



**MIGRANT ACCESS TO SOCIAL SECURITY AND HEALTHCARE: POLICIES AND
PRACTICE**

HUNGARY

2013



„Co-funded by the European Union”



MINISTRY OF INTERIOR

Title: Migrant access to social security and healthcare: policies and practice

Member State: HUNGARY

Year: 2013

"This project has been funded with support from the European Commission. This publication [communication] reflects the views only of the author, and the European Commission cannot be held responsible for any use which may be made of the information contained therein"



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**MIGRANT ACCESS TO SOCIAL SECURITY: POLICIES AND PRACTICE IN
HUNGARY**

Executive Summary

The overall objective of the study is to map the policies and administrative practices that shape third-country nationals' access to social security, including healthcare in Hungary, within a managed migration system. The analysis is two-fold: it focuses not only on the legal background but on the administrative practices as well. The situation of long-term migrants and migrants residing with a fixed-term permit is examined, excluding certain groups (e.g. refugees).

From a policy-making perspective it is worth mentioning that amendments in the personal scope of social laws prior to Hungary's accession to the European Union were overwhelmingly initiated by international / European Union laws and this trend seems unchanged with the implementation of the rights of EU Blue Card holders and Single Permit holders.

Access to social insurance benefits (health care, sickness, maternity, old-age and invalidity) is a corollary to the exercise of economic activity. Access to social security benefits (family benefits and for the inactive persons also health care and unemployment benefits) and social assistance benefits (guaranteed income and long-term benefits) for those third-country nationals who are not pursuing economic activity is, as a main rule, subject to the effective registration of residence and possession of the residence permit or permanent residence permit.

As regards concrete access conditions, as a preliminary remark I would like to signal that 'accessibility to third-country nationals' is examined at the moment of applying for the benefit. Entitled persons are, as a main rule:

- third-country nationals holding long-term residence permits (*both in terms of Directive 2003/109/EC and as defined by national legislation*) and
- third-country nationals holding EU Blue Card.

These persons are entitled to healthcare, sickness and maternity, invalidity, old-age, survivor's benefits, accident at work benefits, family benefit, unemployment and guaranteed income benefits. Long-term care is the only sphere where only long-term residents are beneficiaries.

Persons with time-bound residence permits, if they are workers or self-employed, are entitled to insurance-based benefits: healthcare, sickness and maternity, invalidity, old-age, survivor's benefits, accident at work benefits, insurance-based family benefits. Persons with time-bound residence

permits if they are not workers or self-employed are not entitled to social benefits in Hungary except in certain cases:

- irregular child protection is extended to children of foreign nationals whose country of origin (nationality) has ratified the European Social Charter and who stay lawfully within the territory of Hungary.
- Temporary social assistance is due to the same persons.

In terms of payment, insurance-based benefits (sickness and maternity, accident-related benefits, invalidity and old-age benefits) are paid to the beneficiary if s/he leaves the country, but to the same bank account or address which was used during his/her residence in Hungary. Export of old-age benefits is feasible to EEA countries and to those countries with which Hungary has concluded a bilateral social security agreement, irrespective of the nationality of the beneficiary. Universal family benefits, unemployment benefits, guaranteed income benefits and long-term care benefits are not paid if the beneficiary brings a final decision to return to his/her country of origin.

Hungary has central governmental institutions in all the relevant social security branches that collect data, in several cases these are disaggregated by citizenship (health care, sickness and maternity, family benefits and unemployment benefits). In the field of pensions and social assistance citizenship of the beneficiaries cannot be told, there is no data collection on this matter. However, not necessarily the aspect of citizenship is the most important in these fields (e.g. access or export of benefits gains).

As regards administrative practices, hence the official language in the proceedings with the authorities is Hungarian, certificates issued in a Member State of the European Union – at any official languages – evidencing medical status, educational status or employment status can be accepted, certificates at any other languages can only be accepted if translated into Hungarian language.

It is usual that social administration authorities provide support in several ways aimed at helping non-Hungarian applicants (most importantly applicants who do not speak Hungarian). To help third-country nationals separate forms have been elaborated for them to apply for the benefits. Lots of information is available in languages other than Hungarian. Provision of information in time is crucial hence benefits can be applied for retroactively in a limited manner, with a two-months long retroactivity (family benefits) or with a six-months long retroactivity (sickness benefits and social insurance pensions), calculated from the day of submitting the application.

The number of third-country nationals appearing in the Hungarian social administration is relatively low.

1. INTRODUCTION: OBJECTIVES, METHODOLOGY AND DEFINITIONS

1.1 Objectives

The overall objective of the study is to map the policies and administrative practices that shape third-country nationals' access to social security, including healthcare in Hungary, within a managed migration system.

The selected questions that necessitate replies are divided into two groups.

First, the legal rules are examined: eligibility rules to social security and healthcare; types and forms of benefits; conditions of granting these benefits (including discretionary power of the deciding officer if there is any); bilateral agreements that shape the entitlements of third-country nationals; general rules of the national administrative procedure (right of appeal, deadlines e.g.). Under legal rules not only laws are handled but also other means of instructions (e.g. circulars, guidelines). Secondly, the administrative practice is touched upon, how the legal rules are applied in concrete cases, what are the main problems. In turn also specific statistics are mentioned if these present an added value to the examined questions.

The National Report will provide a short, focused overview about the situation in Hungary being a useful tool for those who wish to get a structured insight into the functioning of the system.

1.2 Definitions

The term 'third-country national' refers to a person who is not the citizen of the EU and who is not a third-country family member enjoying the right to freedom of movement. The National Report excludes from its scope asylum seekers, refugees, tourists and irregular immigrants. International students are not suggested to be the main focus of the study, however, for different reasons they will be included into the personal scope of this study in the same way as stateless persons who enjoy a specific, self-standing protection status. Most importantly, the National Report concentrates on two categories of third-country nationals: third-country nationals holding long-term residence permits and those holding time-bound (fixed-term) residence permits.

The term 'social security' is used in the study in a wide sense comprising social insurance, universal benefits and guaranteed income benefits. The basis of the categorisation is the MISSOC database. It shall be put forward at the outset that the benefits which are required to be presented are not identical with the list of benefits enshrined in Regulation (EC) No 883/2004 on the coordination of social security systems. That EU law instrument does not necessarily cover guaranteed income

benefits – at least not Hungarian benefits. Consequently, when preparing this study the term ‘social security’ is used in a wider sense than that in Regulation No (EC) 883/2004.

Other terms used in accordance with definitions provided by the EU acquis, and given in the EMN Glossary.

1.3 Methodology

As regards methodology, the study is based on desktop research, field interviews and statistical resources. Desktop research encompassed legal sources, internet information and explaining materials accessible for the wide public. Books, articles and government reports are also meant under this category. Field interviews covered key stakeholders in this area, namely civil servants of the respective national authorities and also academic lecturers. National authorities that responded my request were two-fold. From the social security side all the existing national authorities replied which are as follows: National Health Insurance Fund (NHIF), Hungarian State Treasury, National Employment Office (NEO), Central Administration of Pension Insurance and the National Office for Rehabilitation and Social Office, as regards residence issues I was given guidance by the Ministry of Interior and the Office of Immigration and Nationality (OIN).

Hence there are really not many sources available in Hungary about this special topic, selection between desktop research resources were not necessary, related literature is taken into account in the study. I was also in the position to avail myself of a wide range of statistics. As a general comment, Hungary has central governmental institutions in all the relevant social security branches that collect data, in several cases these are disaggregated by citizenship (health care, sickness and maternity, family benefits and unemployment benefits). In the field of pensions and social assistance, citizenship of the beneficiaries cannot be stated; there is no data collection on this matter. However, not necessarily the aspect of citizenship is the most important in these fields (e.g. access or export of benefits gains more relevance).

This National Report might have the added value of being an updated synthesis of rules and practices covering all relevant sector of social security based on the selected questions prepared by the EMN.

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

This section provides an overview of the national social security system in terms of contributory and non-contributory systems, financing of these benefits and programmes; the range of social security benefits and programmes that exist in Hungary, and how, if at all, the benefits and programmes have been adapted in order to address challenges presented by immigration.

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

The Fundamental Law of Hungary (entered into force on 1 January 2012) contains in its Article XIX the provisions relevant for social security.¹ Pursuant to this Article “(1) Hungary shall strive to provide social security to all of its citizens. Every Hungarian citizen shall be entitled to statutory subsidies for maternity, illness, disability, widowhood, orphanage and unemployment not caused by his or her own actions.” Moreover, it continues “(2) Hungary shall implement social security for the persons listed in Paragraph (1) and other people in need through a system of social institutions and measures.”

Hungary follows the classifications prevailing within the European Union with regard to social benefits and the organisational framework of their administration. The following categories are used: social protection, social security, social insurance and social assistance.

Social protection is the broadest concept, covering all forms of social benefits. Social protection therefore covers benefits based on insurance, universal benefits, special non-contributory benefits and social assistance. These include benefits due in the event of illness and maternity, disability and invalidity, unemployment, old-age benefits (pensions and retirement benefits), dependents’ benefits, family benefits, social assistance benefits.

Social insurance benefits, universal benefits and special, non-contributory benefits fall within the concept of social security. Social insurance is compulsory in Hungary, based on the fundamental principle of solidarity and insurance (such as health insurance, pension insurance and unemployment insurance). A person is eligible for social insurance benefits if he is insured or has insured status in Hungary (employees, self-employed persons, etc.). Universal benefits (e.g. family benefits) are provided to all who comply with requirements laid down in legislation, irrespective of previous insurance. Special, non-contribution-based benefits are provided, for example, to the

¹ <http://www.kormany.hu/download/4/c3/30000/THE%20FUNDAMENTAL%20LAW%20OF%20HUNGARY.pdf>
(DATE OF DOWNLOAD)

elderly and the disabled.

Social assistance covers welfare services and assistance essentially provided to those in need, beyond social security. Financial assistance involves temporary subsidy, regular social assistance or nursing costs. Accommodation in various institutions (for children, the elderly, addicts and the homeless) and home care constitute welfare services.

Financing mechanisms are mixed-type, there are schemes financed exclusively from contributions or from the state budget (taxes), and there are schemes financed in a mixed way.

