



MIGRANT ACCESS TO
SOCIAL SECURITY AND
HEALTH CARE:
POLICIES AND PRACTICE.
THE PORTUGUESE CASE

European Migration Network

Access by Migrants to
Social Security and Healthcare:
Policies and Practices.
The Portuguese Case.

Immigration and Borders Service (SEF) – National Contact Point
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List of abbreviations and acronyms

ACIDI	High Commission for Immigration and Intercultural Dialogue
BSSV	Beneficiaries of Voluntary Social Security
CNSS	National Social Security Council
DGSS	Directorate-General for Social Security
EMN	European Migration Network
EU	European Union
GNR	National Republican Guard
IAS	Social Support Index
IOM	International Organisation for Migration
LBSSS	Framework Law of the Social Security System
MAI	Home Office
MIPEX	Migrant Integration Policy Index
MNE	Ministry of Foreign Affairs
MSESS	Ministry for Solidarity, Employment and Social Security
NCP	National Contact Point
PALOP	Portuguese Speaking African Countries
PSCS/NPPG	Individuals in situations of socio-economic need or who have not fulfilled the guarantee period
PSP	Public Security Police
RSI	Social Insertion Income
SEF	Aliens and Borders Service
SNS	National Health Service
SPU	Universal Protection System
TI	Independent Workers
TPCO	Salaried Workers
UN	United Nations
UPR	Universal Periodic Review

Executive summary

Access by migrants to social security and healthcare is an important topic of debate and reflection within the European Migration Network, particularly in each of the Member States. In this context, this study provides an overview of Portugal's policies and practices relating to access by third country nationals to the national social security system and, albeit less prominently, healthcare.

The Portuguese social security system consists of three systems: i) the system for citizenship social protection, which tends to not involve contributions and encompasses three sub-systems – social action, solidarity and family protection; ii) the welfare system, with contributions; and iii) the complementary system.

As a whole, the system allows for support to individuals for socio-economic need, involuntarily unemployment, illness, work accidents and work related illnesses, disability, old age and death, family responsibilities, maternity, paternity and adoption.

In the case of situations of socio-economic need and insufficient contributions towards the Social Security welfare system, it is possible to access diverse social benefits, largely by complying with conditions concerning resources and residence. Other support is based on contributive systems. For benefits such as employment subsidies, it is necessary to fulfil a guarantee period, i.e. a minimum period of time with social security contributions.

It is also important to note the system's external dimensions, encompassing a set of international agreements with diverse countries. Many of these date from the 1980s, such as the agreements with Canada, Uruguay and the USA, while others are more recent, e.g. those established with Ukraine, Romania, Tunisia, Brazil and Cape Verde. These latter agreements reflect recent migratory flows to Portugal as well as the existence of privileged relations between these countries and Portugal.

1. Introduction

The fact that European nations are witnessing ageing demographics and fluctuations in the labour market has undermined the sustainability of national social security systems (CIEJD, 2010; Peixoto *et al*, 2011)¹. Forecasts of an increase in the number of beneficiaries of old age pensions and unemployment subsidies, among others, are clear examples of this scenario. In the wake of migratory flows to these countries it is necessary to understand the connection between migrants and social security.

Thus, considering the importance of access to social security for reducing poverty and socio-economic inequalities, as well as to promote social inclusion, this study focuses on the theme of access by migrants to social security and healthcare. To this end, this study will highlight the main national policies and practices which allow third country nationals to access and benefit from the Portuguese social security system and healthcare.

It is also important to keep in mind that this study was prepared within the scope of the European Migration Network (EMN) and thus aims to contribute towards a broad and comparative understanding of forms of access, rules and practices in matters concerning social security and healthcare in the various Member States of the European Union (EU). This is due to the fact that, although Member States share Community directives in this regard, there is a great deal of liberty in terms of defining who has access to the system, the benefits and conditions. Knowledge of the juridical, administrative and practical realities prevailing in each Member State is a fundamental step towards more efficient actions on the part of the EU, responding not just to the socio-economic needs of migrants but also the added challenges in terms of the system's sustainability.

This study was prepared by the EMN National Contact Point (NCP), namely by the Portuguese Aliens and Borders Service (SEF). It was written by Elisa Alves and, among other entities, received inputs from the International Relations Department of the DGSS (Ministry for Solidarity, Employment and Social Security - MSESS). António Carlos Patrício, Pedro Dias and Alexandra Ramos Bento (REM/SEF) also contributed. The responsibility for translating the text into English was entrusted to Rita Pinto Ferreira.

1 In this regard, see, for example, the website www.gapminder.org and the indicators regarding the population, by age, gender, regions and in recent years. It is also possible to see the evolution in the case of Europe.

As is to be expected, the following study examines some of the main questions inherent to the Portuguese social security system, especially in terms of relations with migrant workers and their families. It is thus an important tool for those who need to understand and analyse issues related to migration and social security and the social, political and economic impact, both at a national and Community level as well as, consequently, on an international plane. The results of this research will especially be of use to political decision makers involved in developing and implementing social security rules within a system of controlled migration; national experts, at universities, research centres or other institutions; non-governmental organisations and networks; the general public interested in the theme; and the press.

1.1. Objectives

More specifically, considering the ideas and challenges outlined above, this study considers the following guiding principles or objectives:

- A general overview of the national social security system and how it is applied to third country nationals;
- The national rules for access to social security by third country nationals;
- The administrative practices which condition access by third country nationals to social security;
- The external dimension of social security;
- Case studies; and
- Statistics on social security related to migration.

1.2. Definitions

Various concepts are used in the course of this study and it would be opportune to define them at the outset. The definitions presented herein are in keeping with the specifications for the study and those established by the EMN. In this sense, it is important to note that it is not always possible to find an exact correspondence in the Portuguese context, especially with regard to the definition of benefits. Defining concepts at the outset also affords two main advantages, namely, a clear and objective understanding of these concepts and a greater possibility of being able to compare information at a Community and international level.

Discretionary conditions: Eligibility rules for private social security benefits which are not easily defined. The eligibility rules which have discretionary elements require the deciding entity to ascertain – usually by means of an interview – whether the applicant meets the necessary conditions, considering the applicants specific circumstances.

Healthcare: Medical assistance provided within the scope of social protection, by means of preventive and/or curative care. (Source: ESSPROS Manual, 2008 Edition, Eurostat)

Deciding entity: Government entity responsible for verifying conditions and approving the grant of benefits (in the Portuguese case, at the Social Security District Centres).

