



EMN Ad-Hoc Query on selected benefits (retirement benefit, compensation for disabled persons and benefit in material need) for beneficiaries of international protection

Requested by Kristina BEHUNOVA on 20th February 2017

Protection

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom, Norway (19 in total)

Disclaimer:

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

Background information:



The Slovak Republic is currently dealing with the issue of retirement benefits (pension) for beneficiaries of international protection. As it is not possible for the Slovak Republic to recognize the number of years these persons worked (the length of service) in their country of origin, they are not entitled to retirement benefits. Due to this fact, the Slovak Republic seeks to create a mechanism which would serve as an alternative to the retirement benefit calculated based on their length of service in a given country or to find an alternative way to recognize their length of service. In addition to that, the Slovak Republic is also looking into the provision of benefits for disabled persons and the provision of benefits in material need as mainly persons granted subsidiary protection are disadvantaged in these areas due to their temporary residence status. The Slovak Republic would like to collect information about the practice in other Member States.

Questions


1. What is the system of retirement benefits for beneficiaries of international protection in your (Member) State providing that these persons did not work in your country prior to being provided international protection? a) If you recognize the length of service in the country of origin, how is this recognition carried out? b) If you do not recognize the length of service in the country of origin, what is the mechanism based on which you provide retirement benefits or other benefits substituting pension? c) Do you apply the same mechanism in case of persons granted asylum and persons granted subsidiary protection?
2. How does the social policy of your Member State deal with compensation of disabled persons in case of beneficiaries of international protection? a) Do you apply the same criteria both for persons granted asylum and persons granted subsidiary protection? b) If not, how do you differentiate between these two categories? Are persons granted subsidiary protection compensated in an alternative manner?
3. Do you provide benefits in material need within your social policy equally for persons granted asylum as well as for persons granted subsidiary protection? If not, how do you differentiate between these two categories? Are persons granted subsidiary protection compensated in an alternative manner?


Responses



	Country	Wider Dissemination	Response
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 	Austria	Yes	<p>1. Austria's statutory social insurance scheme has no special provisions or systems for the categories of persons referred to and does not make any distinction among those categories of persons. The same eligibility requirements and the same method of calculating benefits apply to everyone who pursues gainful employment in Austria and accrues pension periods in the Austria pension system. Pension periods accrued in a third country are taken into account where a bilateral social security agreement has been signed between Austria and that third country. It needs to be pointed out, however, that in the meantime the majority of bilateral social security agreements signed by Austria (not with Tunisia) do not depend on citizenship but stipulate instead that persons who have accrued pension periods in the particular signatory state fall within the scope of application of that agreement at personal level, and that insurance periods accrued in another signatory state are to be taken into account, with those insurance periods being added together to determine whether the eligibility requirements have been met. Source: Federal Ministry of Labour, Social Affairs and Consumer Protection.</p> <p>2. Category of eligible persons with disabilities Pursuant to Art. 2 para 1 of the Austrian Disability Employment Act, in addition to Austrian citizens the categories of persons listed below can be classified as eligible persons with disabilities: • refugees who have been granted asylum, for as long as they are entitled to permanent residence in Austria; • third-country nationals who are eligible to reside and work in Austria and who in respect to the conditions under EU law applying to dismissal from employment are to be treated equally with Austrian citizens. To qualify as eligible persons with disabilities, individuals must furthermore be assessed as having a 50% degree of disability and no grounds excluding them from this status may exist, such as: • participation in schooling or vocational training; • over 65 years of age and not employed; • collection of monetary benefits due to long-term unemployment or from the old-age insurance scheme. Hence persons granted asylum are not differentiated from persons granted subsidiary protection. Disability Pass To obtain a Disability Pass as specified in Art. 40ff of the Federal Disability Act, persons are only required to have their place of residence or to continually reside in Austria and have a degree of disability as assessed in accordance with provisions of federal law. If no estimate of the degree of disability has yet been made, such an assessment is carried out by medical experts under the services department of the Austrian Social Affairs Ministry. The funded measures that are intended to integrate persons with disabilities in employment target the category of recipients specified in the Austrian Disability Employment Act. Access to such funded measures is therefore open to both persons granted asylum and to persons granted subsidiary protection, provided that such individuals are classified as eligible persons with disabilities as defined in the Austrian Disability Employment Act. Long-term</p>
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			<p>care benefit People with disabilities who meet the requirements under the Federal Long-Term Care Benefit Act can receive long-term care benefits. To be entitled to long-term care benefits, the following requirements have to be met:</p> <ul style="list-style-type: none">• continuous need for attendance and assistance due to a physical, mental or psychological disability or sensory impairment that will be prolonged for at least six months;• continuous need for more than 65 hours of nursing care monthly;• habitual residence in Austria (under certain conditions long-term care benefits can be paid out in a country belonging to the European Economic Area or in Switzerland). <p>Pursuant to Art. 3 para 1 and 2 of the Federal Long-Term Care Benefit Act, Austrian citizens with their habitual residence in Austria are entitled to long-term care benefits without basic benefits, provided that in accordance with Regulation (EC) No 883/2004 no other Member State is responsible for providing care benefits to such individuals. Foreigners meeting one of the conditions listed below are treated equally with Austria citizens:</p> <ul style="list-style-type: none">• equal status is accorded them based on state treaties or EU law;• they are granted asylum status;• they are entitled to residence under EU law as specified in Art. 15a and 15b of the 2005 Aliens Police Act, Federal Law Gazette I no. 100/2005, or as specified in Art. 51 to 54a and 57 of the Settlement and Residence Act, Federal Law Gazette I No. 100/2005;• they hold one of the following residence titles:<ul style="list-style-type: none">o EU Blue Card pursuant to Art. 42 Settlement and Residence Act;o Permanent Residence – EU pursuant to Art. 45 Settlement and Residence Act;o Permanent Residence – Family Member pursuant to Art. 48 Settlement and Residence Act;o Family Member residence title pursuant to Art. 47 para 2 Settlement and Residence Act;o residence title pursuant to Art. 49 Settlement and Residence Act. <p>Pursuant to Art. 3a para 2 subpara 1 Federal Long-Term Care Benefit Act, foreigners not falling under one of the subsequent subparagraphs 2-4 are treated equally with Austrian citizens if equal treatment is to be accorded based on state treaties or EU law. Directive 2011/95/EU specifies that the necessary social assistance benefits are to be granted to refugees and persons granted subsidiary protection in the same manner as citizens of that Member State receive such benefits. Because of the special circumstances under which they live, persons granted asylum and persons granted subsidiary protection are considered particularly vulnerable and should not be subjected to any further disadvantage if they require long-term care. For this reason, with regard to receiving long-term care benefits, all individuals in need of long-time care who have been granted subsidiary protection status or asylum are given equal status with Austrian citizens and are entitled to long-term care benefits regardless of whether they receive basic welfare support benefits (i.e. benefits generally paid out to asylum-seekers). Hence persons in these categories can receive long-term care</p>
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			<p>benefits if they meet the other requirements. Source: Federal Ministry of Labour, Social Affairs and Consumer Protection.</p> <p>3. Benefits from the Assistance Fund for People with Disabilities Persons with disabilities can receive aid from the Assistance Fund if they are confronted with a social emergency, particularly when related to their disability, and where timely assistance can alleviate or resolve the emergency situation. Applicants either have to be Austrian citizens or have their habitual residence within the country and they have to be certified as having a disability of at least 50%. Here too then, no differentiation is made between persons granted asylum and persons granted subsidiary protection. Support benefit pursuant to Art. 21b of the Federal Long-Term Care Benefit Act, 24/7 nursing care Where individuals meet all of the conditions for support specified in Art. 21b Federal Long-Term Care Benefit Act – in particular entitlement to long-term care benefits at a minimum of level 3 as specified in that Act and requiring 24/7 nursing care in their own homes – this support benefit can also be approved for persons granted international protection in Austria under Art. 3 Asylum Act or Art. 8 Asylum Act (persons granted subsidiary protection or persons granted asylum respectively) for the entire period of their legal residence in Austria. It should be noted that no subjective public legal claim can be derived from Art. 21b Federal Long-Term Care Benefit Act, neither for Austrian nor for foreign citizens. Social compensation If all other requirements are met, persons granted asylum and persons granted subsidiary protection are entitled to compensation under the Immunisation Damage Act. Persons belonging to either category who become victims of an act of violence in Austria are also eligible for assistance under the Victims of Crime Act. Social assistance The rules governing access to social assistance benefits are laid down in specific acts for each province of Austria. Source: Federal Ministry of Labour, Social Affairs and Consumer Protection.</p>
	Belgium	Yes	<p>1. (a) If the person who is granted international protection is from a country with which Belgium has a bilateral agreement on social security, the length of service in that country is taken into account. Belgium is bound by bilateral agreements on social security with the following countries: the United States of America, Canada, San Marino, Serbia, Bosnia and Herzegovina, the Republic of Montenegro, Kosovo, Turkey, Algeria, Morocco, Tunisia , Israel, Chile, Australia, Croatia, Philippines, Japan, Macedonia, South Korea, Uruguay, Argentina, Albania, Republic of Moldova and India. The length of service in these countries of origin is taken into account for entitlement to early retirement and for specific calculation rules. No Belgian pension is obviously paid for these periods, since no contributions have</p>