The employer deducts the following contributions from the private individual's gross income and pays this sum to the National Tax and Customs Administration (NAV):

- 1.5% vocational training contribution,
- 10% pension contribution,
- 8.5% health insurance and labour market contribution, 4% health insurance contribution to services and 3% health insurance contribution to benefits, 1.5% labour market contribution,
- and personal income tax (16 %).

Employers pay a 27% welfare contribution tax. The employer pays a 13% early retirement insurance contribution for employees who are employed in jobs with an entitlement to early retirement.

There is no ceiling for insurance contributions.

Social security funds are the Health Insurance Fund, the Pensions Insurance Fund and the Labour Market Fund. Social security contributions are levied by the NAV and it transfers the levies to the funds. Consequently, the social contribution tax increases the income of the funds. The proportion of the funds from the social contribution tax is laid down yearly in the Budget Act (in 2013 the whole amount deriving from the social contribution tax is transferred into the Pension Insurance Fund). In case of the Health Insurance Fund and the Pension Insurance Fund the underlying financial responsibility of the state is laid down in law, it tops up the budget of the funds if the revenues are outreached by the costs.²

The universal family support benefits are paid from the central budget.

The unemployment benefit scheme is financed by the Labour Market Fund.

The public social assistance is a non-contributory, means-tested system, which is partly financed by the central budget (80-95%) and partly from the local governments' own budgets (5-20%).

² Article 3 of Act No LXXX of 1997 on persons entitled to social insurance benefits and private pensions, as well as the coverage of these services.

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.

Social protection scheme in Hungary targets to establish a wide societal risk-community the basis of which is solidarity and the 'generation treaty'. The scope of social protection is categorised by risks (as in all of the European states). Protection covers every risks: old-age, invalidity, unemployment, sickness, accident, child-raising, death and poverty.

Various institutions administer individual subsystems of social protection in Hungary. The central governmental agencies responsible for implementation, are as follows: Ministry of Human Resources, Ministry for National Economy, National Health Insurance Fund, Central Administration of National Pension Insurance, National Employment Office, Hungarian State Treasury, the capitol and county government offices, district offices and local governments.

The Ministry of Human Resources is responsible for supervision in the field of pensions, health care, family benefits and the social assistance system.

The Hungarian pension system consists of two pillars. The first pillar is the mandatory state pension, which is publicly managed and financed on a pay-as-you-go basis. The first pillar pension insurance scheme is managed by the Central Administration of National Pension Insurance and by the pension insurance directorates of the capital and county government offices. The Pension Payment Directorate is a special body affiliated to the Central Administration of National Pension Insurance and is responsible for paying the mandatory forms of pension benefits. The second pillar is voluntary, fully funded and run by several independent private pension funds which are supervised by the Central Bank of Hungary.

The healthcare system is operated by the National Health Insurance Fund, via its central service and with the involvement of its regional organs. Regionally the operation is based on the health insurance fund directorates of the capital and country government offices. The family support benefits are operated and administered by the Hungarian State Treasury and the National Health Insurance Fund.

The local governments and the district offices manage the social assistance system. Various social assistance benefits are granted by the local governments.

The Ministry for National Economy is responsible for the unemployment insurance system. The institutional structure of the Hungarian employment policy system is based on an administrative body, namely on the National Employment Service. It consists of the National Labour Office, the

Unemployment Centres of the Capital and County Government Offices and the Labour Offices of District Offices of the Capital and County Government Offices.

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

As a preliminary remark I would like to signal that ‘accessibility to third-country nationals’ is examined at the moment of applying for the benefit. In this sense the status of the person is looked at from this angle, e.g. is a person who has the status of a family member/unemployed person when applying for the benefit, entitled to this benefit? In Hungary, third-country nationals who came here to take up a job and later became unemployed may have access to certain benefits, whereas unemployed third-country nationals who arrived in the country on the basis of a visa or a residence permit and they are seeking for a job do not have access to the same benefits. That is why the wording is used: ‘persons who *became* unemployed’.

‘Branch’ of social security	Benefits and programmes included in each branch	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			
	In kind benefits	Employee and employer contributions and – if necessary – top-upping by the state budget	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>) and third-country nationals holding time-bound residence permits if they are workers or self-employed.
II. Sickness cash benefits			
	Sickness benefit	Employee and	Yes. Third-country nationals holding long-

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		employer contributions and – if necessary – top-upping by the state budget	term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>) and third-country nationals holding time-bound residence permits if they are workers or self-employed.
III. Maternity and paternity benefits			
	Pregnancy-confinement benefit	Employee and employer contributions and – if necessary – top-upping by the state budget	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>) and third-country nationals holding time-bound residence permits if they are workers, self-employed or became unemployed.
	Birth grant	Non-contributory	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>).
IV. Invalidity benefits			
	Disability benefit	Employee and employer contributions and – if necessary – top-upping by the state budget	Yes.
	Rehabilitation benefit		Yes.
V. Old-age pensions and benefits			
	Old-age pension	Employee and	Yes.

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	Early pension	employer contributions and – if necessary – top-upping by the state budget	Yes.
VI. Survivors' benefits			
	Survivors' pension (widow, orphan)	Employee and employer contributions and – if necessary – top-upping by the state budget	Yes.
VII. Benefits in respect of accidents at work and occupational diseases			
	Work accident sickness benefit	Employee and employer contributions and – if necessary – top-upping by the state budget	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>) and third-country nationals holding time-bound residence permits if they are workers or self-employed.
	Work accident annuity		
VIII. Family benefits			
	Family allowance	Non-contributory	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by</i>
	Child home care		

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	allowance		<i>national legislation</i>) and third-country nationals holding time-bound residence permits if they are EU Blue Card holders.
	Child raising support		
	Child-care fee	Employee and employer contributions and – if necessary – top-upping by the state budget	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>) and third-country nationals holding time-bound residence permits if they are workers, self-employed or became unemployed.
	Regular child protection allowance	Non-contributory	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>).
IX.	Unemployment benefits		
	Job-seeker benefit	Contributory.	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>) and third-country nationals holding time-bound residence permits if they are EU Blue Card holders.
	Job seeker aid before pension	Contributory.	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>) and third-country nationals holding time-bound residence permits if they are EU Blue Card holders.
X.	Guaranteed minimum resources		
	Benefit for	Non-	Yes. Third-country nationals holding long-

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	persons in active age	contributory.	term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>).
	Non-contributory old-age allowance	Non-contributory.	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>) and third-country nationals holding time-bound residence permits if they are EU Blue Card holders.
XI. Long-term care benefits			
	In kind benefits	Non-contributory.	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>).
	Nursing fee (payable for the provider)	Non-contributory income replacement.	Yes. Third-country nationals holding long-term residence permits (<i>both in terms of Directive 2003/109/EC and as defined by national legislation</i>).

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.

The scope of Act No XXXI of 1997 on the protection of children and on the administration of guardianship covers irregular child protection allowance which is available for third-country nationals holding long-term residence permits (*both in terms of Directive 2003/109/EC and as defined by national legislation*). Additionally, the personal scope of the Act in respect of this benefit is extended to children of foreign nationals whose country of origin (nationality) has ratified the European Social Charter (ESC) and who stay lawfully within the territory of Hungary. These persons can also be third-country nationals (i.e. from non-EU State parties to the ESC) who are not long-term residents.

Pursuant to Act No III of 1993 on social administration and social benefits, the above-mentioned ESC personal group is entitled to means-tested temporary benefit, food and housing if the lack of

these endangers the life or physical integrity of the person concerned, granted by the local government.

2.2. Has a link or nexus between policies in relation to social security and to immigration been established by policymakers?

Yes, it has.

The relationship between general immigration rules and social benefits can be approached from two angles. On the one hand, permission and extension of residence is important, as according to related Acts³, one of the conditions of entry and residence exceeding three months is that a third-country national is required to be insured for full health care coverage or that s/he is capable of covering his/her health care costs. These conditions must continuously be fulfilled during the whole period of residence in Hungary.⁴ The Hungarian immigration authority – the Office of Immigration and Nationality (OIN) – can accept a certificate about being insured within the ambit of Hungarian social security legislation, or a certificate about being in contractual relationship with a private insurance company, or (even with supplementary nature) other documents proving the financial means of subsistence. Based on the information gained in the course of the research, third-country nationals usually avail themselves of a certificate about Hungarian social security legal relationship (see characteristics of insurance or agreement in point 3) when the residence is being extended. This allows me to come to the conclusion that at the time of entry and during the first months of residence they do not affiliate (or not right away) to the Hungarian public healthcare scheme, however, later they still resort to it either in a compulsory or a voluntary way. Administrative practice thereby supports my statement in point 2.1., namely that Hungarian healthcare system is horizontally accessible for economically active third-country nationals.

The other interface is to what extent can the various social benefits can be taken into account as part of financial resources, or, inverting the question, if a third-country national applies for social benefits, can it be regarded as an indication that the person concerned does not have adequate financial resources (and thereby his/her residence can be deemed unlawful)? Pursuant to the laws in

³ Act No II of 2007 on the Entry and Stay of Third-Country Nationals (hereinafter referred to as: Harmtv.) Article 13 paragraph (1) point g). Means of certification are determined in Gov. Decree No 114/2007. (V. 24.) (hereinafter referred to as: Vhr.) in Article 29, paragraph (7).

⁴ According to Article 33, paragraph (1) point b) of Harmtv., a third-country national is entitled to have temporary permanent residence permit, national permanent residence permit or EC residence permit if s/he fulfils these conditions. It means that these persons have the same responsibility as those possessing fixed-term residence permits.

effect,⁵ one of the basic conditions of entry and residence exceeding three months is that the financial resources of third-country nationals shall cover their housing and subsistence, and the costs of leaving in the country, for the whole period of their residence. The existence of adequate financial resources can be regarded as verified if one can cover the costs of subsistence, housing, departure from the country, and, if needed, health care services for oneself or for the family members from his/her lawfully received income. There is no such provision in Hungarian law, according to which the application for certain social protection benefits would result in the negative consequence, that the adequate financial resources could not be regarded as verified.⁶ Based on the information gained in the course of the research, in the immigration authority's practice examples have already occurred that when extending their residence permit, third-country family members referred to the fact that they received family allowance and/or child-care fee. The authority – together with other supplementary sources, acting in its discretionary power – regarded these benefits as parts of financial resources, and did not attach negative legal consequences to it. It is important to put adequate emphasis on this last statement. If a third-country national becomes entitled to benefits from the social protection system (as an insured person, for instance to child-care fee, or after a couple of years of residence to family allowance), it is equally important that one does not suffer disadvantages in other areas of the law.