Family members: Individual married to a migrant or in a relationship legally recognised as being equivalent to marriage, as well as their dependent children and other dependants, recognised as such by applicable legislation. (Source: REM, Glossary 2.0)

Third country national: Any person who is not a citizen of the European Union, pursuant to Article 20 (1) of the Treaty on the Functioning of the European Union, and who does not benefit from the right of free circulation, as defined in Art. 2 (5) of the Schengen Border Code. (Source: EMN, Glossary 2.0)

Unemployed person: Individual aged between 15 to 74 years who did not work in the reference week but was available to work, or who had actively sought a job in the previous four weeks or who had already found a job to begin work in the next three weeks. (Source: Eurostat)

Employed person: Individual aged a minimum of 15 years who, in the reference period, was in one of the following situations: 1) had worked for at least an hour, by means of the payment of a remuneration or with a view to a benefit or family benefit in cash or kind; 2) had a formal employment tie to a job or had a company, but was not working temporarily for a specific reasons, such as, for example, illness, holidays, industrial disputes or education and training. (Source: Eurostat)

Inactive person: Individual who is not in the labour market and therefore is not considered to be employed or unemployed. This category does not include those who are looking for work or are applying for jobs. (Source: Eurostat)

Old age benefits and pensions: Income granted at a certain age or at the time of retirement, which, in this case, substitutes the income from work. (Source: Eurostat, ESSPROS Manual, 2008 Edition)

Family benefits: Includes benefits providing financial support to family units with children and individuals responsible for other relatives; as well as specific social services to assist and protect families and children in particular. (Source: Eurostat, ESSPROS Manual, 2008 Edition)

Long term care benefits: Monetary benefits which enable individuals in need of care to maintain their living standards, so as to compensate them for the costs associated with their condition; they cover the additional costs such individuals face, since they often or regularly need the assistance of other people, due to old age or disability. (Source: Eurostat, ESSPROS Manual, 2008 Edition)

Work accident and work-related illnesses benefits: Benefits for individuals (or their survivors) who have an economic activity which, by nature, is likely to cause accidents or illnesses. (Source: European System of Integrated Social Protection Statistics (Eurostat, ESSPROS Manual, 2008 Edition)

Unemployment benefits: Benefits which partially or totally substitute income lost by workers due to the loss of employment; which also substitute, partially or totally, the income lost by an older worker retiring from employment before the legal retirement age due to lay-offs caused by economic circumstances; and which contribute towards the cost of training job seekers. (Source: Eurostat)

Illness benefits: Monetary benefits which partially or totally substitute income during temporary incapacity due to illness or accidents. (Source: Eurostat, ESSPROS Manual, 2008 Edition)

Disability benefits: Benefits providing an income to individuals who have not yet reached the reference retirement age and whose capacity to work is hindered by a certain level of physical or mental disability; providing rehabilitation services specifically for situations of disability; or which provide other goods and services, which do not comprise medical assistance, to disabled individuals. (Source: Eurostat, ESSPROS Manual, 2008 Edition)

Maternity and paternity benefits: Compensatory rates paid to workers – women and men – on leave due to the birth or adoption of a child.

Survivor pensions: Benefits consisting of a temporary or permanent income for individuals suffering the loss of a spouse or close relatives, when they represented the beneficiary's main source of income. (Source: Eurostat, ESSPROS Manual, 2008 Edition)

Guaranteed minimum resources: Benefits granted to individuals with insufficient resources. Includes support to people in need and in vulnerable situa-

tions, to combat poverty and other difficult situations (Social Insertion Income). (Source: Eurostat, ESSPROS Manual, 2008 Edition)

Independent/own account worker: Individual engaging in independent activities, with or without partners. This category can include unpaid family workers, domiciled workers (who work outside a habitual workplace, such as from home) and workers involved in production. (Source: Eurostat)

Migrant worker: Foreign migrant workers are foreigners admitted by the receiving State for the specific purpose of exercising an economic activity remunerated within the receiving country. Their length of stay is usually restricted as is the type of employment they can hold. (Source: OECD, Glossary of Statistical Terms)

1.3. Methodology

Benefiting from the existence of a National Migration Network (comprising diverse public institutes and other organisations in the area of migration and asylum) and considering the theme being studied – access to social security by third country nationals – there was an emphasis on contact with the Directorate-General for Social Security (DGSS) and the SEF. To this end the specifications of the study were shared with the DGSS, which provided essential inputs for the preparation of this text, encompassing a broad set of arguments and lines of research.

The information compiled was based, above all, on consultations of a broad set of legislation, which has undergone various changes in recent years, due to an unfavourable economic scenario and, consequently, a greater demand for social support.

It is equally important to highlight consultations of the Practical Guides available on the Social Security website², insofar as they made it possible to understand the application of the various eligibility criteria for the diverse benefits by means of examples.

A recent study on this subject was also considered, namely, “Imigrantes e segurança social em Portugal”, coordinated by Prof. João Peixoto (Peixoto *et al*, 2011). This study contributed towards understanding the origins of the Portuguese social security system, its relationship with third country nationals and

2 Cf. <http://www4.seg-social.pt/guias-praticos>

some pertinent questions to consider now and in the future. Some of these questions have to do, on the one hand, with the survival of the social security system and, on the other hand, with the impact of immigrants on this survival. It is also important to note the presentation of a broad set of statistical data during this study, which makes it possible to characterise contributors, as well as to understand their remuneration, contributions and expenses within the scope of social security. In general, the data pertains to the time frame between 2002-2010 and, at various points, is presented keeping in mind the nationality of contributors, age, gender, some benefits (unemployment, illness, maternity, family members and the social insertion income) as well as some pensions (disability, old age and survivors' pensions)³.

Eligibility for access by third country nationals to social security benefits was identified and analysed in accordance with the European Commission's guide *Os seus direitos de segurança social em Portugal*, updated with the corresponding national elements of the Mutual Information System on Social Protection (MISSOC)⁴.

In statistical terms, the data used herein was compiled and provided by the DGSS, albeit by accessing the respective sources (e.g. INE), and refer to the period from 2007 to 2012. Whenever possible, data has been presented in a non-aggregated manner, considering the number of employed, unemployed and inactive third country nationals as well as the nationality of the beneficiaries.

Considering the specifications for the Portuguese case and the broad access by third country nationals to social security benefits, in the same manner as national citizens, at no point has any distinction been made between the two broadest categories of third country nationals. In other words, this study does not distinguish between third country nationals holding a long term residence permit and third country nationals holding limited (or fixed) duration residence permits⁵.

Finally, it should be noted that the area of healthcare was examined to a lesser degree in comparison to social security benefits, due to the fact that access to healthcare is universal.

3 This statistical data is not presented in this study owing to its specifications.

4 Cf. <http://ec.europa.eu/social/main.jsp?catId=858&langId=pt>

5 The first category includes two sub-categories: long term residents as envisaged in Arts. 4 to 7 of Council Directive 2003/109/EC of 25 November 2003 and long term residents as defined in national legislation. Third country nationals in the second category are those who have temporary or fixed duration residence permits..

2. Framework of the national social security system and its application to migrants from third countries

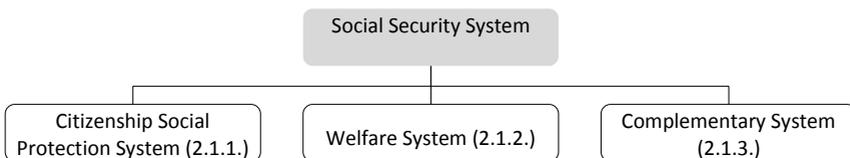
The Portuguese social security system is based on a set of objectives, principles and subsystems defined by Law No 4/2007 of 16 January 2007 – Framework Law for the Social Security System – amended by Law No 83-A/2013 of 31 December 2013.

(2.1.) Pursuant to the Framework Law, the system’s primary objectives are to ensure the right to social security, to promote a sustained improvement in conditions and levels of social protection and to reinforce equity, as well as to promote the efficacy of the system and its efficient management (Art. 4).