			<p>been paid to Belgian social security. (b) If the person who is granted international protection is not from a country with which Belgium has a bilateral agreement on social security, the length of service in that country is not taken into account. All person who are granted international protection, as all Belgians, are subject to the general regulations on GRAPA ('Garantie de Revenus Aux Personnes Agées', which means elderly earnings guarantee). GRAPA is a benefit granted to persons aged 65 or over whose income is too low to sustain themselves. There is no special benefit for persons who are granted international protection under Belgian pension legislation. (c) Yes. There is no difference between the two statuses.</p> <p>2. (a) No. On the whole beneficiaries of subsidiary protection have the same rights as recognized refugees, such as the right to health insurance. But there are a number of differences between the two statuses. (b) Beneficiaries of subsidiary protection with disabilities are not entitled to the allowance for persons with disabilities, unlike recognized refugees. However, if they are without any financial income and are in a state of need they can still benefit from the financial assistance of the Public Welfare Centre (CPAS/OCMW).</p> <p>3. Recognized refugees and the beneficiaries of the status of subsidiary protection benefit from the same rights in terms of social assistance / benefits. Belgium makes no distinction between these two statutes.</p>
	Croatia	Yes	<p>1. 1. The retirement entitlements in Croatia to TCN inclusive of beneficiaries of international protection are available only under bilateral social security agreements, entered and applied by the Republic of Croatia. The insurees covered by certain agreement may acquire all rights from the Croatian pension insurance system in proportion with the qualifying period completed in the foreign country. Equally so, an insuree may acquire the other part of his/her pension benefit from the foreign country.</p> <p>2. 2. Disabled persons under the international protection are not identified in the Croatian social policy. Persons with disabilities are entitled to disability benefits, rehabilitation and disability remuneration as any national with disabilities. a) Yes. b) N/a. c) No.</p>