The above mentioned also apply to those possessing temporary permanent residence permit, national permanent residence permit or EC residence permit. In these cases, the permissions can be withdrawn as well (the authority has discretionary power), if conditions on which the issuance of the permission was based have changed significantly and would exclude issuing the permission, provided that the issuance of the residence permit was less than five years ago.⁷ Such case is for instance when the person concerned cannot support his/herself or the family members and cannot provide for housing, and lives on aids for a long time.

We do not have practical information as to whether the application for or the receipt of social assistance-type benefits would have arisen in a concrete case which would have been followed by administrative actions. As a main rule, in all cases the authority's decision would not be an automatic consequence of the application for or the grant of social benefits. The authority acts in its discretionary power, taking into account the individual circumstances of the applicant, after having evaluated all the provided data and evidence separately and in their entirety.

⁵ Harmtv Article 13. § . paragraph (1) point f), Vhr. Article 29. paragraphs (5)-(6).

⁶ According to paragraph 33. § (1) point b) of Harmtv., and paragraph 95. § (1)-(3) of Vhr., the same conditions must be fulfilled by those who are eligible for interim permanent residence, national permanent residence permit or EC residence permit, who fulfil these conditions.

⁷ Harmtv. Article 37, paragraph (1) point a), Vhr. Article 105., paragraph (1).

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

Yes, there are.

The change gains ground in the transposition of recent secondary EU legislation.

In 2013 the implementation of Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State has been effectuated. Third-country nationals, including stateless people possessing the so-called single permit and residing lawfully within the territory of Hungary will have access, from 1 January 2014 to non-contributory old age allowance, disability allowance and to all family benefits being enumerated in Act No LXXXIV of 1998 on the support of families, provided that the third-country national has been authorised to work in the territory of a Hungary for a period exceeding six months.⁸

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

The eligibility rules and administrative practices governing some of the benefits presented in Section 2 are explored in greater detail here. Seven ‘branches’ of social security have been selected for in-depth analysis because they are likely to be of particular relevance to migrants. These branches are: healthcare; sickness cash benefits; maternity and paternity benefits; old-age pensions and benefits; family benefits; unemployment; guaranteed minimum resources. Among examined categories the following shall be touched upon: 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. Under this point the eligibility conditions, rules on access to benefits and statistics are presented in a general setting. Provisions of bilateral agreements can amend the legal rules which are highlighted under point 5.

⁸ Amending Act: Act No XCIII of 2013.

General comments

1. From a policy-making perspective it is worth mentioning that amendments in the personal scope of social laws prior to Hungary's accession to the European Union were overwhelmingly initiated by international / European Union laws. As it has already been summarised in one of my publications in 2005⁹: "... until the spring of 2004 changes in the status of foreigners in Hungarian laws were generated by the obligation to implement international law provisions" and "the amendment of the personal scope was not based on own needs or domestic-driven initiatives". This statement is still valid. For example, with effect from 1 January 2008, in accordance with the personal scope Act No I of 2007 on the Entry and Stay of Persons Enjoying the Right of Free Movement and Residence¹⁰ several social laws and governmental decrees have been amended. The former approach based on the requirement of economic activity has been revisited in a number of cases and the concept of union citizenship has been pronounced.¹¹ In this spirit not only Community workers and their family members but every Union citizen and their family members (including the third-country national family members of Hungarian nationals) became entitled to claim social assistance benefits if they meet the criteria. This change embodied the implementation of Article 24 of Directive 2004/38/EC.

2. From 1 August 2011 the holders of the EU Blue Card enjoy special social rights status in Hungarian law the basis of which is Article 14 (1) of Directive 2009/50/EC that lays down the requirement of equal treatment. Accordingly, "EU Blue Card holders shall enjoy equal treatment with nationals of the Member State issuing the Blue Card, as regards: ... (e) provisions in national law regarding the branches of social security as defined in Regulation (EEC) No 1408/71. The special provisions in the Annex to Regulation (EC) No 859/2003 shall apply accordingly".¹²

Two basic statements have to be done as regards equal treatment. On the one hand the requirement of equal treatment is important in case of benefits that do not flow from the insurance status, hence Hungarian law contained distinct rules only there. On the other hand, the Directive itself only deals with the EU Blue Card holder not his/her family member meaning that the special treatment is only accorded to the holder of the EU Blue Card. The requirement of equal treatment has been implemented in the field of family benefits and social benefits. Pursuant to these the holder of the

⁹ <http://www.demografia.hu/letoltes/kiadvanyok/Kutjelek/KJ79migrpol.pdf> Downloaded: 5.10.2013. page 67.

¹⁰ This Act implemented Directive 2004/38/EC. Further to that, Government Decree No 113/2007. (V..24.) implementing the Free Movement Act is also relevant, the text in force can be downloaded from www.njt.hu.

¹¹ Most prominently Act No CXXI of 2007 on the amendment of certain social acts.

¹² In the meantime these regulations (No 1408/71 and No 859/2004) have been replaced by Regulations (EC) No 883/2004/EC and (EU) No 1231/2010.

EU Blue Card is entitled to all family benefits – except birth grant – to disability benefit and to non-contributory old-age allowance. These entitlements are in concordance with the entitlements of union citizens.

3. Access to social insurance benefits (health care, sickness, maternity, old-age and invalidity) is a corollary to the exercise of economic activity. Persons in paid employment or self-employed persons who are paying social insurance contributions after themselves are entitled to these contributory social insurance benefits. These are both in kind and cash benefits.

4. Additionally, access to social security benefits (family benefits and for the inactive persons also health care and unemployment benefits) and social assistance benefits (guaranteed income and long-term benefits) for those third-country nationals who are not pursuing economic activity is, as a main rule, subject to the effective registration of residence and possession of the residence permit or permanent residence document. There is a strong interrelationship in Hungary between eligibility to social security, social assistance benefits and lawful residence. According to Article 4 point u) of Act No LXXX of 1997 on persons entitled to social insurance benefits and private pensions, as well as the coverage of these services *resident persons* are “1. Within the territory of Hungary, Hungarian nationals, immigrants and permanent residents, and refugees if they possess registered address in terms of Act No LXVI of 1992 on the population register of personal data and address”. If the third-country national or the family member is resident, namely has the right of residence in Hungary and can verify it with the proper residence document, s/he is entitled to apply for all these benefits. This solidarity is exercised in accordance with what have been mentioned under point 2.2.

5. The entitlements in social law are influenced by the fact whether the third-country national has ever lived or worked within the territory of the EU but not in Hungary before, and where his/her centre of life lays at the certain moment of time. Two regulations are in force in EU law in this regard (Regulations (EEC) No 859/2003 and (EU) No 1231/2010) according to which every third-country national and their family members (not only holders of the EU Blue Card) are entitled to social security benefits if they reside lawfully within the territory of an EU Member State and their situation is not confined to one Member State.

Healthcare

The principal condition of medical treatment in Hungary is the entitlement of the patient to sickness benefits. If the patient does not dispose of this entitlement then it is only allowed to buy such services privately. Persons who are insured or qualify as insured have access to medical treatment justify their entitlement with the possession of TAJ (Social Insurance Identification Number) and a

personal identification document with a photo. The health care provider controls the eligibility of the patient via the on-line database, on the basis of the TAJ Number.

One of the fundamental objectives of the Hungarian sickness insurance scheme is to include into the system of health care benefits possibly all persons residing in Hungary, without exceptions, through the payment of contributions, or if they are not able to pay than without the payment of contributions. The system is characterised by possibly aiming at eliminating discrimination based on nationality. It links the right to benefits to the insured status; however, in case of foreigners several exceptional, differing rules are in place. These differences gain grounds partly in the membership of Hungary to the EU, partly in the existence of bilateral social policy and social security agreements.

The Act on social insurance distinguishes basically four categories from the point of view of eligibility to benefits:

The insured person falls within the first category, who, based on the economic activity and the related payment of contributions, is entitled to all sickness insurance benefits, including both in kind (medical) and cash benefits;

The so-called 'entitled person' belongs to the second category, who, based on the former insurance (e.g. pensioners) or on the actual status (e.g. minors or students), is entitled to in kind benefits, *without* being obliged to pay the health service contribution;

The person who is obliged to pay the health service contribution and who can only have access to in kind benefits, based on individual contribution payment, falls within the third category; and finally

Persons who enter into agreement with the Health Insurance Fund voluntarily belong to the fourth category. These persons are entitled to in kind benefits but they are not entitled to benefits abroad.

Several facts influence the decision as regards which category the third-country national migrant falls into. One of these is the purpose of stay in Hungary, another whether the person pursues an economic activity or not, moreover, the nationality or stateless status is also important and whether the person has a residence in one of the EEA (European Economic Area) Member States. The Hungarian social insurance is based on individual legal relationships. Every insured or entitled person acquires right on its own. Following from this, social insurance provisions do not acknowledge the secondary rights of family members for access to healthcare. The legal situation and rights of children and other relatives of the insured person shall be decided individually.

Migrant access to Social Security and Healthcare: policies and practice

Insured persons who pursue gainful activity are entitled to every benefit available in the health insurance system. They are entitled to both cash and in-kind (health) benefits. In the field of cash benefits, to become entitled for cash benefits also so-called preliminary insurance period is necessitated. In case of in-kind benefits – with the exception of the situation of persons entering into agreement – there is no comparable waiting period. Entitlement for in kind benefits is due from the first day of the insurance relationship.

Aggregated data on third-country national patients in Hungary between 2006-2010

Type of care	Number of patients	Average costs per capita (thousand HUF/year)	% of the patients of the most represented 6 nations (%)	% of the patients treated in the 6 districts having the most of foreign patients (%)	% of Budapest (%)
Acute cares	11 776	34,4	82	94	61
In-patient care	9 414	34,4	94	95	63
Dentistry	18 123	1,1	86	86	55
Out-patient care	72 306	3,0	79	85	57
Sick-pay	3 961	81,6	93	94	66

Source: Dr. Gellér Balázs (szerk.), Kézikönyv a harmadik országbeli állampolgárok egészségügyi ellátórendszerhez való hozzáféréséről, Tullius Kiadó, [Handbook on the access of third-country nationals to the Hungarian health care scheme] page 26.