The system’s general principles include universality, equality, solidarity, social equity, positive differentiation, subsidiarity, social inclusion, inter-generational cohesion, the primacy of public responsibility, complementarity, unity, decentralisation, participation, efficacy, safeguarding acquired and emerging rights, judicial guarantees and information (Art. 5 to Art. 22). It is thus important to note that everyone is entitled to social security, as well as access to social protection, without discrimination on the basis of the gender and nationality of beneficiaries – without prejudice, in the case of the latter, to conditions of residence and reciprocity.

The State is responsible for ensuring the sound administration of the public component of the social security system, as well as for regulating, supervising and monitoring non-public complementary systems (Art. 24). The State is also competent to sign international agreements regarding social security, so as to ensure equal treatment for beneficiaries, as well as the development and convergence of the norms adopted (Art. 25).

The national social security system is divided into three systems, namely the citizenship social protection system, the welfare system and the complementary system, as can be seen in the following flowchart. The subsequent pages provide an overview of the main objectives, scopes, conditions of access, benefits and other relevant aspects of these systems.



i) Citizenship Social Protection System

The Citizenship Social Protection System aims to provide a set of basic rights and equal opportunities, as well as to promote welfare and social cohesion. It also seeks to establish conditions promoting the birth rate and reconciling a family and professional life. Pursuant to the Framework Law, in order to achieve these objectives it is necessary for the Citizenship Social Protection System to address situations of economic need, poverty and exclusion, implementing the right to vital minimum elements and compensating for family responsibilities, disabilities and dependence (Arts. 26 and 27).

The Citizenship Social Protection System consists of the following three subsystems:

I) Social action subsystem (Arts. 29 to 35)

Objectives

To prevent and remedy situations of need and socio-economic inequality, dependence, dysfunction, social exclusion or vulnerability, promoting integration into communities.

Scope

Personal: Special protection for more vulnerable groups (children, youths, disabled and senior citizens, among others in situations of social or economic need).

Development

By the State, municipalities, private social solidarity institutions and other (non-profit) public interest institutions.
The use of social services and facilities can be subject to the payment of fees, based on the income of the beneficiaries or their family units.

Benefits

Social services and facilities, programmes to combat poverty, dysfunctional situations, marginalisation and social exclusion, benefits in kind and pecuniary benefits (of an occasional and exceptional nature).

II) Solidarity subsystem (Arts. 36 to 43)

Objectives	To prevent and eradicate situations of poverty and exclusion, as well as to guarantee benefits in proven situations of personal or family need which are not covered by the welfare system. It can include situations of social or economic compensation due to insufficient contributions or services within the welfare system.
Scope	<p><u>Personal</u>: National citizens and non-nationals, pursuant to legislation⁶.</p> <p><u>Material</u>: A lack of or insufficient economic resources for individuals and family units, disability, death and insufficiency of benefits substituting work income or career contributions.</p>
Systems	Non-contributive system, special system for social security for agricultural activities, transitory systems or other systems equivalent to non-contributive systems.
Conditions of access	<p>Depends on residence in the national territory, the resources of beneficiaries and their family units (unless stipulated otherwise in applicable international social security agreements) and other conditions stipulated by Law.</p> <p>Does not depend on enrolment or the payment of contributions.</p> <p>In the case of non-nationals, certain conditions may be required, such as minimum periods of legal residence or legally equivalent situations.</p> <p>Whenever suitable, there can be a contracted commitment for insertion and effective compliance by the beneficiaries.</p>
Benefits	<p>Social Insertion Income, social pensions, social unemployment subsidy, solidarity supplement for senior citizens and other social supplements, as well as other benefits and transfers for specific purposes.</p> <p>Amounts of pecuniary benefits are stipulated by law, according to the income, composition and size of family units.</p>

⁶ Pursuant to the LBSSS non-national citizens are considered to be refugees, stateless individuals and foreign nationals not on par with national citizens by means of international social security instruments (Art. 37(3))

III) Family protection subsystem (Arts. 44 to 49)

Objectives	To ensure compensation for family responsibilities
Scope	<u>Personal</u> : Individuals in general. <u>Material</u> : Family responsibilities, in the area of disabilities and dependence.
Conditions of access	Depends on residence in the national territory (unless otherwise stated in applicable international social security agreements) and other conditions stipulated by law. In the case of non-nationals, legislation can impose certain conditions, such as minimum periods of legal residence or legally equivalent situations.
Benefits	Grant of pecuniary benefits and, if necessary, benefits in kind. The right to these benefits does not prejudice the attribution of social action benefits Amounts of pecuniary benefits are established by Law, according to the income, composition and size of family units and, possibly, the responsibilities supported.

ii) Welfare system

With regard to the welfare system, it is important to note that it is based on the principle of professional solidarity and aims to guarantee pecuniary benefits to substitute professional income in the following situations: illness, maternity, paternity and adoption, unemployment, work accidents and work related illnesses, disability, old age and death (Articles 50 and 52).

Beneficiaries of the system include salaried employees, equivalent workers and independent workers, who are legally obliged to contribute and are entitled to the benefits (Art. 51(1) and Art. 54). Those who are not engaged in a professional activity or who, while being gainfully employed, do not fall within any of the aforesaid categories, can voluntarily join the social protection system (Art. 51(2)).

In order to be able to benefit from the welfare system workers need to be enrolled in the social security system and – along with their employers – fulfil their

contribution obligations (Art. 55). The obligation of employers to contribute to the social security system starts with the commencement of employment and continues throughout the period the salaried workers are contracted (Articles 56 and 59). The amounts of the contributions and payments are defined by Law, which approves the code for the contribution framework of the social security welfare system⁷. Currently, the applicable rate for most contract employees is 34.75%: with 23.75% being contributed by the employer and 11% by the employee; independent workers pay a rate of 29.6%, entirely on their own.

Another necessary condition to be able to benefit from the welfare system has to do with a minimum period of contributions or an equivalent situation (guarantee period). This period can correspond to a total period of contributions or equivalents, recorded within the framework of national or foreign social protection systems, pursuant to applicable legislation or international agreements (Art. 61).

The amount of the benefits substituting income from professional activities depends on the value of the remuneration as well as other elements, such as the type of situation, the duration of contributions, the beneficiary's age or degree of incapacity (Art. 62).

It is also important to note that beneficiaries maintain the right to the pecuniary benefits of the social security systems even when they transfer their residence from the national territory, unless stipulated otherwise in applicable international agreements (Art. 66(3)).

Pecuniary benefits simultaneously arising from the social solidarity and family protection subsystems, originating in the welfare system and due to the same fact, are not cumulative. To this end, the benefits granted by foreign social security systems can be considered, unless stipulated otherwise in applicable international agreements (Art. 67).

iii) Complementary system

This last system of the Portuguese social security framework aims to attribute benefits to complement those afforded by the welfare system, reinforcing the social protection of beneficiaries. It encompasses two types of systems, namely:

⁷ Law No 110/2009 of 16 September 2009. For a simple consultation, see the contribution systems of the social security welfare system at http://www4.seg-social.pt/documents/10152/13198/taxas_contributivas (consulted in December 2013).

