternity benefit – income based	Earnings-related contribution from the employer	Yes
IV. Invalidity benefits	The income-related sickness compensation ¹⁸	Earnings-related contribution from the employer	Yes
	The tax-financed sickness compensation ¹⁹	Non-contributory (tax-financed)	Yes
	Disability allowance	Non-contributory (tax-financed)	Yes
V. Old-age pensions and benefits	Earnings-based pension	Earnings-related contribution from the employer	Yes
	Guaranteed pension		Yes
VI. Survivors' benefits	Child pension	Earnings-related contribution from the employer	Yes
	Adjustment and guaranteed pension	Earnings-related contribution from the employer	Yes
VII. Benefits in respect of accidents at work and occupational diseases		Earnings-related contribution from the employer	Yes
VIII. Family benefits	Child allowance	Non-contributory (tax-financed)	Yes
	Housing allowance	Non-contributory (tax-financed)	Yes
IX. Unemployment benefits	Basic insurance	Earnings-related contribution from the employer	Yes
	Voluntary insurance to compensate the loss of income	Earnings-related contribution from employer and from the insured to unemployment fund	Yes
X. Guaranteed minimum resources	Social assistance	Non-contributory (tax-financed)	Yes
XI. Long-term care benefits	Personal assistance	Non-contributory (tax-financed)	Yes

¹⁷ An employee who cannot work because of illness receives sick pay; this is paid by the employer from the second to and including the fourteenth day. After that, sickness cash benefit is paid by the Swedish Social Insurance Agency.

¹⁸ Persons between 19 and 29 years of age can receive activity compensation instead.

¹⁹ Ibid.

Everyone registered in the population registry is entitled to subsidized health care. This is to be provided by the region where the person is living. Persons not living in the region are entitled to immediate care when needed. Third country nationals who are not registered in the population registry, are not entitled to subsidized care so they have to pay the whole cost of any health care both in cases of emergency and planned health care.²⁰

The unemployment insurance is made up of two parts, one basic insurance and a voluntary insurance to compensate for the loss of income. The basic insurance is payable to a person who has worked for the period and amount needed to meet the work condition. The voluntary loss of income insurance is payable to a person who, in addition to fulfilling the work condition, has been affiliated to an unemployment insurance fund for at least 12 months. For both the basic insurance and the insurance to compensate the loss of income some prerequisites have to be fulfilled. These include that the person shall be unemployed, able to undertake work, registered as a jobseeker at the public employment service and willing to accept an offered suitable work.

Anyone coming to Sweden who can be assumed to be residing in Sweden for a period longer than a year should be considered a resident in the country. This does not apply however to an alien who has been granted a residence permit on the basis of directive 2001/55/EC²¹ unless he or she can be assumed to stay in the country for more than three years. It does also not apply to international students and posted workers.

Residence-based benefits may not be granted for more than three months retroactively, counting from the month in which a person is granted a residence permit.

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

Persons holding a residence permit based on refugee status or international protection or as a quota refugee can be granted an introduction benefit (etableringsersättning). The person in question must be between 20 and 64 years old and have an introduction plan with the Swedish Public Employment Agency. If he or she participates full time in the introduction plan, SEK 308 or about EUR 32 per day are granted. A supplementary benefit can be granted if the person in question has children. A supplementary housing allowance can also be granted.

²⁰ Swedish Government Official Reports Series 2010:40, p. 143.

²¹ Council directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

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?

Yes. In Sweden, a parliamentary committee on circular migration and development published its final report in 2011. In this report the importance of social security for immigrants and the portability of benefits are discussed. The conclusion is that the availability of social insurance can contribute to a migrant's decision to come to Sweden. The possibility of exporting the benefits earned in Sweden in case of moving to another country (portability), or back to the country of origin, is also considered relevant. The responsible ministries are preparing law amendments as a result of the work of the committee at the time of writing this report.

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?