The data presented above is the result of a research project financed by the European Integration Fund. The personal scope corresponds to that of this study (data comprises only patients possessing TAJ Number). Regrettably there is no comparable data from the years 2011/2012 (the NHIF does not publish these data in its yearly statistical reports). In spite of this, I believe that important conclusions can be drawn from these aggregate data. Taking into account that the Hungarian health care system covers the whole population (yearly circa 120 million cases are registered for the 10 million inhabitants in out-patient care), the corresponding data of third-country nationals which amounts to appr. 15 thousands, can be regarded rather limited in numbers.

Sickness benefits, maternity and paternity benefits are available for insured persons and the conditions of eligibility are the same for everybody, irrespective of nationality.

From 1 January 2012 cash **invalidity benefits** (that are regarded as health insurance benefits under

Hungarian social insurance law¹³) are as follows: work accident sickness benefit, work accident annuity, invalidity benefit and rehabilitation benefit. The two latter benefits are awarded for persons with changed working capacity whose remaining health capacity – i.e. such state of a person’s physical, mental and social well-being that occurred due to illnesses or injuries or that can be identified as permanent or terminal setbacks caused by congenital abnormalities – assessed in complex assessment procedure of the rehabilitation authority doesn’t exceed 60 per cent (hereinafter referred to as ‘person with changed working capacity’) and who had been insured for at least 1095 days within 5 years before submitting the claim, and does not perform any gainful activity neither in Hungary, nor abroad, and does not receive any regular cash benefits. The common denominator of these benefits is that former (as a main rule) Hungarian insurance history is a pre-condition. An additional condition for the granting of the first two benefits is that the applicant has suffered a work accident or a work-related illness. The invalidity benefit and the rehabilitation benefit are not conditional upon – as added to the insurance condition - Hungarian residence. However, if the person’s health care condition makes him/her capable of rehabilitation, s/he has to fulfil the cooperation obligation with the labour office competent on the basis of his/her Hungarian address (permanent or temporary). Lacking a Hungarian address, rehabilitation benefit can hardly be awarded (hence the cooperation obligation cannot be performed), that is why only invalidity benefit is accessible.

The following table shows the number of work accidents happened to workers – including non-Hungarian workers – that resulted in an incapacity for work for more than 3 days.

	2007	2008	2009	2010	2011
<i>Total number of work accidents</i>	20922	22217	18454	19948	17295
<i>Work accident happened to foreign nationals</i>	300	285	186	174	155

Source: Dr. Gellér Balázs (szerk.), Kézikönyv a harmadik országbeli állampolgárok egészségügyi ellátórendszerhez való hozzáféréséről, Tullius Kiadó. [Handbook on the access of third-country nationals to the Hungarian health care scheme], page 86.

On the basis of the presented data it can be concluded that foreign nationals suffered work accidents in a decreasing number in the previous years and their aggregate number relative to the total number of work accidents was small (around 1 %). Nationality scan is not possible whether the foreign nationals were union citizens or third-country nationals.

¹³ Tbj. Article 14 paragraph (2).

Old age pensions and benefits

The granting of benefit is, as a main rule, independent from nationality, it is only based on the acquisition of service periods that are necessary for being eligible to the benefit that has been applied for, and, on meeting the other prescribed conditions. Certain benefits were dependent upon the nationality of the applicant, but they were based on the acquisition of service period in the public service sector (military or other public service legal relationship, e.g. being a major), and that is why, these benefits (pension for persons performing public service or pension for former majors) could only be applied for by Hungarian nationals.

At the same time practical issues arise, and in this sense different rules can be used in connection with non-Hungarian applicants. One of these concerns is that the third-country national is more likely to work in different states during his/her lifetime, which can result in not receiving pension from the Hungarian system which has relatively high entrance threshold (15 years is necessary for getting a partial pension and 20 years for a full pension). Bilateral pension agreements are meant to eliminate this negative consequence, on the basis of which services periods collected in different countries are added together, eligibility is established or also pro rata pension is calculated. It is not exaggeration to say that bilateral agreements play the most significant role within the area of pensions.

The other issue of concern is which authority is competent if the applicant does not have a Hungarian address (not living in Hungary). In this case his/her application is evaluated by an appointed institution. If a bilateral agreement exists between the applicant's home country and Hungary, the necessary forms are partly also available in the official language of the given country, applicants may fill in the Hungarian forms, too.

Finally, it is important whether the pensioners can really get the pension granted to them when they do not have a Hungarian address, for instance, if one moved back to his/her country of origin. This question concerns already the export of the pension benefit. According to the legislation in force,¹⁴ export directly to a foreign bank account can be done between countries with whom bilateral agreements exist, but the costs of bank transfers are paid by the applicant. Export also works in the EEA countries.

No discrimination is detectable between the situation of Hungarian and third-country nationals.

¹⁴ Tny. 79. § See in detail later.

Family benefits

Entitled persons are Hungarian nationals, immigrants, resided persons, refugees, stateless persons, EEA nationals and their family members if they are living in Hungary. Moreover, EU Blue Card holders are entitled to family benefits – with the exception of the birth grant – if they are staying in Hungary or they are in possession of address card meaning that they are registered in the population register on the basis of Act No LXVI of 1992 on the population register of personal data and address.¹⁵ Consequently, the person filing the application must reside in Hungary.

The most important condition of granting family benefit is that the parent raises the child in his / her household. As a main rule it encompasses that the parent takes care of the child, meaning that the child lives with and cared by the parent and not by grandparents or in a state institution. If the child lives away for the purposes of study, e.g. in a school, it is interpreted as having cared for in the household of the parent.

In Hungary there are two contribution-based family benefits and five universal family benefits. Contribution-based benefits are the pregnancy-confinement benefit and the child-care fee, universal benefits are maternity grant, family allowance, child-care assistance, child-raising benefit and disability benefit.

In 2012 altogether 1,088,570 persons received family allowance in Hungary. Out of this 737 were third-country nationals. In comparison, in 2008 out of 1,230,116 persons were eligible out of which only 532 were third-country nationals.

Unemployment

According to Article 2 of Act No IV of 1991

“(1) With respect to job assistance and support provided to job-seekers the principle of equal treatment must be strictly observed. This provision shall not preclude the granting of privileges in the labour market to disadvantaged persons.

(2) The rights and obligations contained in this Act and in its implementing decrees enjoyed by Hungarian nationals shall also apply to refugees, stateless persons, asylum seekers or immigrants and permanent residents, moreover to persons enjoying the right to free movement and residence granted under another Act.”¹⁶

Consequently, unemployment benefit can only be applied for by long-term residents and EU Blue

¹⁵ Act No LXXXIV of 1998 on family support, Article 2.

¹⁶ Act No I of 2007.

Card holders.

The jobseeker's allowance can be claimed by anyone who is looking for work (regardless of whether he or she had been an employee or entrepreneur in the past), who had a period of entitlement for at least 360 days within five years prior to becoming a jobseeker, does not receive social insurance benefits, and to whom the relevant job centre cannot provide an appropriate job. The jobseeker's allowance is calculated on the basis of the monthly average amount of the labour market contribution base (contribution base) achieved – or paid in the case of an entrepreneurial relationship – in the relevant legal framework, in the four calendar quarters preceding the submission of the application. During the entire period of disbursement, the amount of the allowance is 60% of the contribution base which, however, may not be higher than the daily amount of the lowest mandatory work wage in effect as of the starting date of entitlement. If the amount considered for the calculation of the allowance does not reach the minimum wage, the base for calculating the allowance is 60% of the amount calculated according to the above method. Every 10 days of entitlement is equivalent to one day of allowance disbursement. The starting date of the allowance's disbursement is the date on which the jobseeker has registered at the labour centre. The disbursement period of the jobseeker's allowance is a minimum of 36 days, but not more than 90 days. Following disbursement (expiry) of the jobseeker's allowance, there are other possibilities for claiming benefits: at the jobseeker's request, jobseeker's assistance is provided if he or she qualifies for the jobseeker's allowance in terms of the insurance period, the jobseeker's allowance was provided to him or her for a period of at least 45 days, the allowance has expired, and at the time of submitting the application, there are not more than five years until he or she reaches the applicable retirement age, and he or she has reached such age within three years from exhausting the payment of the jobseeker's allowance. The jobseeker's assistance before a pension is disbursed until the beneficiary becomes entitled to old-age pension or to benefits provided to persons with a reduced capacity for work. The amount of the jobseeker's assistance equals 40% of the compulsory minimum wage applicable at the time of submitting the application. Both types of benefits can be suspended (due to performance of work, child care, etc.).

Performance of tasks relating to the application for and disbursement of unemployment benefits come under the authority of the local bodies of the National Employment Office. The party concerned is required to visit the relevant labour exchange branch office at his/her residence and submit his/her application and supporting documents (employment contract, wage statement, other document regulated under international cooperation) there. The starting date of disbursement is the day on which the jobseeker reports to the competent body. EU citizens and long-term residents may register as jobseekers under the same conditions as Hungarian citizens.

Data was provided by the National Employment Office on the aggregates number of job-seekers and job-seekers' benefits awarded to third-country nationals. In terms of job-seekers the nationals of Ukraine, Serbia and China took leading position in between 2007-2008. In 2009 and 2010 Ukraine was placed first, however, Chinese nationals outpaced Serbian nationals. Since 2011 Chinese nationals occupy first place followed by Ukraine and Serbian nationals. The benefits unemployed third-country nationals draw mirror the overall number of third-country national workers in Hungary. In between 2009-2013 the two largest groups of unemployed third-country nationals are Ukrainian and Serbian nationals. Interestingly, Chinese nationals, who are now first placed in terms of numbers of job-seekers, are outnumbered by Russian and Afghan nationals. It can be stated that in spite of their share in the Hungarian labour market, Chinese nationals do not draw unemployment benefit in a proportionate extent.

Guaranteed minimum income

Two available Hungarian benefits can be categorised as guaranteed minimum income benefits in terms of the MISSOC guidelines, namely the non-contributory old-age allowance and the benefits for persons in active age. Both are contained in Act No III of 1993 on social administration and social benefits. The personal scope of this Act is regulated as follows: the Act covers Hungarian nationals, immigrants and permanent residents, recognized stateless persons and persons enjoying the right to free movement (pursuant to Act No I of 2007). Additionally, temporary assistance and housing can be provided to nationals whose Member State ratified the European Social Charter. Finally, non-contributory old-age allowance is due to those third-country nationals who are EU Blue Card holders, if they are residing or staying in Hungary and are registered in the address register. Consequently, only third-country nationals holding long-term residence permits can qualify for both benefits; and EU Blue Card holders can additionally apply for non-contributory old-age allowance.