**Public
capitalisation
system
(Art. 82)**

Voluntary and individual enrolment.
Organised and managed by the State.

**Complementary
systems based
on collective and
individual
initiatives
(Articles 83 to 86)**

Collective initiative

Optional enrolment, through professional groups.

Individual initiative

Optional enrolment. Can be in the form of savings-retirement plans, life insurance, capitalisation schemes, etc.

Administered by public, cooperative and private entities.

iv) Organisation and financing

In terms of its organic structure the national social security system is supervised by the MESS and includes direct and indirect administration services by the State (social security institutions).

The National Social Security Council (CNSS) is responsible for defining the system's policies, objectives and priorities. The CNSS includes a committee comprising State representatives and social partners representing trade unions and employers, with attributions and competences defined by Law (Art. 95).

On the other hand, the competences of the Social Security Institute (part of the State's indirect administration) include managing the social security systems, implementing rights and ensuring compliance with obligations associated with the aforesaid social security systems and subsystems, including social actions, as well as the implementation of international agreements in this area⁸. The Social Security Institute includes the National Pensions Centre (responsible for managing the benefits provided by the social security system), Central Services (consisting of operational departments, general administration and specialised support offices) and District Centres (divided into districts and responsible for implementing the necessary measures to develop and manage benefits, contributions and social actions at a district level).

In terms of organisation, the Social Security Financial Management Institute is responsible for managing the economic resources allocated within the social

⁸ Cf. <http://www4.seg-social.pt/iss-ip-instituto-da-seguranca-social-ip> (consulted in December 2013).

security system's budget⁹; The Social Security Capitalisation Fund Management Institute manages and aims to maximise returns from capitalisation funds¹⁰.

In terms of financing, the system follows the principle of diversifying sources, expanding the basis for obtaining financial resources as well as the principle of the selective suitability of said resources (Arts. 88 and 89). The citizenship social protection system is funded by transfers from the State budget and by tax revenues. As has been mentioned, the welfare system is funded by contributions and deductions, pursuant to the contribution system codes.

Although they do not fall within the purview of the social security system, it is important to note that it is compulsory for companies and the majority of independent workers to have work accident insurance for their employees and themselves. This insurance is contracted through private insurance companies, supervised by the Ministry of Finances¹¹.

Matters related to healthcare fall within the purview of the National Health System (SNS), overseen by the Ministry of Health. This system coexists with public and private systems, which are sometimes specific for certain professional categories, and voluntary private insurance (Directorate-General of Health, 2012). The SNS encompasses public services and entities providing healthcare, divided among groups of health centres, hospital establishments and local health centres¹².

9 Cf. <http://www4.seg-social.pt/igfss-ip-instituto-de-gestao-financeira-da-seguranca-social-ip> (consulted in December 2013).

10 Cf. <http://www4.seg-social.pt/igfcss> (consulted in December 2013).

11 Cf. <http://www.isp.pt/>

12 Cf. <http://www.portaldasaude.pt/portal/conteudos/a+saude+em+portugal/servico+nacional+de+saude/default.htm> (consulted in December 2013).

Table 2. 1 Overview of the national social security system applied to third country nationals

Social security branch Benefits and programmes	Funding mechanisms	Access
I. Healthcare		
Preventive and curative care, including: <ul style="list-style-type: none"> • consultations and visits at general clinics and specialists; • nursing care; • complementary diagnostic elements; • specialised treatment; • pharmaceutical products; • hospital treatment and stays; and • complementary therapeutic devices. Healthcare is provided as long as the illness lasts, with no time limit.	Non-contributive ¹³	Yes ¹⁴ . SPU ¹⁵ .
II. Illness		
Illness subsidy	Contributive ¹⁶	Yes. TPCO; TI; BSSV.

Key to the table

SPU - Universal Protection System.

TPCO - Salaried workers.

TI - Independent workers.

BSSV - Beneficiaries of Voluntary Social Security.

PSCS/NPPG - Individuals in situations of socio-economic need or who have not fulfilled the guarantee period.

13 The SNS is mainly (90%) financed by taxation, the subsystems by workers and employers and the private system by co-payments and direct payments by users, as well as health insurance premiums.

14 Third country nationals resident in the EU, stateless individuals or refugees resident in the territory of any of Member States, who are or have been subject to the social security legislation of one or various Member States, as well as members of their families and survivors, as long as they are enrolled at the SNS. Access is mainly governed by geographic criteria, but there is no residence requirement.

15 Paragraph 1 of Order No 25 360/2001 of 12 December 2001, which stipulates that: “Foreign citizens legally resident in Portugal can access healthcare and medical services in the same manner as beneficiaries of the National Health System (SNS) at the institutions and services which constitute the SNS.”

16 Whenever the benefits are financed by contributions, they can be accessed by salaried as well as independent workers (obligatory system), as well as those who have contributed through the voluntary social insurance scheme, except for stipulated differences.

III. Maternity and paternity		
Initial parental subsidy	Contributive	Yes. TPCO; TI; BSSV.
Initial parental social subsidy	Non-contributive	Yes. PSCS/NPPG.
Initial parental subsidy exclusively for mothers	Contributive	Yes. TPCO; TI; BSSV.
Initial parental social subsidy exclusively for mothers	Non-contributive	Yes. PSCS/NPPG.
Initial parental subsidy exclusively for fathers	Contributive	Yes. TPCO; TI; BSSV.
Initial parental social subsidy exclusively for fathers	Non-contributive	Yes. PSCS/NPPG.
Initial parental subsidy for one parent if it is impossible for the other	Contributive	Yes. TPCO; TI; BSSV.
Initial parental social subsidy for one parent if it is impossible for the other	Non-contributive	Yes. PSCS/NPPG.
Expanded parental subsidy	Contributive	Yes. TPCO; TI; BSSV.
Subsidy for adoption	Contributive	Yes. TPCO; TI; BSSV.
Social subsidy for adoption	Non-contributive	Yes. PSCS/NPPG.
Subsidy for clinical risk during pregnancy	Contributive	Yes. TPCO; TI; BSSV.
Social subsidy for clinical risk during pregnancy	Non-contributive	Yes. PSCS/NPPG.
Subsidy for interrupted pregnancies	Contributive	Yes. TPCO; TI; BSSV.
Social subsidy for interrupted pregnancies	Non-contributive	Yes. PSCS/NPPG.
Subsidies for specific risks (during pregnancy)	Contributive	Yes. TPCO; TI; BSSV.
Social subsidy for specific risks (during pregnancy)	Non-contributive	Yes. PSCS/NPPG.
Subsidy for adoption in case of extended leave	Contributive	Yes. TPCO; TI; BSSV.
Subsidies to assist with a child	Contributive	Yes. TPCO; BSSV.
Subsidy to assist children with disabilities or chronic illnesses	Contributive	Yes. TPCO; BSSV.
Subsidy to help with a grandchild	Contributive	Yes. TPCO; BSSV.

Key to the table

SPU - Universal Protection System.

TPCO - Salaried workers.

TI - Independent workers.

BSSV - Beneficiaries of Voluntary Social Security.

PSCS/NPPG - Individuals in situations of socio-economic need or who have not fulfilled the guarantee period.