			<p>3. 3. a) Yes, in case person does not have resources sufficient to meet his own basic needs and those of his family. b) In case of a financial assistance there is no difference between persons granted asylum and persons granted subsidiary protection. c) No.</p>
	Czech Republic	Yes	<p>1. In principle, beneficiaries of international protection in the Czech Republic do not receive retirement benefits. Application of a bilateral agreement is not possible in case of beneficiaries of international protection. There are other benefits substituting pensions – e.g. assistance in material need, extraordinary immediate assistance, housing allowance. The access to the social security system is the same for beneficiaries of international protection and for the Czech nationals. The same mechanism is applied for persons granted asylum and persons granted subsidiary protection.</p> <p>2. The same assistance is provided to disabled persons in case of beneficiaries of international protection as in case of the Czech nationals. The same criteria apply for persons granted asylum and persons granted subsidiary protection.</p> <p>3. The Czech Republic provides the same social assistance to persons granted asylum and persons granted subsidiary protection.</p>
	Estonia	Yes	<p>1. In Estonia the state pension is paid to permanent residents of Estonia and aliens residing in Estonia on the basis of temporary residence permit or right of residence. In Estonia the right for a pension derives from working in Estonia. The state pension is paid for old age and loss of provider. The state pension is additionally divided into two: 1) old-age pension depending on the work contribution, 2) national pension. A person is entitled to the old-age pension if they are in pensionable age (currently 63 years) and their length of employment in Estonia is at least 15 years. The retirement age for both sexes is to be increased gradually and reach 65 years in 2026. In order to gradually increase the pensionable age, the right of persons born between the years 1954 and 1960 to receive an old-age pension arises 3 months a year. The national pension is paid to the persons of retirement age who do not have sufficient length of employment (15 years) in order to receive the old-age pension. A precondition for receiving the national pension is if they have attained pensionable age and have lived in Estonia for at least five years before applying for the pension. In case the person has not lived in Estonia for five years, the person does not have a right to receive the national pension. In this case the person is entitled to apply and receive the</p>

			<p>subsistence benefit, which is a means-tested minimum income benefit for all persons residing in Estonia legally. The subsistence benefit is a monthly benefit and it is granted to the household in order to satisfy the primary needs. Both persons granted asylum and persons granted subsidiary protection may qualify to receive the subsistence benefit (in case they have no income or the income is very low). a) When calculating the amount of pension, employment in the country of origin in general is not recognized. Exceptions may apply to some countries with whom Estonia has relevant bilateral agreements. b) See above. c) Yes, the same mechanism apply to persons granted asylum and to persons granted subsidiary protection.</p> <p>2. The following persons between the age of 16 and the pensionable age are entitled to of work ability assessment and work ability allowance provided for in Work Ability Allowance Act: 1) Estonian citizens residing in Estonia or aliens residing in Estonia on the basis of long-term residence permit or permanent right of residence; 2) aliens residing in Estonia on the basis of temporary residence permit or temporary right of residence; 3) persons enjoying international protection staying in Estonia or asylum seekers staying in Estonia who have the right to take employment in Estonia under the conditions provided for in the Act on Granting International Protection to Aliens; If an international agreement entered into by the Republic of Estonia includes provisions concerning the grant or payment of the allowance provided for in Work Ability Allowance Act which are different, the international agreement applies. Social benefits for disabled persons shall be granted and paid pursuant to the provisions of the Social Benefits for Disabled Persons Act to permanent residents of Estonia or persons residing in Estonia on the basis of a temporary residence permit or temporary right of residence with moderate, severe or profound disabilities which cause additional expense. Persons enjoying international protection staying in Estonia have the right to receive social benefits for disabled persons on equal grounds with permanent residents of Estonia. If an international agreement entered into by the Republic of Estonia includes provisions concerning the grant and payment of social benefits for disabled persons which are different from The Social Benefit for Disabled Persons Act, the international agreement applies. a) Same criteria apply to persons granted asylum and persons granted subsidiary protection. b) N/A c) No</p> <p>3. According to the legislation, local governments are responsible for providing social services, social benefits, emergency social assistance and other assistance. The beneficiaries of international protection are allowed to receive social welfare measures, including social benefits, on the same grounds as other persons living in Estonia legally (Estonian citizens and aliens residing in Estonia on the basis of a</p>
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			residence permit or right of residence). a) Yes, benefits are granted equally for persons granted asylum and persons granted subsidiary protection. b) N/A c) No.
	Finland	Yes	<p>1. Beneficiaries of international protection and other immigrants with a residence permit are entitled to the same social security benefits, including pensions, as nationals. Finland has two pension systems which complement each other. Earnings-related pension is earned by paid work and entrepreneurial activities. National pensions and guarantee pensions are meant for those pensioners who have no earnings-related pension or whose pension is very small. The Social Insurance Institution of Finland (Kela) takes care of national pensions and guarantee pensions. a) When calculating the amount of pension, employment in the country of origin is not recognized. b) The amount of national pension paid depends on how long the person in question has resided (or worked) in Finland, what his/her family situation is like and whether he/she receives any other pension income. Generally, a person may obtain national pension and guarantee pension if he/she has reached the age of 65 or has received a disability pension decision. A person may apply for national pension if he/she has not accumulated earnings-related pension or if it is very small. A person may apply for national pension and guarantee pension if he/she has resided in Finland for at least 3 years since the age of 16. c) The same mechanisms apply to persons granted asylum and persons granted subsidiary protection.</p> <p>2. Beneficiaries of international protection and other immigrants with a residence permit are entitled to the same social security benefits as nationals. Persons with disabilities are entitled to disability benefits, rehabilitation and disability pension. a) Same criteria apply to persons granted asylum and persons granted subsidiary protection. b) See above</p> <p>3. All residents of Finland whose income and assets do not cover their essential daily expenses may apply for basic social assistance from the Social Insurance Institution of Finland to cover their essential daily expenses. When a person who has been granted international protection is moving into a municipality, he/she may receive some assistance and material support from the reception centre or the municipality. No distinction is made between persons granted asylum and persons granted subsidiary protection.</p>