The benefit for persons in active age is provided to ensure a minimum standard of living for persons in active age (ranging from the age of 18 until to retirement age) who are not employed and not in education, and who do not have sufficient living resources. The benefit is means-tested.

Non-contributory old-age allowance is due to resident persons who reach the pensionable age but has not obtained the necessary service period for old-age pension, and have no or insufficient income. This benefit is also means-tested.

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, it is.

Social insurance benefits are not subject to minimum residence period if the person is economically active (health care, sickness, maternity and paternity, invalidity and old-age benefits is included).

The act on unemployment benefit does not contain a residence clause.

In case the person is economically inactive preliminary residence is required for access in every social protection scheme - there are different rules for fixed-term and long-term residents.

Long-term residents can access every social protection scheme (family benefits, social assistance benefits) if they are registered in the address register. Fixed-term resident EU Blue Card holders can access certain benefits within the social protection system (e.g. non-contributory old-age allowance and the entire list of family benefits except birth grant). The residence condition is also set for Hungarian nationals. According to the personal scope of the act on family benefits and social assistance benefits, Hungarian nationals are also required to meet the condition that they are living in Hungary.

Access to the mandatory health care system is subject to being a resident person. Only economically inactive persons possessing holding a long-term residence permit (immigrants and permanent residents) can qualify themselves for being resident persons. Resident persons mandatorily paid 6,660 HUF per month in 2013 (health service contribution) instead of having the (voluntary) opportunity to enter into a contract with the NHIF for 50% of the minimum wage per months (appr. 47,000 HUF) to access the public health care scheme of Hungary. For Hungarian nationals and union citizens the one-year rule exist, namely, if the economically inactive persons does not dispose over a one-year long previous residence in Hungary (e.g. the person was living 5 years-long in the USA), s/he cannot qualify for the 6,660 HUF/per month tariff but is offered to enter a private contract with the NHIF along the same criteria mentioned above.

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, they are.

It is to be noted that, in case of a third-country national who is in receipt of a health care social insurance cash benefit (e.g. pregnancy-confinement benefit, child-care fee, sickness benefit or work accident sickness benefit, work accident annuity) and during the payment of the benefit s/he returns to his/her country of origin, the payment of the benefit is not stopped. This means continuation of the payment to the bank account that has originally been indicated, in practice these short-term benefits are not required to be exported to third countries. The rules are the same for the nationals of Hungary.

The payment of old-age benefits is not stopped if the person returns to the country of origin, payment is continued within Hungarian territory (via postal delivery) and to Hungarian bank accounts. These do not entail transfer costs for the beneficiary. The amount can be freely transferred from here to another bank account in a third country to the beneficiary's own costs. However, old-age benefits are directly exportable to EEA countries (no transfer costs) and to countries with which Hungary has concluded a bilateral agreement that contains a clause on exportability (there are transfer costs).¹⁷ There is a detailed information note on the payment of pensions for beneficiaries living abroad on the web page of the Central Administration of National Pension Insurance.¹⁸ The decisive fact is where the beneficiary lives and not his/her nationality. E.g. if a Chinese national beneficiary lives in Germany, the pension will be transferred free of charge because the place of residence is in the EEA. However, if a Hungarian national beneficiary lives in a country outside the EEA with which no bilateral social security agreement exists (e.g. Mexico) no direct transfer will be possible. The rules are non-discriminative.

Family benefits are, as a main rule, not exportable, because they are dependent upon Hungarian residence. Consequently, if the beneficiary leaves Hungary for more than 3 months (except EEA states and Switzerland), the payment shall be suspended.¹⁹ The rules are the same for the nationals of Hungary.

Unemployment benefits are not exportable (except to EEA states on the basis of Reg.

¹⁷ Act LXXXI of 1997 on social insurance pension, Article 79. paragraph (2).

¹⁸ <http://www.onyf.hu/en/index.php?module=news&action=actual> Download: 12.10.2013.

¹⁹ Article 35 (3) a) of Act LXXXIV of 1998 on the support of families lays down that the benefit shall be suspended if the entitled person leaves Hungary and goes to a country which is not an EU member State, not an EEA state or a state enjoying the same legal status like these states (at present Switzerland).

883/2004/EC). The rules are the same for nationals of Hungary.

Pursuant to the Social Act,²⁰ the non-contributory old-age allowance cannot be granted or paid if the person resides for more than three months abroad, or if the residence right of the EU Blue Card holder (or fixed-term resident EEA national and the family member except frontier workers) has been terminated or discontinued. Similarly, benefit of persons in active age cannot be granted or paid to persons if the residence right of the EU Blue Card holder has been terminated or discontinued.

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, it is.

There are minimum periods of insurance that are called ‘qualifying period’ which set a condition for access to some benefits. However, these requirements are the same for everyone, irrespective whether the person is a Hungarian national or a migrant third-country national possessing a long-term or a fixed-term residence permit.

Pregnancy-confinement benefit is due to the beneficiary who was insured for 365 days within two years prior to giving birth, and who gives birth during the insurance term or within 42 days after the termination of insurance. Pregnancy-confinement benefit is provided for 168 days. Pregnancy allowance equals 70% of the daily average salary; there is no upper limit to the allowance, tax and pension insurance contributions are deducted, and the disbursement term is deemed to be a period of service with pension entitlement. Similarly, child-care fee is due to the beneficiary who was insured for 365 days within two years prior to giving birth.

The jobseeker’s allowance can be claimed by anyone who is looking for work (regardless of whether he or she had been an employee or entrepreneur in the past), who had a period of entitlement for at least 360 days within five years prior to becoming a jobseeker. Only third-country nationals possessing a long-term residence permit are entitled to the benefit, but the qualifying period is the same for them and for Hungarian nationals.

Individuals with a reduced capacity for work (with a working capacity of 60% or less) may claim a rehabilitation benefit (if rehabilitation is possible) or invalidity benefit (if rehabilitation is not recommended), depending on the rehabilitation recommendation issued in the framework of the

²⁰ Article 32/B. § (4) b)-c) points and Article 34 paragraph (b).

complex qualification of the National Office for Rehabilitation and Welfare Affairs. Both benefits are subject to a 1095 days-long (3 years) insurance history within 5 years prior to the submission of the application. The requirements are the same for every applicant.

Old-age pension is provided to those who reach retirement age and their period of service is at least 20 years. Individuals who have a 15-year-long period of service are eligible for partial old-age pension, if they reach the retirement age. Pensions are not taxable. Women with a 40-year-long eligibility period may claim old-age pension, irrespective of their age (so-called Woman40 pension). The rules are the same for every applicant. If there is a bilateral agreement, insurance periods performed in other states may be taken into account to establish eligibility (not necessarily inducing a pro rata calculation).

It is important to note that the taking into account of periods completed abroad for the entitlement of benefits is not possible without an express authorisation of national or EU law or bilateral social security agreements.

3.4. Are migration-specific conditions (e.g. requirement to hold a particular residence permit, authorisation of stay or visa, a fixed domicile,²¹ 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?

No additions as compared to what have been written under the previous points.

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?

No additions as compared to what have been written under the previous points.

²¹ This refers to any method that your Member State may have to register an individual's place of residence.

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. 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.

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 Hungary? (for example a habitual residence test)?

The access rules are laid down in Hungarian legislation as presented under point 3 in terms of preliminary residence or insurance conditions. The exercise of discretionary power as such within the social protection administration is strictly limited to means-tested benefits. In a process about granting a benefit for persons of active age or health assistance, for example, the clerk investigates the personal circumstances of the applicant (may be his/her family), whether s/he has appropriate means of subsistence. The deciding officer has little scope of margin, and it relates only to the judgement of the financial situation of the applicant. Other discretionary element is not existent in Hungarian social law.

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. habitually residence test). If these factors differ for individual benefits, please specify.

No additions as compared to what have been written under the previous points.

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. Please also state whether deciding officers receive specific training to support their work.

Hence no discretionary criteria in this context is existing, no circulars or guidelines are in place.

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 additions as compared to what have been said under the previous points, see point 2.2 for details.

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.

Act No CXL of 2004 on the general rules of administrative proceedings and services lays down the basic rules on the usage of languages in the administrative proceedings. The administration of social welfare payments is subjected to this horizontal Act and its provisions on interpretation.

Pursuant to Article 9 paragraph (1): "In Hungary the official language in administrative proceedings shall be Hungarian." According to Article 10 paragraph (1): „Where an administrative authority opens *ex officio* proceedings which require immediate action involving a person who is not a Hungarian citizen and who does not speak the Hungarian language during their stay in Hungary, or if a natural person requests urgent legal protection from a Hungarian administrative authority, the competent authority shall take measures to ensure that the client is not prejudiced on account of his lack of command of the Hungarian language. The provisions of this Subsection may be prescribed as mandatory by law for matters not regulated in this Subsection. Moreover, "any client who cannot speak the Hungarian language may request the administrative authorities to use his native language or another intermediary language, in which his request is worded, in cases not mentioned in Subsection (1), provided that the applicant agrees to cover the costs of translation and interpretation". Finally,

“(1) If there is any deviation between the Hungarian version and the foreign translation of any decision adopted by the administrative authorities, the Hungarian version shall be the authentic one. (2) In the cases specified in paragraph (1) of Article 10, the costs of translation and interpretation, as well as the costs of a sign language interpreter shall be covered by the competent administrative authority. (3) Different provisions may be installed by law concerning languages used for official certificates, official instruments and for making entries into official records and registers.”

In sum: cases that are initiated by the third-country national by submitting an application do not entail the obligation of the administrative authority to order interpretation and cover the costs (the

possibility exists of course). In *ex officio* proceedings, however, it is the administrative authority that covers the costs of translation, interpretation or sign language interpreter. Also the Commentary attached to the Act confirms these basic rules.