IV. Disability		
Disability pension	Contributive	Yes. TPCO; TI; BSSV.
Social disability pension + Extraordinary solidarity supplement	Non-contributive	Yes. PSCS.
V. Old age		
Old age pension	Contributive	Yes. TPCO; TI; BSSV.
Social old age pension + Extraordinary solidarity supplement	Non-contributive	Yes. PSCS.
Solidarity supplement for senior citizens		
VI. Survivors		
Survivor's pension	Contributive	Yes. TPCO; TI; BSSV.
Subsidy for death or funeral expenses	Contributive	Yes. TPCO; TI; BSSV.
Orphan's pension	Non-contributive	Yes. PSCS.
Widow(er) pension	Non-contributive	Yes. PSCS.
Solidarity supplement for senior citizens	Non-contributive	Yes. PSCS.
VII. Work accidents and work related illnesses¹⁷		
<p>Benefits:</p> <p>Medical assistance, medication, surgery, pharmaceuticals, hospitalisation and any other assistance, including expenditure for lodging, transport, prosthetics and braces, as long as necessary to restore the state of health and capacity to work and earn, and functional rehabilitation.</p> <p>The professional and social rehabilitation and reintegration services include adapting workplaces; medical or functional rehabilitation services for an active life; and psychotherapeutic support, whenever necessary, for the patient's family.</p> <p>Assistance includes psychological and psychiatric assistance, when deemed necessary by the attending doctors. In the case of devices in situations of accidents this includes their supply as well as maintenance and repair, even if due to use or normal wear and tear.</p>	Contributive	Yes. TPCO; TI; BSSV.

17 This risk is not covered by the social security system. Risk cover is obligatory but is transferred to private insurance companies. Cf. <http://www.isp.pt>

European Migration Network

<p>Pecuniary benefits: Indemnity for temporary incapacity (absolute or partial); temporary pension; capital indemnity and pension for permanent incapacity (absolute for any type of work, absolute for habitual work and partial); supplement for caregivers; subsidy for a high degree of permanent incapacity, for adapting residences, to attend professional training actions, for death and funeral expenses; pensions to the family members on the death of the concerned parties.</p>	Contributive	Yes. TPCO; TI; BSSV.
VIII. EFamily responsibilities		
Family subsidy for children and youths	Non-contributive	Yes. SPU. The individual rights of children depend on residency.
Pre-natal family subsidy	Non-contributive	Yes. SPU.
Educational scholarships	Non-contributive	Yes. SPU.
Family subsidy for disabled children and youths	Non-contributive	Yes. TPCO; TI; BSSV; PSCS.
	Contributive	
Subsidy for attending special education establishments	Non-contributive	
	Contributive	
Lifelong monthly subsidy	Non-contributive	Yes. TPCO; TI; BSSV.
Funeral subsidy	Non-contributive	Yes. SPU.
IX. Unemployment		
Unemployment subsidy	Contributive	Yes. TPCO.
Social unemployment subsidy	Contributive	Yes. TPCO.
Partial unemployment subsidy	Contributive	Yes. TPCO; TI.

Key to the table

SPU - Universal Protection System.

TPCO - Salaried workers.

TI - Independent workers.

BSSV - Beneficiaries of Voluntary Social Security.

PSCS/NPPG - Individuals in situations of socio-economic need or who have not fulfilled the guarantee period.

Subsidy for ceasing activities	Contributive	Yes. TI in situations of economic dependency ¹⁸ .
Partial subsidy for ceasing activities	Contributive	
Subsidy for ceasing professional activities	Contributive	Yes. TI with entrepreneurial activity.
Partial subsidy for ceasing professional activities	Contributive	
Lay-offs (temporary reduction of normal periods of work or suspension of work contracts)	Contributive	Yes. TPCO.
X. Minimum guaranteed income		
Social Insertion Income	Non-contributive	Yes. PSCS.
XI. Long term care		
Dependency supplement	Non-contributive	Yes. Beneficiaries of disability, old age and survivors pensions.
Subsidy for caregivers	Contributive	Yes. TPCO; TI; BSSV; PSCS.
	Non-contributive	

(2.2.) The LBSSS has a broad scope, i.e. it encompasses Portuguese and foreign nationals. It is based on certain principles, such as i) the principle of universality, which allows all individuals to access social protection; ii) the principle of equality, which prevents discrimination among beneficiaries, e.g. on the basis of nationality; and iii) the principle of positive differentiation, which consists of adapting and making benefits flexible according to income, social circumstances and other family, social, labour and demographic factors. It must be noted that these are general principles and are hence applicable to the citizenship social protection system as well as, in certain conditions, to the welfare and complementary systems.

Thus, it seems that third country nationals are, in a certain way, equal to national citizens, being entitled to the diverse benefits of the social security system. This overview of the LBSS demonstrates that social security has a broad perspective with regard to migratory issues.

¹⁸ Independent workers who obtain at least 80% of the total value of their annual income from a single contracting entity are considered to be economically dependent workers, resulting in a contribution obligation.

It is important to emphasise that various institutions and agents are involved in preparing, managing and maintaining immigration policies in Portugal (SEF, 2009). The following entities are worthy of note in this context, viz. the Home Office (MAI), through the SEF as well as the National Republican Guard (GNR) and the Public Security Police (PSP), the aforesaid MSESS, the Ministry of Foreign Affairs (MNE) and the High Commission for Immigration and Intercultural Dialogue (ACIDI) among others.

(2.3.) However, keeping in mind the current economic crisis and the adjustment programme Portugal is following it has proved necessary to review the eligibility criteria to access some of the aforementioned social benefits. These changes will affect all beneficiaries of social security requiring the support offered by these benefits, irrespective of whether they are Portuguese citizens or third country nationals.

Thus, Decree-Law No 70/2010 of 16 June 2010, amended by Law No 15/2011 of 3 May and by Decree-Law Nos 113/2011 of 29 November 2011 and 133/2012 of 27 June 2012, as well as Decree-Law No 13/2013 of 25 January 2013, which establish the rules to determine income, composition of the family unit and the capitalisation of the income of the family unit, verify the conditions and necessary resources to be able to access the following benefits (of the family protection and solidarity subsystems, under non-contributive systems):

- Family benefits;
- Social unemployment subsidy; and
- Social subsidies for parenthood¹⁹.

In brief, in order for applicants to be able to access any of these benefits it is necessary to, cumulatively, be legally resident in Portugal and for either the applicant or the family unit to meet the conditions concerning resources at the time of the application²⁰. Resources are assessed on the basis of²¹:

19 Art. 1(1) of Decree-Law No 70/2010 of 16 June 2010, amended by Decree-Law No 133/2012 of 27 June 2012.

20 Elements of the family unit are deemed to be individuals living jointly in economic terms and who have the following family ties: spouse or de facto unions over two years; direct and collateral relatives up to the 3rd degree (parents, in-laws, stepfathers, stepmothers, stepchildren, sons-in-law, daughters-in-law, grandparents, grandchildren, siblings, brothers-in-law, sisters-in-law, uncles, nephews, nieces, great-grandparents, great-grandchildren) and minors, without limits on the degree of kinship; adopted children and minors entrusted administratively or judicially.