	France	Yes	<p>1. In France, third-country nationals holding a valid residence permit (legally residing in France) benefit from the same rights in terms of social protection as French nationals. Beneficiaries of international protection are entitled to old-age pension and benefits, provided that they meet the condition of insurance duration and the age condition required in France. a) The length of social insurance period in the country of origin is recognized if an international agreement for coordination on social security has been signed with France(see document attached for bilateral agreements signed by France). In that case, conditions of recognition depend on the terms of the agreement concluded. Each signatory country will pay for the old age pension related to the length of the stay in their own country. b) If there is no bilateral agreement, the foreign national has to fulfil the conditions required by the French regime: any person who has worked in France legally can benefit fully from the old age pension if he has paid for the whole insurance duration and has reached the required age. For example for a person born in 1951 he has to have paid old age insurance for 163 quarters; if he is born in 1955 or later, he has to have paid old age insurance for 166 quarters. c) There is no distinction between refugees and beneficiaries of subsidiary protection.</p> <p>2. In France, third-country nationals holding a valid residence permit benefit from the same rights in terms of social protection as French nationals. Beneficiaries of international protection are entitled to disabled adult allowance, provided that they meet the conditions (aged 20 or more, legally residing in France, comply with the disability rate of at least 80% or between 50 and 79% for a limited disability allowance or adapted access to work). No distinction is made between refugees and beneficiaries of subsidiary protection.</p> <p>3. There is no distinction between persons granted asylum and persons granted subsidiary protection. The access to such benefits is the same as for French nationals and other legally residing third-country nationals. Thus, they can benefit from specific allowances if they do not have sufficient financial means, from an emergency social security coverage if they do not work, etc.</p>
	Hungary	Yes	<p>1. The Hungarian social security system doesn't provide for the coverage of periods completed by the persons of international protection completed in their country of origin. The international protection of foreign nationals to whom refugee status or subsidiary protection has been granted also means that these persons are given the opportunity to accomplish their integration into Hungarian society on the long term, for their status affords rights and obligations similar to those of Hungarian citizens. In addition to</p>


having equal access to social benefits, healthcare services and education, which they may use in the same way as Hungarian citizens, they are eligible for further aid and benefits provided in cash and in kind intended to provide assistance and help them overcome the difficulties of integration into a foreign culture. Having regard to regulatory changes introduced on 1 June 2016, the previous aid scheme that was built on integration agreements remains in effect solely with respect to benefits provided on the basis of requests submitted before 31 May 2016. The promotion of the social integration of refugees and persons admitted for subsidiary protection to whom it applies is guaranteed by the Immigration and Asylum Office in co-operation – since 1 January 2014 – with the family protection service competent for the residence of the refugee or the protected person. Eligibility for aid and support depends on the recipient's financial and income situation, which is determined in accordance with Act III of 1993 on Social Administration and Social Welfare Benefits. A refugee or a persons admitted for subsidiary protection is considered eligible for aid and support if the client or his/her spouse or next of kin living in the same household does not have assets available in Hungary from which to support themselves, and the per capita monthly income of his family, comprising the income of all family members living in the same household, including his/her spouse and next of kin, does not exceed: a) 150% of the prevailing minimum of full old-age pension benefits in the case of single persons; b) the prevailing minimum of full old-age pension benefits in the case of persons with families. Refugees and persons admitted for subsidiary protection – if in need – shall have access to material reception conditions and to aid and assistance, in accordance with specific other legislation, for a period not exceeding thirty days from the date of the final qualification resolution. subquestion a) There are no rules in place for the recognition of the length of service in the country of origin. subquestion b) The Act on Social Administration and Social Welfare Benefits contains the rules of application for, the entitlement to and the amount of social welfare benefits substituting pension for those who either have not completed the required length of service period in Hungary or have not gained any period in Hungary at all. subquestion c) There is no differentiation between the persons legally residing in Hungary. The rules of social protection are in conformity with the international conventions and agreements to which Hungary is a Party.