No. The guiding principle all the way through Swedish legislation is that there should be no special laws or amendments only affecting immigrants. Instead, the same rules are to be applied to everyone staying legally in the country.

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:²²

- 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, residence-based benefits are normally available to everybody who can be expected to stay in Sweden for more than one year. Work-based benefits are available to everybody who works in Sweden. These general rules, to which there are also some exceptions, are not specific to third-country nationals but to all persons, see table below.

Table 2: Minimum residence periods for certain benefits

Branch	Benefit	Minimum residence period	Comment
I. Healthcare	Healthcare includes general medical assistance (including doctor's visits and	No minimum residence	Must have the right to stay in the country for one year or more

²² 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.

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	specialist care), hospital care, physiotherapy and any other medical treatment, dental care and medicine.		
II. Sickness cash benefits	Sickness cash benefit	No minimum residence	Minimum income requirement
	Sick pay	No minimum residence	Must have been on the payroll in the country for at least two weeks
III. Maternity and paternity benefits	Maternity benefit – minimum guaranteed benefit	No minimum residence	Must have the right to stay in the country for one year or more
	Maternity benefit – income based	No minimum residence	Must have been insured for sickness cash benefit for at least 240 consecutive days before confinement
IV. Invalidity benefits	Income-related sickness compensation	No minimum residence	Must have had pension-entitling income for at least one year
	Tax-financed sickness compensation	Resident in Sweden for at least three years	
	Disability allowance	No minimum residence	
V. Old-age pensions and benefits	Earnings-based pension	No minimum residence	Must have had pension-entitling income for at least one year
	Guaranteed pension	Resident in Sweden for at least three years	
VI. Survivors' benefits	Child pension	No minimum residence	Based on the earnings of the deceased
	Adjustment and guaranteed pension	No minimum residence	Based on the earnings of the deceased
VII. Benefits in respect of accidents at work and occupational diseases			
VIII. Family benefits	Child allowance	No minimum residence	Must have the right to stay in the country for one year or more
	Housing allowance	No minimum residence	Must have the right to stay in the country for one year or more For part of it you must have permanent residence permit
IX. Unemployment benefits	Basic insurance	No minimum residence	Must be capable of working and at liberty to undertake work on behalf of an employer at least 3 hours each day and on an average

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			<p>of 17 hours a week, be registered as a jobseeker with the public employment service, and also otherwise be available for work.</p> <p>Must have been gainfully employed for at least 6 months and have performed work for a minimum of 80 hours per calendar month, or been gainfully employed for at least 480 hours during a continuous period of six calendar months and performed work for at least 50 hours during each of these months.²³</p>
	Voluntary insurance to compensate the loss of income	No minimum residence	<p>Must be capable of working and at liberty to undertake work on behalf of an employer at least 3 hours each day and on an average of 17 hours a week, be registered as a jobseeker with the public employment service, and also otherwise be available for work. Must have been affiliated to an unemployment insurance fund for at least 12 months and during this time, have been gainfully employed for at least 6 months and have performed work for a minimum of 80 hours per calendar month, or been gainfully employed for at least 480 hours during a continuous period of six calendar months and performed work for at least 50 hours</p>

²³ Unemployment Insurance Act (1997:238), section 12.

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			during each of these months. ²⁴
X. Guaranteed minimum resources	Social assistance	No minimum residence	All persons with the right to stay in the country. An individual means test is carried out.
XI. Long-term care benefits	Assistance allowance	No minimum residence	Must have the right to stay in the country for one year or more
	Personal assistance	No minimum residence	This is provided by the municipality in which the person in question is residing

To be entitled to guaranteed pension the person must have lived in Sweden for at least three years. Full guaranteed pension is payable to a person that has lived at least 40 years in Sweden between the ages of 16 and 64.²⁵

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, most of the benefits that are based on income are to be seen as a kind of insurance and the amount of the benefit is dependent on the contribution to the system. This kind of personal, but obligatory, insurance can be transferred to other countries. The rules for exportability are the same for everyone and nationality does not matter.