21 Cf. http://www4.seg-social.pt/documents/10152/14913/condicao_recurso

1. Assets, consisting of bank deposits and other securities, such as shares, bonds, savings certificates, stakes and units in collective investment institutions. The assets should not be superior to 240 times the value of the social support index (IAS), i.e. 100 612.80 euros²²; and the
2. Overall income of the family unit. The following income categories are considered to ascertain the overall income: income from salaried work; income from independent work (entrepreneurial and professional); income from capital; income from property; pensions (including food subsidies); social benefits (all except family responsibility, disability and dependence benefits); rent subsidies or other regular public support for housing.

The monthly income per individual of the family unit is calculated on the basis of the overall income, composition of the family unit and assets, by dividing the family unit's entire monthly income by the number of family members, considering the following scale of equivalence²³:

Applicant	1
Each adult	0,7
Each minor	0,5

The equivalence scale is not used to ascertain the reference income for some family benefits²⁴, but rather the number of children and youths in the family unit who are entitled to the benefit is applicable, plus 1²⁵. The amount attributed varies according to the age of the children and youths as well as the income scale of the family unit (see Table 4.1). In order to receive the family subsidy for children and youths and the pre-natal family subsidy, the reference income of the family unit shall not exceed the value of the 3rd scale, i.e. it shall be below € 8 803.62; for scholarships the income shall not exceed the 2nd scale, i.e. € 5 869.08.

22 Current value of the IAS = 419.22 euros.

23 A practical example of a family with 3 adults and 3 minors, with an overall monthly income of € 1 000.00, using the equivalency scale. Applicant **1** + 2nd adult **0.7** + 3rd adult **0.7** + 1st minor **0.5** + 2nd minor **0.5** + 3rd minor **0.5** = 3.9. The monthly overall income is divided by this figure, i.e. € 1 000.00/3.9 = € **256.41**. This means that the *monthly income per individual of the family unit* is € 256.41.

24 The gross income received in the previous year to the tax declaration is used to calculate the *reference income* of a family unit, along with the other income received in that year.

25 Art. 9(1) of Decree-Law No 133/2012 of 27 June 2012, which republished Decree-Law No 176/2003 of 2 August 2003.

Table 4. 1 Income scales

Income scales	Reference income of the family unit		Annual income of the family unit
1 ^o	Up to 0,5 x IAS x 14	<=>	Up to 2.934,54
2 ^o	From 0,5 x IAS x 14 a 1 x IAS x 14	<=>	From 2.934,55 a 5.869,08
3 ^o	From 1 x IAS x 14 a 1,5 x IAS x 14	<=>	From 5.869,09 a 8.803,62
4 ^o	Above 1,5 x IAS x 14	<=>	Above 8.803,63

In terms of family benefits, Decree-Law No 116/2010 of 22 October 2010 eliminated family allowances for the higher scales (4th and 5th), while the value of the family allowances for children and youths for the 1st and 2nd scales were increased by 25%²⁶.

Another means related criterion is applicable in order to receive the social unemployment subsidy, *viz.* the monthly income per member of the family unit shall not be higher than 80% of the value of the IAS, i.e. 335.38 euros²⁷.

The conditions to access the Social Insertion Income were also recently changed. Two cumulative rules have been introduced: access by families whose assets (bank deposits, shares, savings certificates or other financial assets) is not more than 25 153.20 euros (60 times the value of the IAS) and the value of moveable assets subject to registration (vehicles, boats, motorcycles) is also not higher than 25 153.20 euros (60 times the value of the IAS)²⁸.

26 Decree-Law No 116/2010 of 22 October 2010 amended Decree-Law No 176/2003 of 2 August 2003 and also eliminated the two highest income scales, reducing the scale to 4 scales from 6.

27 Art. 53(1) of Decree-Law No 91/2009 of 9 April 2009, amended by Decree-Law No 70/2010 of 16 June 2010.

28 Art. 6(1) of Law No 13/2003 of 21 May 2003, amended by Decree-Law No 133/2012 of 27 June 2012.

3. National rules for accessing social security by third country nationals

Considering the various branches of social security analysed herein, this section shall provide more detailed information regarding the conditions to access some of these branches, with an emphasis on the following areas: healthcare (I), illness (II), maternity and paternity (III), old age (V), family allowances (VIII), unemployment (IX) and minimum guaranteed income (X)²⁹.

(3.1.) In the Portuguese case, access to the benefits of the Citizenship Social Protection System is linked to compliance with a set of requirements, such as residence or resource based criteria, for Portuguese citizens and third country nationals alike. With regard to the welfare system, access is not derived from the aforesaid conditions but rather from the existence of minimum periods of contributions.

Third country nationals must meet a minimum period of residence to access minimum guaranteed income, viz. to access the Social Insertion Income (RSI). In such cases they need to have been legally resident in the country, or a legally equivalent situation, for a minimum of 3 years. In the case of Portuguese citizens, citizens of the European Economic Area and the Schengen Space this period is reduced to 1 year. In terms of minimum guaranteed income and support for senior citizens, there is also a minimum period of 6 years of residence to access the solidarity supplement for senior citizens, though this condition is equally applicable to Portuguese citizens, third country nationals and others.

It is important to remember that beneficiaries are required to be legally resident in the national territory, or an equivalent situation, although no minimum guarantee period is necessary, in order to access maternity and paternity benefits and family benefits, such as family allowances for children and youths, the prenatal allowance and scholarships. This is also the case for the social subsidy for unemployment, which additionally requires compliance with a minimum guarantee period.

(3.2.) With regard to the possibility of third country nationals continuing to avail of benefits attributed by the Portuguese social security system when they return to their country of origin, this is guaranteed in the case of deferred benefits (old age, disability and survivors' pensions). In some cases pecuniary benefits for ill-

²⁹ It should be noted that the area of healthcare had a relatively smaller weighting, as mentioned in the Methodology.

nesses and family benefits can continue to be paid by means of bilateral social security agreements. In this regard, see Table 5.1. and the respective section.

(3.3.) It is also important to note that apart from minimum periods of residence, minimum periods of contributions are also applicable, to Portuguese and third country nationals alike. Thus:

Illness subsidy: 6 months of recorded remuneration (continuously or interpolated), with 12 days of activity during the 4 months prior to the date the incapacity first occurred.

Maternity and paternity benefits (including for adoption), such as subsidies for clinical risks during pregnancy, subsidies for interrupted pregnancies, parental subsidies, extended parental subsidies, subsidies for specific risks during pregnancies, child allowances, subsidies for children with disabilities or chronic illnesses, subsidies to assist with grandchildren: 6 months of recorded remuneration.

Old age pensions: At least 15 years of recorded remuneration³⁰.

Unemployment subsidy: For salaried employees who have worked for at least 360 days in the last 24 months immediately prior to the date of the occurrence; 720 days in the last 48 months immediately prior to the date of the involuntary cessation of the service contract, in the case of economically dependent independent workers or entrepreneurs.

Unemployment social subsidy: For those who have completed 180 days of work with recorded remuneration in a period of 12 months immediately prior to the date of the occurrence.

Disability pensions: Relative disability: 5 years of recorded remunerations; or absolute disability: 3 years of recorded remunerations³¹.