2. See the replies given to the questions under point 1.

3. See the replies given to the questions under point 1.

	Italy	Yes	<p>1. Nowadays, no specific rules exist about the retirement benefits for beneficiaries of international protection. Supposedly, when there will be the case, retirement benefits for beneficiaries of international protection will be defined according to what the law states as regard the broader target of TCNs. Otherwise, an ad-hoc law will be provided. The retirement benefits for TCNs are the same that Italians have. The retirement system distributes upon request an economic performance (income) to attendant workers and self-employed, registered to the General Mandatory Insurance (AGO– Assicurazione Generale Obbligatoria) and/or to other sort of insurances. The retirement benefits are allowed only to whom has reached the age defined by law as well as the required contributory and insurance length of service (seniority). a) If you recognize the length of service in the country of origin, how is this recognition carried out? A difference exists between Italians and foreigners who reached the contributory length of service by the 31st December 1995 or after this date. In the first case, the right to the retirement pension is granted only to whom satisfies the following criteria: 1) having reached the minimum period of 20 years of contributory length of service, that can be reached by deposited contributions or accredited irrespective of title; 2) having reached the age requirement, defined for different periods of time and gender. In the second case, the right to retirement pension is guaranteed to those who: 1) have reached the minimum period of 20 years of contributory length of service; 2) have reached the age requirement defined for different periods of time and gender; 3) the foreseen amount of the pension is not lower than the amount of 1,5 times the social pension (so-called threshold amount); 4) have reached the age of 70 and have 5 years of effective/real contribution (mandatory, voluntary, “da riscatto”), excluding the contribution corroborated figuratively irrespective of title, regardless of the amount of the pension. For reaching the contributory length of service needed for the pension, Italy recognizes also the length of service in the country of origin. The length of service in the country of origin and in Italy are thus summed. b) If you do not recognize the length of service in the country of origin, what is the mechanism based on which you provide retirement benefits or other benefits substituting pension? c) Do you apply the same mechanism in case of persons granted asylum and persons granted subsidiary protection? * Ad hoc laws do not exist (See answer 1)</p> <p>2. How does the social policy of your Member State deal with compensation of disabled persons in case of beneficiaries of international protection? With regard to the compensation of disabled person’s beneficiaries of international protection, art. 27 comma 1 D.lgs. 251/2007 foresees that the beneficiaries of international protection (in Italy persons granted asylum and persons granted subsidiary protection are equalized – art. 1 D.lgs 18/2014) have the same rights of Italians as concern social assistance and health</p>
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			<p>care. For foreigners disabled people, in general, art. 41 D.lgs 286/1998 foresees that they are equalized to Italians for the fruition of the social services, also the economic ones. With regard to the compensation of disabled person's beneficiaries of international protection, art. 27 comma 1 D.lgs. 251/2007 foresees that the beneficiaries of international protection (in Italy persons granted asylum and persons granted subsidiary protection are equalized – art. 1 D.lgs 18/2014) have the same rights of Italians as concern social assistance and health care. For foreign disabled people, in general, art. 41 D.lgs 286/1998 foresees that they are equalized to Italians for the fruition of the social services, also the economic ones. a) Do you apply the same criteria both for persons granted asylum and persons granted subsidiary protection? Yes, although it is not defined by law.</p> <p>3. Yes. Following benefits are provided without distinctions among refugees or people under subsidiary protection: - ordinary disability allowance, an economic performance distributed, upon request, to the people whose working capacity is reduced to less than 1/3 because of physical or mental infirmity; it is for attendant workers and self-employed; the requirements to obtain this allowance are reduction of working capacity to less than 1/3 because of physical or mental infirmity and the at least 5 years of contribution and insurance, of which 3 in the 5 years before the application. It is not necessary the suspension of the working activity. - disability pension, an economic performance (income) distributed, upon request, to workers for whom is verified the total and permanent impossibility of working. It is for attendant workers and self-employed. The requirements to obtain the pension are the total and permanent impossibility of working and at least 5 years of contribution and insurance, of which 3 in the 5 years before the application.</p>
	Latvia	Yes	<p>1. Latvia could not support an approach that periods completed in another country are treated as actual insurance in Latvia. For any person including citizen not entitled to insurance pension there is another option: state social security benefit. As special non-contributory benefit it is better suited to protect beneficiaries of international protection. 1. The social security system of the Republic of Latvia provides two types of protection to persons in case of old age, applicable also to entitled persons granted asylum and subsidiary protection: 1) Old age pension (social insurance contribution based pension); 2) State social security benefit (special non-contributory benefit based on residence, payable to those not entitled to old age insurance). 1.1. Old age pension is granted upon reaching statutory pensionable age, based only on contributions made by the person or on his /her behalf. This scheme does not provide protection</p>


			<p>to people who have not contributed for at least 15 years, unless there is a co-ordination mechanism with the country of work in place and aggregation of periods and pro rata temporis (proportional) calculation possible (when Latvia calculates pension for a shorter (actual) period, and each involved country pays its own pension)*. The pensionable age in 2017 is 63 years for women and men. It gradually increases by 3 months per year and will reach 65. 1.2. State social security benefit (special non- contributory benefit) is payable upon reaching pensionable age to those not entitled to social insurance pension. There is a residence criterion – 60 months total and 12 prior to claiming benefit - continuous. This is the type of benefit most easily accessible and adaptable to cases where actual contributions have not been made or are insufficient to qualify. * In case Latvia undertook the responsibility completed in another country legal certainty principle, if periods completed outside Latvia are included, would require that the pension calculated continues to be paid in the same amount even after a coordination instrument starts to operate or the person leaves Latvia.</p> <p>2. In case there is no entitlement to social insurance pension, covering the risk of invalidity, state social security benefit in case of invalidity is payable after the residence period mentioned under 1.2. is completed.</p> <p>3. In the event any person’s and his/her household situation corresponds to that of a needy family (the household doesn’t have monthly income above 128,06 EUR per person), there is entitlement to a Guaranteed minimum income type benefit, provided by local government. For persons aged 15 - 63 there is a requirement to co-operate with, participate in the measures provided by the Public Employment Service (Employment Agency). Local governments also pay housing benefits to needy residents.</p>
	Lithuania	Yes	<p>1. In the Republic of Lithuania, individuals are entitled to receive state social insurance pension of old-age when they reach the retirement age, established in the Law on State Social Insurance Pensions, and they have the period of at least 15 years of state social insurance for pensions in Lithuania. The length of social insurance period in the country of origin is not recognized in Lithuania, unless Lithuania has an international agreement with this country in the field of social security, which regulates the aggregation of periods. If individual does not have the required period of state social insurance for pensions in Lithuania and the length of social insurance period in the country of origin is not recognized, but this individual is a permanent resident of Lithuania and has reached the retirement age, he or she is entitled to</p>