All parts of the pension that are based on income and the payments for the pension made through work are portable to all countries. The guaranteed part of the pension is only portable to countries within the EU/EEA, Switzerland and, in some certain circumstances, Canada. The same applies for the guaranteed sickness compensation and activity compensation.

Some of the work-based benefits can be payable no matter in which country the person is living. Other benefits can only be paid under certain circumstances. This depends on why the person is living abroad and in which country the person is living.²⁶

Some of the wage related benefits that have been granted a person in Sweden can according to Swedish law be paid no matter where in the world the person decides to live as long as the right to the benefit is still at hand. This is the case for income-related sick pay, activity grant, sickness compensation, earnings-based pension, child pension, survivors' benefits from invalidity insurance and survivors' benefits from the premium pension system.²⁷ The other work-based benefits can only be brought to third countries under certain circumstances.²⁸ Parental benefits can be

²⁴ Unemployment Insurance Act (1997:238), section 7.

²⁵ Swedish Government Official Reports Series 2011:28, p. 178.

²⁶ Swedish Government Official Reports Series 2011:28, p. 165.

²⁷ Swedish Government Official Reports Series 2011:28, p. 171-172.

²⁸ Swedish Government Official Reports Series 2011:28, p. 172.

exported for the time the insured person is abroad as long as the right to the benefit remains and the child is resident in Sweden.

To be able to get Swedish housing allowance for rental costs, a person must live in Sweden. The part of the housing allowance that is connected to the fact that a child is living with its parent/-s can be payable even if the person is living in another EU member state if someone in the family is working in Sweden.²⁹

The residence-based benefits end when a person is no longer considered a resident in Sweden. As long as the person is still considered a resident in Sweden the benefit can, under certain circumstances, be made payable in another country. If the person is living outside the EU/EEA and Switzerland, the main rule is that the benefit can continue if the period abroad is less than six months.³⁰ The benefits that can be payable when staying in a third country for no more than six months are minimum guaranteed benefit of the parental benefit, child allowance, care allowance, child support, adoption benefit, rehabilitation benefit, housing allowance and a few others. If the stay abroad is planned to last for more than six months the benefit will end already when the person is leaving the country. For sickness compensation, activity compensation, guaranteed pension, pension complement, child pension and adjustment and guaranteed pension these benefits can be made payable abroad as long as the person is still considered to be resident in Sweden if the stay abroad can be presumed to last no more than one year. In practice this means that the right to these benefits ceases after one year abroad.³¹

Work-based benefits can, as stated above, to a large degree be exported abroad no matter which country the person is moving to. The possibility to export the residence-based benefits to a third country is most often limited to temporary stays abroad lasting less than a year. An explanation to this is that residence-based benefits are financed through taxes while the work-based benefits are financed through fees from the employer.

In the coordinated rules for social insurance within the Nordic countries, the EU/EES and Switzerland, the main rule is that any person is subject to the law in the country where he/she is working.³²

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, please see the Table below.

Table 3: Minimum employment/contribution periods for certain benefits

Branch	Benefit	Minimum residence period	Comment
II. Sickness cash benefits	Sickness cash benefit	No minimum residence	Minimum income requirement
	Sick pay	No minimum residence	Must have been on the payroll in the country

²⁹ Swedish Government Official Reports Series 2011:28, p. 172.

³⁰ Swedish Government Official Reports Series 2011:28, p. 164.

³¹ Swedish Government Official Reports Series 2011:28, p. 173.

³² Swedish Government Official Reports Series 2011:28, p. 167.