Survivor pensions: 36 months of recorded remunerations³².

30 In the case of voluntary social security the qualification period for accessing old age benefits is 144 months of paid contributions.

31 In the case of voluntary social security the qualification period for accessing disability and old age benefits is 72 months of paid contributions.

32 In the case of voluntary social security the qualification period for accessing funeral subsidies is 36 months of paid contributions.

(3.4.) In the case of third country nationals, the condition of legal residence is proved by means of a residence permit, issued by the SEF. Such individuals can avail of pecuniary benefits for illness, maternity and paternity, family and unemployment benefits and minimum resources by presenting the residence permit, among other applicable conditions.

(3.5.) Finally, other conditions may also be applicable, such as minimum and maximum ages, apart from resource-based and residence criteria, necessary to access some of the benefits listed above. These conditions are applicable to Portuguese citizens and third country nationals alike and some of them have been mentioned in previous sections.

4. Administrative practices affecting access to social security by third country nationals

This section aims to clarify the application of discretionary criteria affecting access to social security benefits by third country nationals. Like the previous section, this section will also focus on just some benefits, namely illness (II), maternity and paternity (III), old age (V), family responsibilities (VIII), unemployment (IX) and minimum guaranteed income (X).

(4.1.) In the context of social security there are discretionary elements with regard to access to benefits within the scope of the social action subsystem. This subsystem aims to prevent and remedy situations of need, inequality and social and economic vulnerability, dysfunction and exclusion, as well as to stimulate the integration of individuals in the community. In this context, special protection is given to children, youths, the disabled and senior citizens. Benefits are often of a sporadic nature and are attributed according to the income and other social conditions of applicants.

Within the scope of the solidarity subsystem, although legislation defines the conditions for accessing the RSI (whereby it is necessary for the applicant to be economically autonomous, among other resource based conditions³³) and the criteria for accessing the social subsidy for unemployment, some discretion is permitted in the case of family benefits (resource-based conditions).

Through its district centres and the competent institutes for the Autonomous Regions of Madeira and the Azores, the Institute for Social Security is responsible for applying said criteria. In any case, these decision making entities shall assess each individual application on the basis of factors stipulated in legislation.

With regard to legislation in effect, the following laws concerning RSI are worthy of note, viz.:

- Decree-Law No 13/2013 of 25 January 2013, which establishes the value of the RSI.
- Implementing Order (Portaria) No 257/2012 of 27 August 2012, which establishes the norms for implementing Law No 13/2003 of 21 May 2003, which instituted the RSI and establishes its value.

33 Art. 4 of Law No 13/2003 of 21 May 2003, republished by Decree-Law No 133/2012 of 27 June 2012.

- Law No 13/2003 of 21 May 2003, republished by Rectification Declaration No 7/2003 of 29 May 2003, amended by Law No 45/2005 of 29 August 2005, by Decree-Law No 70/2010 of 16 June 2010 and by Decree-Law No 133/2012 of 27 June 2012, which also republished it.
- Law No 4/2007 of 16 January 2007 – Framework Law of the Social Security System – amended by Law No 83-A/2013 of 31 December 2013.

The following laws are worthy of note in the context of resource-based conditions:

- Decree-Law No 70/2010 of 16 June 2010, amended by Law No 15/2011 of 3 May 2011 and by Decree-Law No 113/2011 of 29 November 2011 and No 133/2012 of 27 June 2012, which establishes the rules to determine resource-based conditions to be considered while attributing and maintaining the benefits of the family protection subsystem and the solidarity subsystem, as well as other public social support, and amends the conditions for the attribution of the RSI, taking steps to increase the possibility of the insertion of the beneficiaries (as mentioned at the end of section 2)³⁴.

(4.2.) While verifying the eligibility conditions for the RSI, individuals are deemed to be economically autonomous when they do not depend on anyone legally responsible for their food and nourishment; who do not live in a non-profit public or private social institution, financed by the State or by other public or private bodies, nor in shelters, prison establishments or orphanages, and have an income higher than 70% of the value of the RSI.

The resource-based condition is the set of conditions which the family unit is required to meet in order to be able to access the aforesaid benefits. Thus, the decision regarding access to these benefits depends on the income of the family unit of the applicant, as defined in the LBSSS, with reference to the solidarity subsystem. The income shall not be higher than 80% of the value of the IAS (i.e. € 335.38), subject to a weighting, according to the elements comprising the family unit³⁵. These criteria, used to determine access to the social subsidy for employment and family benefits, are regulated by the aforementioned common decree, viz. Decree No 70/2010 of 16 June 2010, with subsequent amendments.

³⁴ Law No 15/2011 of 3 May 2011 amended the text of Art. 3(1)(h).

³⁵ Cf. Scale of equivalence, p. 23, also applicable in the case of the social subsidy for unemployment and social subsidies for parents. The number of children and youths in the family unit, plus one, are considered to determine the income for family benefits.

The RSI has its own criteria in terms of resources, which have already been mentioned.

(4.3.) The decision making entities receive specific guidelines concerning the enrolment of third country nationals in the national social security system. Third country nationals must be legally resident and have worked in the country. These two requirements also contribute towards verifying the existence of valid residence permits or work visas.

(4.4.) By means of Law No 23/2007 of 4 July 2007, amended by Law No 29/2012 of 9 August 2012, Portuguese legislation defines the requirements necessary for renewing residence permits, including having means of subsistence. Keeping in mind the context of the economic crisis, with an inevitable impact on immigrants established in Portugal, it proved necessary to review the legal document establishing the means of subsistence immigrants are required to have in order to renew residence permits. Thus, Implementing Order (*Portaria*) No 760/2009 of 16 July 2009, which amended Implementing Order (*Portaria*) No 1563/2007 of 11 December 2007, allowed unemployment subsidies or the RSI as proof of means of subsistence in situations of involuntary unemployment³⁶. In situations where one of these social benefits are applicable, the application for the renewal of the residence permit is assessed on a case by case basis, likewise considering the stability of the immigrant's stay in the national territory, the family unit and proactive efforts to find employment.

In terms of family reunification, ascertaining means of subsistence continues to be governed by Implementing Order (*Portaria*) No 1563/2007 of 11 December 2007, since it is essential to safeguard the effective integration of families in Portugal while also not overloading the social security system.

It is also important to note that, pursuant to the criteria defined in Implementing Order (*Portaria*) No 760/2009 of 16 July 2009, there have been a substantial number of renewals in the last two years. It is expected that this situation will continue over the next two years.

(4.5.) In general, translation, interpretation or other services provided by the Institute for Social Security to support communications between the decision making entity and applicants for benefits are usually not available. However,

³⁶ Only third country nationals who have been legally resident in Portugal for the past 3 years are entitled to receive an RSI, confirmed by holding a valid residence permit. In the case of Portuguese citizens or nationals of EU Member States, the minimum period of residence is one year.

in some cases, support for understanding and interpreting information can be granted, according to the linguistic competences and capacities of those who seek such services.