			<p>receive social assistance pension of old-age. In the case of state social insurance and social assistance pensions, persons granted asylum and persons granted subsidiary protection are entitled to the same benefits as the Lithuanian citizens.</p> <p>2. According to the existing Lithuanian legislation state does not apply the same criteria for compensation of disabled persons for persons who are beneficiaries of international protection. The Law of Social Integration of Persons with Disabilities is not applied for persons granted subsidiary protection; it means they are not able to enjoy equal rights compared to persons granted asylum as for to be assessed for the degree of disability, working capacity, special needs and in this case they are not able to use social guarantees and exemptions which are intended for the disabled. There is no alternative compensation method for persons granted subsidiary protection. Therefore at the main moment in accordance with European laws Lithuanian legislation is being updated respectively to the equal treatment of persons who are beneficiaries of international protection.</p> <p>3. Persons who are beneficiaries of international protection both granted asylum and granted subsidiary protection in Lithuania are provided for financial assistance at the whole period of integration on the same conditions from the same fund budget. However, according to the existing Lithuanian legislation state does not equally provide beneficial material need within its social policy for both types of persons who are beneficiaries of international protection. As soon as persons are granted asylum they have the same rights to use financial assistance and the same rules applied as for the Lithuanian citizen. But persons granted subsidiary protection are excluded. Despite that at the period of integration persons who are beneficiaries of international protection are being supported from the same fund on the same conditions persons granted subsidiary protection still are not able to use same rights to gain additional financial assistance as persons granted asylum. Therefore at the moment in accordance with European laws Lithuanian legislation is being updated respectively to the equal treatment of persons who are beneficiaries of international protection. There are amendments being made in the draft to ensure that persons granted subsidiary protection could enjoy the same rights on the same conditions to receive additional financial assistance as persons granted asylum.</p>
	Luxembourg	Yes	<p>1. The Luxembourg pension scheme is a contributory scheme. A beneficiary of international protection, refugee or subsidiary protection, as any third-country national legally residing in Luxembourg has to</p>




			<p>contribute in order to benefit of an old age pension. Any TCN who is affiliated by the employer after having verified that the TCN has a valid residence permit or an authorisation of stay and is working in Luxembourg, is insured in the old age pension insurance scheme. In the case of self-employed workers, they have to affiliate themselves at the CCSS (Joint Centre for Social Security). These conditions exclude other TCNs who do not have a salaried or self-employed occupation (i.e. beneficiaries of international protection that are not self-employed or salaried workers). The conditions for being granted the benefits are the same as the Luxembourgish nationals with the exception of the valid residence permit. The minimum contributable age is 16 years old and the maximum contributable age is 64 years old. In order to qualify for an old-age pension, the person must fulfil the following two conditions: 1) Have been insured for at least 120 months; 2) Have reached the age of 65. a) In principle, there is no legal provision that allows recognizing the work period by the beneficiary of international protection in his/her country of origin. The only possibility that a beneficiary of international protection can have the length of service in a country of origin recognised in Luxembourg is if there is a bilateral convention between Luxembourg and the country of origin that allows this recognition, which is not the case of the majority of BPI. However, article 174 of the Code of Social Security allows the retroactive buyout of those periods (the BPI can pay a lump sum for the contributions to the CNAP (National Pension Insurance Fund) The applicant must provide confirmation of those periods and must have the money for doing so. The applicant can fix the amount of contributions that s/he wants to pay, between the minimum (social minimum salary) and the maximum (5 times the social minimum salary) contribution Article 172 (8) foresees that the refugees who have acquired the Luxembourgish nationality can benefit from taking into consideration the work periods accomplished in their country of origin as assimilated period. However, the assimilated periods have less value than the contribution periods and they only count if the application had contributed to the Luxembourgish pension system for at least 10 years. b) Normally in those cases that the beneficiary of international protection does not fulfil the conditions mentioned above or after having contributed for more than 10 years and the pension does not reach the minimum threshold established by the law, the beneficiary will be entitled to apply for the Guaranteed Minimum Income (RMG). The RMG is part of the financial public assistance. It is based on the principle of solidarity and is “intended to ensure sufficient means for a decent standard of living”. The goal of the Luxembourgish State is to come to help to the Luxembourgish residents whose income are lower than the threshold fixed by the law. The RMG consists in an insertion allowance, a complementary allowance or both allowances paid at the same time. The benefits are not only financial but also social, because the idea behind the</p>
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			<p>RMG is to avoid social exclusion of these people. The beneficiary of international protection is entitled to RMG if s/he resided in Luxembourg, is at least 25 years old, has an income below the threshold established by the law and is prepared to exhaust all possibilities not yet used in the Luxembourg law or abroad in order to improve its financial situation. c) Yes. The beneficiaries of international protection, refugees and subsidiary protection, are entitled to the same social assistance as the Luxembourgish nationals (article 61 of the Law of 18 December 2015 on international protection and temporary protection).</p> <p>2. A. In the case that the beneficiary of international protection has contributed to the social insurance system s/he can have access to invalidity benefits. For benefiting of invalidity benefits the applicant must have completed 12 months of insurance over a three-year period before the onset of invalidity, or from the period of expiration of the sickness allowance except if the invalidity is due to an accident (whether or not it was sustained at work) or to an occupational disease which the applicant contracted while insured. In this case s/he is entitled to an invalidity pension even if s/he did not complete the 12-month insurance period normally required. The invalidity pension is composed of flat rate amounts and special increases based on the number of years that the person has been insured and of proportional and special increases based on the earned income during these years. B. In case that the disabled beneficiary of international protection has not contribute to the insurance system, s/he will be entitled to the RMG if s/he fulfils the conditions mentioned above in the answer to question 1. C. All the persons affiliated to the healthcare insurance (included the BPI) and their family members have right to the dependency insurance/long-term nursing care insurance. Each member can benefit independently from its income. The dependency insurance has as objective to compensate in part the expenses incurred by the care and the help need of a third party to accomplish the essential acts of life (corporal hygiene, nutrition, mobility, etc.) It is considered as dependence, the state of the person who after a physical or mental disease or a deficiency has an important and regular need of assistance of a third person in order to accomplish the essential acts of life. The dependency insurance covers the help and care of those who are not covered by the healthcare insurance. D. Families that have at least one child under the age of 18 can benefit of family benefits. Any child under the age of 18 and who suffer from a insufficiency or a permanent handicap of more than 50% of the physical or mental capacity in comparison to a child without handicap of the same age, has the right to a special supplementary allowance of a monthly amount equivalent to a normal family allowance. The duration of this special supplementary allowance can be extended up until the age of 27 if the handicap has appeared before the age of 18 and if the child</p>
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			<p>follows a training adapted to his/her capacities in an institute, service or in a differentiated or specialized education establishment. E. A person suffering from a disability which cannot allow him/her of exercising an occupation can benefit from the income for the severely disabled persons, if the applicant fulfils the following conditions: o Be at least 18 years old; o Show a diminished work capacity of at least 30% as a result of a physical, mental, sensorial or psychic deficiency and/or because of psychosocial difficulties which aggravates such deficiency; o This deficiency has to occurs before the age of 65; o Show a medical condition incompatible with any work related effort; o The applicant has to have a right to stay in Luxembourg and must reside and be domicile in the territory; o Have an income inferior to the severely disabled persons' income; a) Yes (See article 61 mentioned above). b) N/A.</p> <p>3. a) Yes (See article 61 mentioned above). b) N/A.</p>
	Malta	Yes	<p>1. The contributory retirement pension system in Malta is assessed on the period of contributions paid in Malta. When the minimum is not satisfied, the length of service abroad is considered, but only where the service was carried out in an EU member state, or with a country with who Malta has a bilateral agreement on Social Security - Australia, Canada, and New Zealand. Therefore in the event that the minimum contribution conditions are not satisfied, the person may claim a non-contributory age pension.</p> <p>2. Persons enjoying refugee status can apply for a disability assistance Only persons enjoying Refugee Status can apply for a disability assistance. Persons enjoying Subsidiary Protection can apply for Core Benefit only i.e. Social Assistance</p> <p>3. AWAS provides the same services not according to statuses but to individual needs and payment</p>
	Netherlands	Yes	<p>1. The Dutch pension system consists of three pillars: the General Old Age Pensions Act (AOW), supplementary pension accrual via the employer and supplementary individual pension policies. If you live or work in the Netherlands, you are insured under the General Old Age Pensions Act (AOW). Everyone who reaches the state pension age has the right to an AOW benefit. This is the basic income for getting by. For each year that you live or work in the Netherlands, you build up 2% of AOW. After having been insured for 50 years you receive the full AOW. If you have lived abroad and were not insured for AOW, you receive 2 percentage points less for each year you lived abroad. To be entitled for</p>