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			for at least two weeks
IV. Invalidity benefits	Income-related sickness compensation	No minimum residence	Must have had pension-entitling income for at least one year
V. Old-age pensions and benefits	Earnings-based pension	No minimum residence	Must have had pension-entitling income for at least one year
IX. Unemployment benefits	Basic insurance	No minimum residence	<p>Must be capable of working and at liberty to undertake work on behalf of an employer at least 3 hours each day and on an average of 17 hours a week, be registered as a jobseeker with the public employment service, and also otherwise be available for work.</p> <p>Must have been gainfully employed for at least 6 months and have performed work for a minimum of 80 hours per calendar month, or been gainfully employed for at least 480 hours during a continuous period of six calendar months and performed work for at least 50 hours during each of these months.³³</p>
	Voluntary insurance to compensate the loss of income	No minimum residence	<p>Must be capable of working and at liberty to undertake work on behalf of an employer at least 3 hours each day and on an average of 17 hours a week, be registered as a jobseeker with the public employment service, and also otherwise be available for work.</p> <p>Must have been affiliated to an unemployment insurance fund for at</p>

³³ Unemployment Insurance Act (1997:238), section 12.

			least 12 months and during this time, have been gainfully employed for at least 6 months and have performed work for a minimum of 80 hours per calendar month, or been gainfully employed for at least 480 hours during a continuous period of six calendar months and performed work for at least 50 hours during each of these months. ³⁴
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The minimum employment period is the same for nationals and third country nationals.

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?

To access benefits based on domicile, the person in question needs to have a permit to stay in the country and have his or her domicile in Sweden according to national law. Regulation 883/2004/EU Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 shall apply to nationals of third countries who are not already covered by those Regulations solely on the ground of their nationality, as well as to members of their families and to their survivors, provided that they are legally resident in the territory of a Member State and are in a situation which is not confined in all respects within a single Member State.^{35,36}

For work-based benefits, the only requirement is that the person must have an employment in the country.

Introduction benefits can be granted to newly-arrived refugees, quota refugees, and their relatives as explained above. Thus, they normally apply to third-country nationals only.

³⁴ Unemployment Insurance Act (1997:238), section 7.

³⁵ Article 1 of regulation (EU) No 1231/2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality.

³⁶ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, and internal guidelines no 2004:11 of the Swedish Social Insurance Agency (Försäkringskassan).

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).

No.

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 analyzed 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?

The Swedish Social Insurance Agency (Försäkringskassan) will assess whether the person in question is to be considered to be residing in Sweden in order to be able to grant residence-based benefits. This assessment is based on a number of factors like their professional activity, how he or she lives, if he or she has family members in Sweden etc. The object is to decide where the person's real domicile is. The Agency will also perform an investigation to see if EU legislation is applicable. Normally anyone coming to live in Sweden is considered to be residing in the country if they can be expected to stay for more than one year. The Agency will determine which factors indicate residence in Sweden, and what factors that speak for residence in another member country based on the person's center of interest³⁷. If the result of that assessment is that the real domicile is in Sweden, then residence-based benefits may be granted.

³⁷ Article 11 of the Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

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.

Factors used to determine a person's residence are the duration of his or her stay in Sweden, family ties, professional activity, duration of employment contract etc.

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.

For these examinations (described under 4.1) there are guidelines and so-called processes, see e.g. Guidelines 2004:11 produced by the Swedish Social Insurance Agency. The guidelines describe the different rules that apply. The processes describe the various stages of the proceedings. In addition to these documents there are also a number of other directing and supporting documents (e.g. summaries of court practice) which may contain descriptions of how residence assessment shall be conducted in different situations.

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 dependent on an individual's ability to be self-supporting?

No, this is only relevant in the context of family reunification. In order to qualify for family reunification, the person residing in Sweden should, as the main principle, be able to provide for him/herself and the family. There are however many exceptions to this main principle.

For other kinds of residence permits there is no requirement that persons are not claiming benefits from the social security system but since there is a minimum wage requirement for labour migrants and international students must be able to prove that they have adequate resources in order to get a residence permit.

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.