Hence the official language in the proceedings with the authorities is Hungarian, certificates issued in a Member State of the European Union – at any official languages – evidencing medical status, educational status or employment status can be accepted, certificates at any other languages can only be accepted if translated into Hungarian language. Consequently, if the Chinese client writes in English it should be accepted, and its translation into Hungarian shall be effectuated by the authority. If, however, the client uses his / her mother tongue and writes in Chinese language, it cannot be accepted, and the client will be requested to submit an accredited translation of the document. In the latter case the costs of the translation fall upon the client.

In terms of other means of support, it is usual that social administration authorities prepare in several ways aimed at helping non-Hungarian applicants (most importantly applicants who do not speak Hungarian).

To help third-country nationals *separate forms* have been elaborated for them to apply for the benefits. If the client has not submitted the claim on a form, he / she be given a form at the clerks' desk and opportunity shall be provided for him / her to fill it out. The usage of forms, however, is not obligatory.

Family benefit application forms are available in French, English and German. Pension forms are partly bilingual (Hungarian-English)²² and partly available in Hungarian.

There are in all cases *information leaflets* about the benefits in English. There is an information leaflet about unemployment benefits on the web page of the National Employment Office.²³ Also information can be found about family benefits.²⁴ Lots of information can be downloaded in English from the webpage of the Central Administration of National Pension Insurance and some general information are also available in German and French.²⁵ Information about health care benefits can be downloaded from the web page of the NHIF or the National Institute for Quality- and Organisational Development in Healthcare and Medicines (GYEMSZI).²⁶

Provision of information in time is crucial hence benefits can be applied for retroactively in a limited manner. For example family benefits can be applied for only with a two-months long

²² <http://www.onyf.hu/en/index.php?module=news&action=actual> Download: 12.10.2013.

²³ http://nfsz.munka.hu/engine.aspx?page=allaskeresoknek_munkanelkuli_ellatas_eu_egt , Download: 5.10.2013.

²⁴ http://www.allamkincstar.gov.hu/english/private_persons Download: 12.10.2013.

²⁵ http://www.onyf.hu/en/index.php?module=news_archive&action=list&fname=ONYF_LEFT_MENU&rand=e563b8c97a80d5a8a64b15d12fe352b1 Download: 12.10.2013.

²⁶ www.oep.hu and www.gyemszi.hu

retroactivity.²⁷ Healthcare insurance benefits can be applied for with a six-months long retroactivity, calculated from the day of submitting the application.²⁸ Similarly, social insurance pensions can be applied for with a six-months long retroactivity, calculated from the day of submitting the application.²⁹

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. This section aims to present 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.

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

Yes, they have.

Hungary has a limited number of bilateral agreements; it is possible to enumerate them all.

Country	Date of signature	Date of entry into force
Yugoslavia (in effect for the Republic of Serbia, Kosovo and the Former Yugoslav Republic of Macedonia) incorporated by Decree-Law 20 of 1959	7 Oct 1957	1 Jul 1958
Soviet Socialist Republics (in effect for the Russian Federation and Ukraine) incorporated by Decree-Law 16 of 1963	20 Dec 1962	1 Jul 1963
Canada incorporated by Act 69 of 2003	4 Mar 2002	1 Oct 2003
Republic of Korea incorporated by Act 79 of 2006	12 May 2006	1 Mar 2007
Québec incorporated by Act 17 of 2006	12 May 2004	1 Jul 2006
Republic of Montenegro incorporated by Act 72 of 2008	20 May 2008	1 Apr 2009

²⁷ Act No LXXXIV of 1998 on support of families (Cst), Article 37 (1).

²⁸ Act No LXXXIII of 1997 on benefits of mandatory health insurance (Ebtv), Article 61 (2).

²⁹ Act No LXXXI of 1997 on social insurance pension (Tny) Article 64 (2).

Bosnia-Herzegovina incorporated by Act 2 of 2009	12 Jun 2008	1 Aug 2009
Republic of India incorporated by Act 29 of 2010	2 Feb 2010	1 Apr 2013
Mongolia incorporated by Act 118 of 2011	10 Jun 2011	1 Apr 2012
Australia incorporated by Act 117 of 2011	7 Jun 2011	1 Oct 2012

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

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

Yes, it does.

Old agreements based on the principle of territoriality contain provisions on applicable law. Similarly, the new type social security agreements also contain provisions on applicable law.

In the framework of applicable law, the following issues are usually tackled upon (not necessarily every issue in every agreement): posting, law applicable to civil servants, members of diplomatic missions and consular posts, mariners and aircraft crew. Civil servants, diplomats and consuls are usually subject to the law of the sending State.

Where a person in the service of an employer having a registered office in the territory of one Contracting Party is sent by that employer to work on that employer's behalf in the territory of the other Contracting Party, only the legislation of the first Contracting Party shall continue to apply with regard to that employment as though the employee were still employed in the territory of the first Contracting Party, provided that the anticipated duration of posting does not exceed a certain period of time. This period can vary between 24 months (Mongolia) and 5 years (India).

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

Yes, it does.

Old type social protection agreements cover every social security scheme encompassing pensions, healthcare, invalidity, survivors' benefits, unemployment benefits and family benefits. These agreements have a wide material scope.

The new type agreements have a different scope. Two issues are always treated, namely applicable

law (as set out in point i) in more detail) and pensions.

Countries concerned by a bilateral social security agreement in the field of pensions are the following: Australia, Bosnia and Herzegovina, the Republic of India, Canada, Québec, the Republic of Korea, the Republic of Kosovo, the Former Yugoslavian Republic of Macedonia, Mongolia, Montenegro and the Republic of Serbia. On the basis of the provisions related to pensions the insured persons or nationals of these states are entitled to request the aggregation of the periods completed in the two contracting parties for establishing entitlement for pensions. The Hungarian institution shall calculate the amount of pension in a way that it takes into account all periods of insurance acquired pursuant to the legislation of both Contracting Parties. It shall pay the proportion of the pension calculated in this way that corresponds to the ratio of insurance periods completed under the Hungarian legislation to the total insurance period under the legislation of both Contracting Parties. An interesting issue is whether the bilateral agreements allow for the taking into account of periods completed in states other than the Contracting Parties. The agreement with India lays down the following: “If a person is not eligible for a benefit on the basis totalization (...) the eligibility of that person for that benefit shall be determined by totalizing these insurance periods accumulated under the legislation of a third State with which both contracting States are bound by social security instruments which provide for the totalization of periods.” Similar provisions are applied in relations to Bosnia-Herzegovina, Montenegro, Canada and Québec.

Among the social security agreements these are the agreements with Montenegro and Bosnia and Herzegovina that give entitlement to Hungarian **healthcare** benefits. Additionally, foreign citizens coming from the below-enumerated countries are entitled to have access to the undoubtedly necessary in-kind benefits of the Hungarian health care system if their state of health urgently requires: Jordan (incorporated by 15/1981. MT regulation), Kuwait (incorporated by 33/1979. MT regulation), People’s Republic of Angola (incorporated by 17/1984. MT regulation), Iraq (incorporated by 47/1978. MT regulation), Mongolia (incorporated by 29/1974. MT. regulation), People’s Democratic Republic of Korea (incorporated by 14/1975. MT regulation), Cuba incorporated by Law-Decree No 16 of 1969).

Only three of the afore-mentioned agreements deal with **unemployment benefits**: agreement with Yugoslavia (in effect for the Republic of Serbia and the Former Yugoslav Republic of Macedonia), agreement with the Republic of Montenegro and Bosnia-Herzegovina. The principle laid down in these agreements is that the unemployment benefit is provided for the job-seeking applicant by the state of nationality in accordance with its national law, but it takes into account periods completed in the other state for establishing entitlement to the benefit.

In the field of **family benefits**, due to changes in the Contracting Parties and because of non-

application of these agreements by the Parties, as a main rule, these agreements albeit effective, shall not be applied in this area. This statement has been confirmed by judgements of county courts as well.

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

Yes, it does.

See point 3.3 for details.

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

No.

5.3. Please provide any information available on the extent to which third-country nationals have invoked their rights under the bi-lateral social security agreements reached between Hungary and third-countries.

In the field of **pensions**, the number of applications based on a bilateral agreement has gradually increased in between 2009-2012 from 1897 in 2009 to more than 3000 in 2012.³⁰ In contrast, there are yearly appr. 200-300 cases in which there is no possibility to apply a bilateral agreement to the respective case. There are several thousand beneficiaries to whom the competent institution exports the benefit (almost 3000 only to the USA). These numbers show the eminent importance of these agreements in the field of pensions.

In the field of **healthcare**, the application of the agreements looks as follows. In the year of 2012 the Hungarian competent institution issued CG 111 forms (for Montenegro) amounting to 954, in relation to Croatia HR111 amounting to 29, HR112 amounting to 14. No forms were issued in relation to Bosnia-Hercegovina. On the receiving side, in 2012 insured persons of Montenegro applied for 117 medical treatments in Hungary while insured persons of Croatia for 661 cases.³¹ From 1 July 2013 Croatia became Member State of the EU; consequently, Regulation (EU) No 883/2004 supersedes the bilateral agreement in this field.

³⁰ Verbal information from the Central Administration of National Pension Insurance, 1.10.2013.

³¹ Verbal information from the National Health Insurance Fund, 20.11.2013.

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

This question does not concern family benefits, unemployment benefits and social assistance benefits, because these are not exportable to third-countries.

Pension and invalidity benefits, if there is no bilateral agreement with a third-country, can be exported, though the rules are stricter than the payment to the EEA or bilateral agreement countries. As stated above, the amount of the benefit can be paid to a Hungarian postal address or to a Hungarian bank account. The client transfers the money from here to a freely chosen bank account in a third a country to his/her own costs.

Short-term benefits (sickness, maternity, accident-related benefits) are usually not necessitated to be exported; no express provisions apply to these benefits.

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, we describe the decision making procedure, and whether the social security claims made by the third-country nationals concerned would ultimately be successful in Hungary.

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 this case it is clear that the couple is permanently residing in the territory of the state, moreover, they possess the necessary documentation to prove permanent residence by holding long-term residence permits. Pursuant to Hungarian law the mother (Lien) is entitled to all kinds of family

benefits including the one-time birth grant, and – as she is an employed person – she is entitled to the insurance-based pregnancy-confinement benefit for 168 days (70 % of her average wage gained in the year preceding the birth) and parallel to that she is entitled to family allowance that is based on her lawful, permanent residence in Hungary. (From a labour law point of view she will be on unpaid maternity leave.) The father (Tho) is also entitled to receive unemployment benefits hence he meets the eligibility requirements (possesses long-term residence permit and the necessary insurance period prior to becoming involuntarily unemployed). Based on what has been said under point 2.2., permits can be withdrawn as well (the authority has discretionary power), if conditions on which the issuance of the permission was based have changed significantly and would exclude issuing the permission, provided that the issuance of the residence permit was less than five years ago.³² If the couple is living in the Member State for more than 5 years in possession of the permit, the withdrawal of the permit is not any more allowed by law.