			<p>AOW you need to be insured for at least one year. If you are living in the Netherlands and do not receive a full AOW pension, but have little other income and means besides your AOW pension, a person might be entitled to a supplement to the AOW pension (Additional Income Provision for the Elderly or AIO supplement). This supplement is paid under the Participation Act (Participatiewet). The same mechanism applies to all persons.</p> <p>2. Beneficiaries of international protection have in principle the same rights to social security as nationals. For a complete English overview of the social security benefits in the Netherlands please find attached the Dutch Social Security Guide 2016</p> <p>3. Yes. The Netherlands has a ‘one-status system’ which does not distinguish between refugees and beneficiaries of subsidiary protection when it comes to their residence status. Both groups receive the same type of residence permit (temporary asylum residence permit) with the same conditions and rights. The Netherlands do not compensate in an alternative manner.</p>
	Poland	Yes	<p>1. Requirements to be fulfilled for granting the retirement benefits are the same for all insured, regardless nationality. Any insurance period gives a person the right to old-age pension after reaching the common retirement age. The money for future pensions is accumulated on the basis of monthly salary-based contributions. The length of service in the country of origin is not recognized in Poland unless there is bilateral agreement on the co-ordination of social security schemes between Poland and foreigner’s country of origin.</p> <p>2. In case of compensation of disabled same rules apply to persons granted asylum and persons granted subsidiary protection as for Polish citizens.</p> <p>3. In case of compensation of disabled same rules apply to persons granted asylum and persons granted subsidiary protection as for Polish citizens.</p>
	Slovak Republic	Yes	<p>1. According to the Slovak legislation, an insured person is eligible for a retirement benefit, if s/he was involved in a pension scheme for at least 15 years and has reached the retirement age. Slovak Republic does not have a support mechanism for persons who have not worked on its territory or countries</p>