Some of the information is available in several languages. When a person is in contact with an authority or municipality he/she is entitled to interpretation if he/she does not speak or understand Swedish. This will be arranged and paid for by the authority. This is a right for everyone living in the country and in all languages. The interpretation can be done in person or over telephone.

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.³⁸ 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.

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

Yes, Sweden has concluded social security agreements with the countries mentioned in the Table below.

Table 4: Bilateral social security agreements

	Date of signature	Entry into force
Bosnia-Hercegovina	30 March 1978 (former Yugoslavia)	1 July 2002
Chile	13 March 1995	
Israel	30 June 1982	1 July 1983
Canada	10 April 1985	1 January 1986
Cape Verde	9 February 1988	
Croatia	30 March 1978 (former Yugoslavia)	1 November 1992
Morocco	4 January 1980	1 June 1982
Serbia	10 December 2002	20 January 2003
Turkey	30 June 1978 3 June 1997 26 August 2004	
USA	27 May 1985	
South Korea	9 September 2013	Has not yet entered into force at the time of writing
India	26 November 2012	Has not yet entered into force at the time of writing

³⁸ [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).

Further to these, at the time of writing this study, there were on-going negotiations with China and Japan. Regarding health care, conventions/agreements have been reached with Algeria, Australia, Chile, Israel, Québec in Canada, and Turkey.

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

Chile – if the duration is no more than 12 months and he/she is posted by the employer.

Morocco – if the duration is no more than 36 months and he/she is posted by the employer.

Turkey – if the duration is no more than 12 months and he/she is posted by the employer.

USA – if the duration is no more than 60 months and he/she is posted by the employer.

India - if the duration is no more than 24 months and he/she is posted by the employer (can be prolonged to 48 months).

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

For health care, conventions/agreements have been reached with Algeria, Australia, Chile, Israel, Québec in Canada, and Turkey.³⁹ All these conventions/agreements give, to varying degrees, the right to subsidized health care in the respective countries.⁴⁰

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

According to the agreement with Chile, social security benefits can be exported to the other state, except the guaranteed pension.

The agreement with Canada foresees that the guaranteed pension can under certain circumstances be exported to Canada.

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

The contents of the various social security agreements vary, but the basic idea is that any person should be insured in one of the signatory states. This is meant to ensure that nobody loses social security benefits that he/she is entitled to, and or risks having to make social security contributions in two countries. A basic principle is often that a person shall be insured in the country in which he/she works. The

³⁹ Swedish Government Official Reports Series 2010:40, p. 143.

⁴⁰ Swedish Government Official Reports Series 2010:40, p. 143.

agreements also include provisions on equal treatment, the right to receive payments in the other country, the merging of different insurance periods, and administrative cooperation between responsible authorities. The rules on merged insurance periods make it possible for beneficiaries to fulfill requirements concerning minimum durations of insurance periods in the other country.

5.3 Please provide any information available on the extent to which third-country nationals have invoked their rights under the bilateral social security agreements reached between your (Member) State and third-countries.

No information available.

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 bilateral agreement.

The payments will be made to the (Swedish) bank account that the person has stated regardless whether the person is within or outside the country.

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 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.

In Sweden, Tho would have permanent residence permits since these are granted after having worked in the country for four years. Also Lien would have a permanent residence permit as the spouse of Tho and having applied for a residence permit based on family reunification. Thus, they will both be considered residents in Sweden and have access to residence-based benefits.

Tho's unemployment benefit will depend on him having a voluntary insurance for the loss of income. If Tho has a voluntary insurance for the loss of income, the amount of the unemployment benefit will depend on his income before losing his job. For the first 200 days of unemployment he will get 80 per cent of his previous income. For the coming 100 days (250 days if he has a child) the unemployment benefit will be 70 per cent of the previous income. The maximum amount for the whole period is SEK 680 per day (approximately EUR 78 per day).

If Tho has no voluntary insurance for the loss of income he will instead be entitled to basic insurance, which is not based on income but on how much he has worked in the year previous to the unemployment. If he has worked full time, the maximum amount will be SEK 320 per day (approximately EUR 37 per day).