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.

In this case the applicant is a person holding a fixed-term residence permit, who is a salaried worker, probably not a person holding an EU Blue Card. Hence she would like to apply for residence-based benefits; it is not permissible, because she does not possess a long-term residence permit. She would not fall within the personal scope of the acts on family benefits and of the act on social assistance benefits.

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.

³² Harmtv. 3Article 7, paragraph (1) point a), Vhr. . § paragraph (1).

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.

Hence the applicant suffered an accident at work he is entitled to the benefits of the insurance-based invalidity scheme, namely in kind health care benefits and (cash) work-accident sickness benefit as long as his health status does not allow him to return to work. He is entitled to these benefits for the periods laid down in law, e.g. work-accident sickness benefit for one year with the possibility of prolongation for another year. After expiry of the work-accident sickness benefit he will be entitled to work accident annuity. He will acquire these rights on his own, as a primary right. The situation of his mother is different. From a social point of view the mother was allowed to enter the state because the son undertook to provide for subsistence. She is dependent upon his son's financial resources, she has no subsidiary rights in the social protection scheme. Consequently, no benefits are due to the mother who is residing in the state with a fixed-term residence permit.

7. STATISTICS ON SOCIAL SECURITY PAYMENTS RELATED TO MIGRATION

7.1. Please present any available data on numbers of third-country nationals employed, unemployed and inactive by national group.

See data in detail attached in the Annex. Looking at the data provided in the annex on the numbers of third-country nationals employed in Hungary, it is to be seen that their number is very limited compared to the active labour force of Hungary. In between 2007-2012 the aggregated number has not in any year exceeded 20.000 persons (the data in this sense is corrected by deducting Romanian and Bulgarian nationals who became EU citizens in 2007). The number of employed persons in Hungary was appr. 3.8 million per year, in the examined period³³ meaning that 20.000 third-country nationals amount to appr. 0.5%.

As regards job-seeking third-country nationals (who became unemployed in Hungary after having been employed there), the National Employment Office produced a data on the aggregated number of registered job-seekers in between 2009-2012 which amounted to 3559 (this could mean a median amount of appr. 700 persons per year). The number of registered job-seekers has regularly

³³ http://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_qlf021.html Downloaded (2.10.2013.) Central Statistical Office

exceeded 550.000 per year in the years between 2009-2013.³⁴ Taking this into consideration, the proportion of third-country nationals among job-seeking persons does not exceed appr. 0.13%.

The conclusion can be drawn that the presence of third-country nationals in the labour market of Hungary is limited in extent, whether we speak about either employed or job-seeking persons. From a policy perspective this statistical statement can be decisive.

8. KEY FINDINGS

Hungary follows the classifications prevailing within the European Union with regard to social benefits and the organisational framework of their administration. The following categories are used: social protection, social security, social insurance and social assistance. Social security funds are the Health Insurance Fund, the Pensions Insurance Fund and the Labour Market Fund. Social security contributions are levied by the National Tax and Customs Administration (NAV) and it transfers the levies to the funds. Insured persons pay social insurance contributions, employers' welfare contribution tax.

Following the accession of Hungary to the EU, with effect from 1 January 2008, in accordance with the personal scope of Act No I of 2007 on the Entry and Stay of Persons Enjoying the Right of Free Movement and Residence several social laws and governmental decrees have been amended. From 1 August 2011 the holders of the EU Blue Card enjoy special social rights status in Hungarian law. Third-country nationals possessing single permit and residing lawfully within the territory of Hungary will have access, from 1 January 2014, to non-contributory old age allowance, disability allowance and to all family benefits being enumerated in Act No LXXXIV of 1998 on the support of families, provided that the third-country national has been authorised to work in the territory of a Hungary for a period exceeding six months.

In terms of relationship between general immigration rules and social benefits, on the one hand, permission and extension of residence is important, as according to related Acts, one of the conditions of entry and residence exceeding three months is that a third-country national is required to be insured for full health care coverage or that s/he is capable of covering his/her health care costs. On the other hand, to what extent can the various social benefits can be taken into account as part of financial resources, or, inverting the question, if a third-country national applies for social benefits, can it be regarded as an indication that the person concerned does not have adequate financial resources (and thereby his/her residence can be deemed unlawful).

³⁴ http://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_qlf028.html Downloaded (2.10.2013.) Central Statistical Office.

Based on the information gained in the course of the research, third-country nationals usually avail themselves of a certificate about Hungarian social security legal relationship when the residence is being extended. This allows me to come to the conclusion that at the time of entry and during the first months of residence they do not affiliate (or not right away) to the Hungarian health care scheme, however, later they still resort to it either in a compulsory or a voluntary way. There is no such provision in Hungarian law, according to which the application for certain social protection benefits would result in the negative consequence, that the adequate financial resources could not be regarded as verified. Based on the information gained in the course of the research, in the immigration authority's practice examples have already occurred that when extending their residence permit, third-country family members referred to the fact that they received family allowance and/or child-care fee. The authority – together with other supplementary sources, acting in its discretionary power – regarded these benefits as parts of financial resources, and did not attach negative legal consequences to it. It is important to put adequate emphasis on this last statement.

ANNEX(ES)

1. Further sources in relation to migration and welfare

Sources

3rd National Report on the implementation of the European Social Charter submitted by the Government of Hungary, download (1.10.2013)

http://www.coe.int/t/dghl/monitoring/socialcharter/Reporting/StateReports/Hungary3_en.pdf

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Éva Lukács Gellérné, Benefit-related interpretation issues in social security co-ordination: 59-74., IN Jos Bergham-Paul Schoukens (eds), The social security of moving researchers, Acco Nederland, Den Haag 2011.

Éva Lukács Gellérné, Free Movement of Persons – a Synthesis: 51-84., IN Réka Somssich- Tamás Szabados (eds.), Central and Eastern European Countries After and Before the Accession, Volume I., Department of Private International Law and European Economic Law, Faculty of Law, ELTE University, Budapest 2011. ISBN: 978-963-284-192-2.

Gellérné Lukács Éva (szerk.), Harmadik országbeli állampolgár kutatók integrációja – Kézikönyv és konferencia riport – Handbook and conference report on the integration of third-country national researchers (bilingual publication), Tullius Kiadó, Budapest, 2011.

Sándor Illés-Éva Lukács Gellérné, Towards Researcher Mobility, Európai Tükör, Selection of Studies Published in the First Half of 2007, Special Issue, August 2007, 139-155.

Ács Vera – Gellérné Lukács Éva, Kutatói mobilitás, avagy a harmadik országbeli állampolgár kutatók migrációja és magyarországi integrációja, Demográfia 2012/1, KSH NKI, Budapest 2012. p69-102.

Gellérné Lukács Éva – Illés Sándor, Migrációs politikák és jogharmonizáció, KSH- NKI Kutatási Jelentések 79. Budapest, 2005.

2. Statistics on numbers of third-country nationals employed, unemployed and inactive by national group

Data on the employment of third-country nationals

2007	Individual Permit	Seasonal work	Notification	Green Card	Total
Croatia	163		1		164
Noriega	13			2	15
Russia	246	1			247
Switzerland	23			1	24
Serbia	2138		1		2139
Bulgaria*	220		1	55	276
Romania*	19006	580		5899	25485
Turkey	325				325
Ukraine	7770	303	1		8074

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other	202	23			225
USA	379		1		380
Australia	33				33
Israel	75				75
Japan	992				992
Canada	72				72
China	1616				1616
Mongolia	847				847
Vietnam	285				285
other non-European	1877				1877
Total	36282	907	5	5957	43151

* due to their 2007 EU accession, they are presented in the statistics solely in that year

2008	Individual Permit	Seasonal work	Notification	Green Card	Total
Croatia	500		6		506
Noriega	10		8	2	20
Russia	238	1	14		253
Switzerland	7		16	4	27
Serbia	2127	23	42		2192
Turkey	387		4		391
Ukraine	6857	358	50		7265
other	381	20	7		408
USA	328		12		340
Australia	33				33
Israel	104		1	1	106
Japan	676		2		678
Canada	69				69
China	2039		1	1	2041
Mongolia	984				984
Vietnam	525		1		526
other non-European	2148		32		2180
Total	17413	402	196	8	18019

* data concerning Green Card are available until 2009

2009	Individual Permit	Seasonal work	Notification	Total
Croatia	122		10	132
Noriega			14	14
Russia	170		7	177
Switzerland			29	29
Serbia	905	76	64	1045
Turkey	230		11	241

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Ukraine	3173	276	85	3534
other	139	14	2	155
USA	273		46	319
Australia	27		7	34
South Korea	107			107
Israel	43		10	53
India	222		2	224
Japan	404			404
Canada	52		42	94
China	1840		5	1845
Mongolia	366		1	367
Thailand	336		2	338
Vietnam	352		4	356
other non-European	603		111	714
Total	9364	366	452	10182

2010	Individual Permit	Seasonal work	Notification	Total
Croatia	108		22	130
Noriega			3	3
Russia	181		29	210
Switzerland			12	12
Serbia	1222	8	175	1405
Turkey	207		18	225
Ukraine	3393	437	194	4024
other	171	1	10	182
USA	227		55	282
Brazil	53		16	69
South Korea	361		7	368
India	298		6	304
Japan	266		21	287
China	2335		20	2355
Mexico	85		11	96
Moldova	69	1	3	73
Mongolia	484		8	492
Thailand	422		3	425
Vietnam	481		25	506
other non-European	527		175	702
Total	10890	447	813	12150

2011	Individual permit	Seasonal work	Notification	Total
Croatia	208		100	308
Noriega			13	13
Russia	191		39	230

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Switzerland			8	8
Serbia	844		88	932
Turkey	176		28	204
Ukraine	2224	380	139	2743
other	418		24	442
USA	266		56	322
Brasil	35		18	53
South Korea	201		6	207
India	343		11	354
Iran	61			61
Japan	253		18	271
China	3164		26	3190
Mexico	39		17	56
Moldova	33		3	36
Mongolia	240		16	256
Thailand	401		3	404
Vietnam	540		41	581
other non-European	535		174	709
Total	10172	380	828	11380