			<p>subjected to the related provisions of the Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems (EU, EEA countries and Switzerland), which is necessary for being eligible for retirement benefit, nor a system of recognition of the number of years these persons have worked in the country of origin. a) This means that Slovak republic does not provide retirement benefits to beneficiaries of international protection, not even if they have an evidence of the number of years these persons have worked in the country of origin. An exception applies when these persons have worked in the Slovak Republic at least for one year. In this case, this year can be added to the total number of years of work in the country of origin and transferred to Slovak Republic. b) In the Slovak Republic the retirement benefits are not provided to the beneficiaries of international protection with the exception of the abovementioned case. These persons can only receive an allowance financed by the Asylum, Migration and Integration Fund (AMIF), based on the individual assessment. c) The same practice applies for the persons granted subsidiary protection.</p> <p>2. The conditions for providing financial contributions to compensate for the severe disability are set in the Act on Financial Contributions to Compensate Severe Disability. According to this act, a foreigner who has been granted asylum is also a party of this legal relation. Persons granted subsidiary protection are exempted from this legal relations. Legal claim for these contributions for compensation and their payment is established by a final decision of a competent authority to grant these contribution. As a part of the decision making process of the authority, also fulfilment of a complex of medical and non-medical conditions, set by the law, is assessed. a) No. The party of these legal relations is only a person granted asylum. Beneficiaries of subsidiary protection are exempted. b) Persons granted subsidiary protection can only be provided with the compensation contribution from the integration project AMIF, based on an individual assessment. Beneficiary of subsidiary protection can, however, be a party in the legal relation for the purpose of carer's allowance for the severely disabled persons in the territory of the SR.</p> <p>3. For the material need assistance, same rules are applied for beneficiaries of international protections as for the Slovak citizens. In both cases, in order to be eligible for this financial assistance, a proven state of material need has to be demonstrated as well as conditions set by the legislation in force (in this case, Act on the material need assistance and on amendment and supplement of some acts) fulfilled. The inflow of member of the household must be less than the life minimum (198,09 EUR). The same applies for the persons granted subsidiary protection.</p>
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	Sweden	Yes	<p>1. The national retirement pension consists of income pension, premium pension and guarantee pension. Persons who have low pension or no earnings-related pension (income pension) get guaranteed pension. In order to get premium pension the person must have had an income in Sweden for at least one year. To be entitled to guarantee pension the person must have resided in Sweden for at least three years before retirement. Beneficiaries of subsidiary protection can in some cases count their time of residence from their home country but in order to do that they must have lived in Sweden the year before they turn 65 years of age. If the beneficiary of international protection is not entitled to any of these pensions they will instead be entitled to old-age support (äldreförsörjningsstöd). To be entitled to this support the person must live in Sweden and be over 65 years of age. a. na b. see above c. Yes</p> <p>2. The invalidity benefit (for everyone residing in Sweden) has three parts: 1. Income-related sickness compensation for which a person must have at least one year of pension-entitling income. 2. Tax-financed sickness compensation for which a person must have been resident in Sweden for at least three years 3. Disability allowance – which has no minimum requirements of residence or income. a. Yes b. na</p> <p>3. If assistance is given materially there is no difference between persons granted asylum and persons granted subsidiary protection.</p>
	United Kingdom	Yes	<p>1. Persons who have not worked and paid national insurance contributions in the UK are not entitled to a contributory retirement pension. However, if they have a legal right to reside in the UK they may be entitled to a means-tested (social assistance) benefit called Pension Credit. Further information is available on this here: https://www.gov.uk/pension-credit/overview a) This is not recognised b) Pension Credit may be payable. c) Yes</p> <p>2. As long as they have a legal right to reside in the UK, they may have entitlement to a range of benefits – see: https://www.gov.uk/financial-help-disabled/disability-and-sickness-benefits a)Yes b)N/A c) No</p> <p>3. a)Yes b)N/A c)No</p>
	Norway	Yes	<p>1. a) If you recognize the length of service in the country of origin, how is this recognition carried out? Previous work experience/seniority is not recognized in terms of pension in Norway for TCN unless</p>

			<p>there is a bilateral agreement, such as between the US and Norway. b) If you do not recognize the length of service in the country of origin, what is the mechanism based on which you provide retirement benefits or other benefits substituting pension? In general, a person must have lived in Norway for at least three years after the age of 16, and still be a member of the National Insurance Scheme upon retirement in order to qualify for a pension from Norway. The general rule is that a legal resident accrues the right to a full pension from Norway after a minimum of 40 years of residence, but according to the rules that apply today (February 2017) refugees with international protection in Norway are exempted from this particular requirement. The rules regarding payment of a retirement pension for persons granted international protection today are under review – see below – but at the moment, the general rule is that a legal resident of Norway can receive a retirement pension from the National Insurance scheme when he/she has reached the age of 62 if that person has had sufficiently high earnings and meets the residence requirements. Generally, and in simplified terms, the more years someone works, the more money they earn, and the higher their retirement payment will be. Any legal resident of Norway can get a very minimum old-age pension from the age of 67 if they fulfil the requirements. The longer a person waits to take out old-age pension, the more they will receive each year during their remaining years. c) Do you apply the same mechanism in case of persons granted asylum and persons granted subsidiary protection? Today, yes.</p> <p>2. a) Do you apply the same criteria both for persons granted asylum and persons granted subsidiary protection? YES. b) If not, how do you differentiate between these two categories? N/A Are persons granted subsidiary protection compensated in an alternative manner? N/A</p> <p>3. Do you provide benefits in material need within your social policy equally for persons granted asylum as well as for persons granted subsidiary protection? There is no difference. If not, how do you differentiate between these two categories? N/A Are persons granted subsidiary protection compensated in an alternative manner? N/A Please note however that the Norwegian government has proposed changes to the social security legislation for refugees. The government has proposed abolishing most of the special rights for refugees, including exemptions from general rules such as length of residence requirements. One of the main changes suggested is removing the exemption from the requirement of 40 years of residence necessary in order to receive retirement and/or disability benefits. If this change is made, it will mean that refugees will no longer automatically obtain the minimum pension once they pass the age limit, nor will they automatically get disability benefits based on persistent illness unless they</p>
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			<p>have met this requirement. By removing special rights for refugees, this group will then be treated on equal terms with all other groups in Norway, such as Norwegian citizens who return from long stays abroad. Instead of the right to a pension, persons granted international protection would get a so-called supplemental benefit from the government; a form of social assistance. The amount of this supplement will be about the same as the current minimum pension, but in contrast, it will have to be applied for every year. The Government also proposes raising the residence requirement from three to five years for any relevant cash benefits and for a variety of other benefits as well. These changes would affect social security schemes linked to salary earnings, unemployment and sickness benefits. For more information:</p> <p>https://www.nav.no/en/Home/Benefits+and+services/Pensions+and+pension+application+from+outside+Norway#chapter-1</p>
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