Tho will be entitled to unemployment benefit from the day that he registers as unemployed with the Swedish Public Employment Service (Arbetsförmedlingen). Thus, there will be no difference between Tho and a Swedish national losing his/her job.

Lien will be able to apply for parental benefit from the 60th day before the baby is due. Parental benefit, which is paid for a total of 480 days per child, has three different compensation levels.

The sickness benefit level is based on the income she has had while working. The second compensation level, referred to as the basic level is SEK 225 per day. She will be eligible for the basic level if she has had little or no income.

The sickness benefit and basic levels last for 390 days. The third compensation level, referred to as the minimum level, lasts for 90 days. The minimum level is SEK 180 per day. To get the parental benefit Lien must report to the Swedish Social Insurance Agency (Försäkringskassan) that she is not working any more (or working less hours) because she is taking care of the child. There will be no difference between Lien and a Swedish national applying for parental benefit.

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.

Concerning Jasmine, it needs to be noted that this scenario is very unlikely in Sweden – to reduce wages is almost never done in Sweden since the wages in most cases are regulated by central negotiations between employers and employees. These agreements must also be followed in order for the employee to get a work and residence permit in Sweden. Her salary must not be lower than SEK 13 000 (EUR 1 400) per month, otherwise she is not entitled to a work permit. What could happen instead in Sweden is that Jasmine's working hours could be cut down, making her partly unemployed and entitled to part-time unemployment benefit, either at a basic level in case she has not been a member of an unemployment insurance fund, or at a higher, more compensatory level, if she has been a member.

In the case stated above, Jasmine would, since the birth of the child living in Sweden, be entitled to child allowance which is paid automatically to all children living in the country. The child allowance is SEK 1050 per month.

From The Swedish Social Insurance Agency (Försäkringskassan), Jasmine can apply for housing allowance since she has a child under the age of 18. Since she is staying at a hostel she will not receive the part of the housing allowance directed to cover rental costs. However she can receive the part that is based on the fact that she has a child. This allowance is means-tested and the amount granted depends on her income, the housing cost, the size of the home and the number of children. In many cases the housing allowance would mean that the family would not have to move.

If Jasmine is still not reaching a reasonable standard of living she can apply for social assistance. In order to do that she must contact the Social Services office (Socialtjänsten) in the municipality where she is living.

Social assistance is intended to act as a last-resort safety net for people who have temporary financial problems. Social assistance is financial support under the Social Services Act. Jasmine can receive support for her upkeep and for other items that she needs to have a reasonable standard of living. Help with upkeep is called income support and consists of a standard (the national standard) plus reasonable costs for other common needs such as housing and household electricity. Items not included

in income support are other living expenses. These are things that are not part of income support but which are necessary.

The national standard includes expenses for food, clothes and shoes, leisure and play, health and hygiene, insurance of children and young people, consumables, and a daily newspaper, telephone and TV licence fee. If there are special reasons, the Social Services can decide in individual cases to calculate costs at a higher or lower level than the national standard. The national standard is based on calculations from the National Council for Consumer Affairs. Income support also includes reasonable expenses for housing, household electricity, work-related travel, home contents insurance and membership fees for a trade union and unemployment benefit fund.

For all the benefits stated above, the rules are the same for Jasmine as for everyone else living in the country including nationals.

Depending on if she has had any parental benefit in the Philippines, she can also apply for parental benefit in Sweden for the child living with her. If she received any parental benefit in the Philippines, this benefit will be deducted from the 480 parental days you are entitled to in Sweden. The same rules apply for Jasmine as in case study 1.

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.

In Sweden, it would be very hard for Senghor to bring his mother to the country since family reunification is normally only for "the core family" (wife/husband and children), there have to be exceptional circumstances in order for the mother to be able to join him in Sweden. To be able to apply for family reunification Senghor must also have a permanent residence permit, which he could acquire after working four years in the country. They must also have had close ties before, such as living in the same household in the country of origin.