2012	Individual permit	Seasonal work	Notification	Total
Croatia	158		33	191
Noriega			3	3
Russia	202		55	257
Switzerland			15	15
Serbia	753		59	812
Turkey	193		36	229
Ukraine	2170	168	86	2424
Kosovo	711			711
Moldova	68	2		70
other	206		35	241
USA	255		79	334
Brasil	73		15	88
South Korea	175		5	180
India	372		14	386
Japan	323		18	341
China	3202		37	3239
Mexico	50		11	61
Mongolia	292		29	321
Thailand	526		3	529
Vietnam	730		38	768
other non-European	596		167	763
Total	11055	170	738	11963

Third-country national job-seekers, aggregated number

2009-2013	
Natioanlity	Number
Afghan	145
Albanian	15
Algerian	36
American	13
Angolan	4
Emirati	1
Argentinian	4
Australian	1
Azerbaijani	3
Bahraini	4
Bangladeshi	2
Guinea-Bissau nationals	1
Bolivian	1
Bosnian	24
Brazilian	7
British Virgin Islanders	1
Chilean	10
Costa Rican	4
Chadian	1
South African	3
Dominican	1
Ecuadorean	2
Egyptian	22
Ivoirian	7
Eritrean	1
Ethiopian	6
Belarusian	9
Filipino	9
Gambian	1
Ghanaian	8
Georgian	12
Guatemalan	3
Guinean	3
Croatian	71
stateless	4
Indian	9
Indonesian	2

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Iraqi	52
Iranian	32
Israeli	11
Japanese	8
Yemeni	2
Jordanian	11
Cameroonian	15
Canadian	2
Qatari	1
Kazakh	19
Kenyan	1
Chinese	22
Kyrgyzstani	1
Colombian	6
Congolese	6
Congolese (Democratic Republic of the Congo)	5
South Korean	1
Central African	2
Cuban	25
Kuwaiti	1
Laotian	1
Lebanese	10
Liberian	1
Libyan	7
Liechtensteiner	1
Macedonian	8
Malaysian	1
Moroccan	11
Mauritian	1
Mexican	5
Moldovan	13
Mongolian	83
Montenegrin	3
Nepalese	1
Nigerian	51
Armenian	5
Russian	159
Pakistani	10
Palestinian	9
Paraguayan	2
Peruvian	9
Sierra Leonean	2
Sri Lankan	8
Surinamese	1

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Serbian	635
Serb-Montenegrin	129
Singaporean	1
Syrian	15
Somali	69
Sudanese	13
Swazi	20
Tanzanian	2
Thai	3
Togolese	2
Turkish	33
Tunisian	27
Ugandan	3
Ukrainian	1509
Uzbek	1
Vanuatuan	1
Vietnamese	8
Zimbabwean	1
not specified	12
Total	3559

Third-country national job-seekers number based on received benefits 2009-2013						
Nationality	No benefit	Job-seeker benefit	Job-seeker aid	JSA before pension	Income replacement benefits	Total
Afghan	141	6	5	0	17	169
Albanian	11	6	3	0	4	24
Algerian	32	18	12	0	5	67
American	12	11	5	0	1	29
Angolan	4	1	0	0	1	6
Emirati	1	0	0	0	0	1
Argentinian	3	3	1	0	0	7
Australian	1	1	0	0	0	2
Azerbaijani	3	0	0	0	0	3
Bahraini	3	1	0	0	3	7
Bangladeshi	2	0	0	0	0	2
Guinea-Bissau nationals	1	1	0	0	0	2
Bolivian	1	0	1	0	1	3
Bosnian	19	12	7	0	12	50
Brazilian	5	6	2	0	0	13
British Virgin Islanders	1	1	0	0	0	2

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Chilean	10	3	2	0	3	18
Costa Rican	2	3	2	0	2	9
Chadian	1	0	0	0	2	3
South African	2	1	0	0	0	3
Dominican	1	0	1	0	0	2
Ecuadorean	1	2	0	0	0	3
Egyptian	18	10	4	0	3	35
Ivoirian	7	3	2	0	4	16
Eritrean	1	1	0	0	0	2
Ethiopian	6	3	1	0	3	13
Belarusian	8	3	0	0	3	14
Filipino	8	4	1	0	1	14
Gambian	1	0	0	0	0	1
Ghanaian	8	3	3	0	0	14
Georgian	12	0	0	0	0	12
Guatemalan	2	2	1	0	0	5
Guinean	3	1	0	0	0	4
Stateless	3	1	0	0	2	6
Croatian	60	38	18	0	21	137
Indian	7	8	1	0	0	16
Indonesian	2	0	1	0	0	3
Iraqi	49	5	3	1	3	61
Iranian	30	8	3	0	5	46
Israeli	10	4	1	0	0	15
Japanese	7	5	3	0	1	16
Yemeni	2	0	0	0	0	2
Jordanian	9	7	2	0	3	21
Cameroonian	13	10	2	0	4	29
Canadian	1	1	0	0	0	2
Qatari	1	0	0	0	0	1
Kazakh	16	8	6	0	5	35
Kenyan	1	1	0	0	0	2
Chinese	17	17	5	0	3	42
Kyrgyzstani	1	0	0	0	0	1
Colombian	4	3	1	0	0	8
Congolese	6	3	3	0	1	13
Congolese (Democratic Republic of the Congo)	5	1	0	0	0	6
South Korean	1	1	0	0	0	2
Central African	2	0	0	0	0	2
Cuban	24	15	8	0	3	50
Kuwaiti	1	1	0	0	0	2
Laotian	1	0	0	0	0	1
Lebanese	10	0	1	0	2	13
Liberian	1	1	0	0	0	2

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Libyan	7	2	2	0	0	11
Liechtensteiner	1	0	0	0	0	1
Macedonian	7	3	1	0	2	13
Malaysian	1	1	1	0	0	3
Moroccan	8	4	1	0	1	14
Mauritian	1	1	0	0	0	2
Mexican	4	3	0	0	1	8
Moldovan	13	9	5	0	5	32
Mongolian	63	66	27	0	12	168
Montenegrin	2	2	0	0	2	6
not specified	8	2	2	0	6	18
Nepalese	1	1	0	0	0	2
Nigerian	46	21	4	0	2	73
Russian	135	87	34	0	33	289
Armenian	5	1	1	0	0	7
Pakistani	10	2	1	0	3	16
Palestinian	9	3	0	0	0	12
Paraguayan	1	1	0	0	0	2
Peruvian	8	3	1	0	2	14
Sierra Leonean	2	1	1	0	1	5
Sri Lankan	8	0	0	0	1	9
Surinamese	1	0	0	0	0	1
Serbian	511	324	161	2	173	1171
Serb-Montenegrin	87	50	24	0	62	223
Singaporean		1	0	0	0	1
Syrian	12	5	2	0	5	24
Somali	69	3	5	0	1	78
Sudanese	13	5	3	0	1	22
Swazi	14	5	6	0	17	42
Tanzanian	1	1	0	0	0	2
Thai	2	2	0	0	0	4
Togolese	1	2	0	0	0	3
Turkish	23	21	7	0	6	57
Tunisian	23	11	0	0	1	35
Ugandan	1	3	1	0	0	5
Ukrainian	1275	720	360	5	587	2947
Uzbek	1	0	0	0	0	1
Vanuatuan	1	0	0	0	0	1
Vietnamese	6	6	1	0	1	14
Zimbabwean	0	1	0	0	0	1
Total	2996	1617	762	8	1043	6426

Family benefits (family allowance)- 2012

Number	State of nationality
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1 088 570	Hungary
12	Syria
74	Vietnam
1	Salvador
4	Columbia
5	Gegorgia
3	Thailand
5	Iraq
8	Japan
3	Jordan
1	Sudan
1	Egypt
1	Cambodia
1	Portugal
79	China
4	India
5	Slovenia
7	Nigeria
1	Uzbekistan
5	Kasakhstn
5	Turkey
2	Abyssinia
2	Mexico
1	British Virgin Island
2	Libya
3	Ecuador
294	Ukraine
1	Svalbard
4	Yemen
1	Ivory Coast
4	Brasilia
2	Peru
3	Philippines
1	Congo
1	Canada
4	Iran
1	Albania
1	Korean Republic
39	Serbia
10	Afghanistan
1	Azerbaijan
2	Malaysia
3	Indonesia
1	Chile
5	Moldova
2	Belorussia
1	Swaziland
2	Pakistan
18	Croatia
55	Russia
15	Mongolia
1	Sri Lanka
3	Cuba
3	Israel
1	Argentina

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- 1 Réunion
- 3 Algeria
- 2 Venezuela
- 6 Bosnia and Herzegovina
- 5 Armenia
- 4 United States of America
- 1 American Samoa
- 1 South African Republic

Family benefits (family allowance) - 2008

COUNT(DISTINCTSZEM.ROW_ID) NATIONALITY

1230116

- 7 Syria
- 26 Vietnam
- 4 Jordn
- 1 Portugal
- 2 Lebanon
- 4 Iraq
- 2 Georgia
- 2 Sudan
- 1 Salvador
- 1 Cambodia
- 47 China
- 1 Abyssinia
- 5 Kazakhstan
- 1 Libya
- 3 Turkey
- 2 Nigeria
- 1 Üzbegistan
- 1 India
- 260 Ukraine
- 5 Yemen
- 5 Ireland
- 1 Ecuador
- 1 Peru
- 3 Brasilia
- 2 Canada
- 2 Iran
- 1 Korean Republic
- 1 Congo
- 1 Indonesia
- 18 Serbia
- 2 Belorussia
- 5 Afganistan
- 3 Pakistan
- 3 Moldova
- 1 Chile
- 44 Russia
- 12 Mongolia
- 20 Croatia
- 3 Israel
- 7 Belgium
- 2 Cuba
- 1 Morocco

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- 1 Sri Lanka
 - 6 Bosnia and Herzegovina
 - 3 Armenia
 - 1 Montenegro
 - 1 Venezuela
 - 3 Algeria
 - 2 United States
 - 1 South African Republic
- 532

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