Since Senghor has been injured at work he will be entitled to apply for annuity with the Swedish Social Insurance Agency (Försäkringskassan). If his injury is accepted as an occupational injury the annuity will compensate his loss of income with a maximum of SEK 312 000 per year. If the injury had not occurred at work, Senghor would have been entitled to sickness compensation (since the injury will last for more than a year). The compensation is based on his previous income with a maximum of SEK 17 800 per month. If Senghor has high housing costs he can also apply for housing supplement which is means-tested and can be granted to someone with sickness or activity compensation, but not if Senghor had been granted sickness cash benefits.

Senghor will not be able to receive parental or family benefits since he does not have any children. In any event, the rules and procedures will be the same for Senghor as for everyone else working in Sweden including Swedish nationals.

7 STATISTICS ON SOCIAL SECURITY PAYMENTS RELATED TO MIGRATION

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

Employment

The Table below shows the evolution of employment rates of Swedish nationals, other EU-citizens, and third-country nationals living in Sweden throughout recent years (2008-2012). The percentages each refer to persons within the age bracket 15-64.

The Table indicates that the employment rate of Swedish nationals has seen little change over time. In 2012, it was at the same level as in 2008. Also, the employment rates of other EU-nationals in Sweden have been rather stable, although they are somewhat lower than for Swedish nationals. Third-country nationals have had a comparatively low employment rate throughout recent years. It decreased from 50.5% in 2008 to 44.2% in 2012. Thus, the gap between third-country nationals and Swedish nationals, as far as employment rates are concerned, has widened throughout recent years. One reason for this can be that immigration of third-country nationals has increased strongly in Sweden. Most third-country nationals move to Sweden for humanitarian, or family, reasons. They usually do not have a job from the start of their stay in Sweden, and it can sometimes take time for them to integrate into the labour market and find a job.

Table 5: Employment rates for Swedish nationals, other EU citizens and third-country nationals by sex, 2008-2012 (%)

	2008	2009	2010	2011	2012
MS nationals	75.1	73.0	73.1	74.8	75.1
MS nationals - Males	77.2	74.7	75.1	76.6	76.6
MS nationals - Females	72.8	71.3	71.1	72.9	73.5
Other EU nationals	73.1	74.5	73.2	72.6	72.2
Other EU nationals - Males	76.8	78.3	79.3	78.2	76.9
Other EU nationals - Females	69.4	70.7	67.1	66.8	67.2
Third Country Nationals	50.5	47.3	44.7	44.1	44.2
Third Country Nationals - Males	59.7	55.7	54.9	53.9	52.4
Third Country Nationals - Females	41.7	39.4	35.4	34.5	36.2

Source: Eurostat, Labour Force Survey (lfsq_egan)

Unemployment

Table 6 below visualises unemployment rates. Again, a considerable gap between Swedish nationals and third-country nationals can be observed, which has tended to increase during the period 2008-2012.

Table 6: Unemployment rates for Swedish nationals, other EU nationals and third-country nationals by sex, 2008-2012 (%)

	2008	2009	2010	2011	2012
MS nationals	5.9	8.0	8.2	7.2	7.3
MS nationals - Males	5.6	8.3	8.4	7.2	7.6
MS nationals - Females	6.2	7.7	8.0	7.1	7.1
Other EU nationals	7.3	8.6	9.7	9.1	9.7
Other EU nationals - Males	5.8	8.6	8.8	8.1	9.0
Other EU nationals - Females	8.9	8.7	10.8	10.4	10.6
Third Country Nationals	22.3	26.3	28.4	31.1	30.6
Third Country Nationals - Males	21.5	26.7	25.6	29.8	31.0
Third Country Nationals - Females	23.5	25.7	32.1	33.1	30.1

Source: Eurostat, Labour Force Survey (lfsq_egan)

Inactivity

Table 7 below shows the inactivity rates of Swedish nationals, EU nationals and third-country nationals living in Sweden. A person is economically inactive, as defined by Eurostat, if he or she is not part of the labour force and is not looking for a job. The inactive population can include pre-school children, schoolchildren, students, pensioners and housewives or -men, for example, provided that they are not working at all and not available or looking for work either; as some individuals of these categories may be of working-age.

Table 7: Inactivity rates for Swedish nationals, other EU nationals and third-country nationals, as a share of the population of the respective group, 2008-2012 (%)

	2008	2009	2010	2011	2012
MS nationals	20.2	20.6	20.3	19.4	19.0
MS nationals - Males	18.1	18.5	18.0	17.4	17.2
MS nationals - Females	22.4	22.8	22.8	21.5	20.9
Other EU nationals	21.1	18.5	18.9	20.1	20.0
Other EU nationals - Males	18.5	14.4	13.1	14.9	15.5
Other EU nationals - Females	23.8	22.6	24.8	25.5	24.8
Third Country Nationals	35.0	35.8	37.5	36.0	36.3
Third Country Nationals - Males	24.0	24.0	26.1	23.3	24.2
Third Country Nationals - Females	45.5	46.9	47.9	48.5	48.2

Source: Eurostat, Labour Force Survey (lfsq_igan)

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

As this study has shown, Sweden has a comprehensive social security and welfare system, which is not only open to its own nationals, but equally to foreign citizens who live in Sweden as nationals of other EU Member States, or Nordic countries, making use of their right to free movement, or third-country nationals who move to Sweden through the different migration channels as foreseen by the Aliens Act. Access to social security is granted irrespective of a person's nationality. Rather, it is dependent on either residence, or work, in Sweden. Anyone who stays or can be expected to stay in Sweden for more than one year will be considered a resident, and, on this basis, have access to the welfare system. International students coming to Sweden represent one of very few exceptions to this general rule. (They may be excluded from residence-based welfare entitlements even when they stay in the country for more than one year.)

As far as work-related benefits are concerned, most of them apply from the day a migrant worker starts to work in Sweden. Thus, even in cases when a foreign worker will not have access to residence-based benefits since he or she does not intend to stay in Sweden for more than one year, he or she will still be entitled to work-related benefits. The only prominent exception in this context applies to posted workers. Since they are not regarded as employees in Sweden, they are not part of the Swedish work-force, and, as a consequence, not entitled to work-related benefits.

Overall, however, since no distinctions are made in terms of the citizenship of a migrant, access to the Swedish welfare system is the equal for Swedish nationals, EU nationals and third-country nationals. As a result, third-country nationals, even though they are subject to different rules concerning their right to enter and stay in Sweden (immigration), as compared to EU-citizens who are covered by free movement, do not have to fear any disadvantages in terms of access to welfare.

As the statistical data on employment, employment and inactivity rates in section 7.1 of this study have shown, there are significant gaps between third-country nationals and Swedish citizens. While unemployment among Swedish nationals was at around 7.3 % in 2012, it was more than 30 % among third-country nationals. This should be seen against the background that immigration has increased strongly in Sweden over recent years. A large share of third-country nationals have moved to Sweden for humanitarian (international protection) or family reasons. Thus, many migrants do not have jobs from the beginning of their stay, and in many cases, it can take a long time for them to integrate into the labour force. The Swedish government aims at improving this situation in several ways. For example, municipalities in urban areas facing extensive exclusion can receive performance-based support when they manage to improve employment rates, school results of children and a reduction of dependency of their residents on social welfare. Efforts to improve the recognition and validation of skills and qualifications obtained in other countries have also been stepped-up.

As far as possible further steps are concerned, the Swedish parliamentary committee on circular migration and development has stated that the possibility to take earned welfare rights from one country to another can be of decisive importance for a decision to move between countries.