In the area of healthcare, apart from the information contained in the guide to social security rights (MISSOC), another document is also available describing access by immigrants to the SNS, prepared by the Ministry of Health. This document is available to the general public and has been translated into several languages – Chinese, French, English, Romanian and Russian – and can be consulted at <http://www.dgs.pt/informacao-em-outras-linguas.aspx>. The same website also has translations of other documents, such as those concerning Swine Flu, social support for maternity and paternity and voluntary interruptions of pregnancies. The website of the Directorate-General for Health is also available in English, offering a broad set of other information, such as, for example, the National Health Plan³⁷.

Finally, with regard to bilateral agreements, forms, applications and other supporting documents, these are generally available in both the national languages and sometimes in a third language, normally English.

³⁷ Cf. <http://www.dgs.pt/directorate-general-of-health.aspx?v=b5ef3dfe-6f5f-4ce3-8e86-fabad-33830bf>

5. External dimension of social security

International relations in the area of social security depend greatly on bilateral or multilateral agreements established between States and some organisations. Within the EU, each Member State is free to conclude its own bilateral agreements. However, the Commission has encouraged greater cooperation between Member States in terms of coordinating social security with third countries.

Thus, the objective of this section is to present the process underlying the policy decisions inherent to the external dimension of social security, including the scope and the functioning of bilateral agreements between Portugal and third countries.

(5.1.) Portugal has established a set of bilateral agreements with third countries, which cover diverse benefits, as can be seen in the table below.

Table 5. 1 Bilateral social security agreements between Portugal and third countries

Country	Date signed	Date of entry into effect	Material scope							
			Transferred workers	Pensions		Benefits			Work accidents	
				Export	Totalisation	Unemployment	Family	Illness		Disability
Andorra	11/03/1988	01/07/1991	x	x	x	-	-	x	x	x
Argentina	20/05/1966	27/10/1967	x	x	x	-	x (g)	x (a)	x	x
Australia	03/09/2001	01/10/2002	x	x	x	x (b)	x (c)	x (d)	x	x
Brazil	07/05/1991 09/08/2006	01/04/2005 01/05/2013	x	x	x	-	x (g)	x	x	x
Canada	15/12/1980	01/05/1981	x	x	x	-	-	-	x	-
Ontario	03/08/1982	01/08/1984	-	-	-	-	-	-	-	x
Quebec	20/03/1981	01/07/1981	x	x	x	-	x	x (e)	x	x
Cape Verde	10/04/2001	01/04/2005	x	x	x	x (f)	x (g)	x	x	x

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Chile	25/03/1999	01/11/2001	x	x	x	-	-	x	x	-
Morocco	14/11/1998	01/10/2000	x	x	x	x (e)	x (g)	x	x	x
Moldova	11/02/2009	01/12/2010	x	x	x	x (f)	-	x (d)	x	x
Romania (i)	01/08/2006	01/06/2009	x	x	x	x	x	x	x	x
Tunisia	09/11/2006	24/04/2009	x	x	x	x (e)	x (g)	x	x	x
Uruguay	29/05/1987	01/12/1987	x	x	x	-	-	x	x	-
USA	30/03/1988	01/08/1989	x	x	x	-	-	-	x	-
Ukraine	07/07/2009	01/03/2012	x	x	x	x (h)	x (a)	x (d)	x	x
Venezuela	21/07/1989	01/01/1993	x	x	x	-	-	-	x	x

(a) Not exportable

(b) Totalisation only with regard to Portugal

(c) Only for pensioners

(d) Only pecuniary benefits

(e) Only equal treatment

(f) Equal treatment and totalisation

(g) Exportable

(h) Only totalisation

(i) Only for provisions which are more favourable than those established in EU regulations

An analysis of Table 5.1 reveals that Portugal has signed agreements with some countries, ranging from Europe to North and South America, as well as Africa and Oceania. In this regard the Framework Social Security Law stipulates the following about relations between the national system and foreign systems:

The State has signed agreements to coordinate social security with a view to guaranteeing equal treatment for beneficiaries encompassed by such systems who are engaged in professional activities or reside in the respective territory, with regard to rights and obligations (...)³⁸

It is equally important to note that, according to information published by the social security system regarding the evolution of the coordination of social security systems:

Procedures are currently underway to sign agreements with South Africa, Algeria, Bermuda, India, Israel, Japan, South Korea, the Philippines and Russia.

In terms of coordination within the scope of the systems of Portuguese speaking African countries, an agreement and the respective administrative pact has been signed with S. Tomé & Príncipe, which will soon come into effect. An agreement has also been signed with Angola while a bilateral social security agreement is expected to be signed shortly with Mozambique. A bilateral agreement was signed with Guinea-Bissau, but will be renegotiated since it was not implemented. (Social Security, 2012)

³⁸ Art. 25(1) of Law No 4/2007 of 16 January 2007.

This evolution at the level of bilateral agreements between Portugal and third countries is also in keeping with the II Immigrant Integration Plan, especially Measure 34. This measure recommends efforts to sign social security agreements with countries such as Guinea-Bissau, India and Russia³⁹.

(5.2.i.) Thus, within the scope of such agreements, it is possible for workers from third countries to work in Portugal while continuing to be covered by the social security rules of their countries of origin. This information is visible in the column “Transferred workers”, which also includes:

“(…) Diplomatic staff, employees of diplomatic or consular staff, staff of transport companies employed in another State, and public servants of another State or those belonging to an official administrative service posted to another State in the service of the State of origin.”
(Peixoto *et al*, 2011: 65)

(5.2.ii.) Some agreements envisage equal treatment in the case of unemployment benefits, such as those signed with Cape Verde, Morocco, Moldavia and Tunisia; as well as benefits in situations of illnesses, in effect in Quebec.

(5.2.iii.) Portuguese social security benefits can also be exported to other countries, within the scope of agreements signed between Portugal and the States listed in Table 5.1., with the exception of Ontario.

(5.2.iv.) In general, Table 5.1. reveals that the vast majority of bilateral agreements established between Portugal and other countries encompass transferred employees, export of benefits and the totalisation of periods of contributions, as well as disability pensions (excluded in the case of Ontario)⁴⁰.

In terms of other benefits, namely for unemployment, family benefits and illness, there are fewer and more diversified agreements. Specifically with regard to unemployment benefits, agreements have been signed with only seven countries, most of which establish equal treatment, with or without the totalisation of periods of contributions. As for family benefits, the number of agreements signed in this context is slightly higher and, within the scope of agreements, such benefits tend to be exportable. In the case of illness benefits, the number

39 The II Immigrant Integration Plan spanned the period 2010 to 2013 (cf. Council of Ministers Resolution No 74/2010 of 17 September 2010). Currently, a set of tasks are underway to prepare a new Plan, to begin in 2014.

40 The totalisation of periods of contribution while attributing a benefit contemplates periods of contributions made under other social protection systems, normally for the purpose of meeting guarantee periods.

of agreements signed is again higher and they primarily encompass pecuniary benefits.

As per available information, there are also agreements with the majority of countries cited covering work accidents.

With regard to healthcare, international agreements have been signed with Andorra, Brazil, Cape Verde, Morocco, Quebec and Tunisia, which enable nationals of these countries who engage in professional activities in Portugal and are enrolled in the national social security system (as well as the members of their respective families) to use the SNS (Caetano *et al*, 2013). They can avail of identical conditions as Portuguese citizens and should enrol in the health centre of their area of residence, by presenting their residence permit and the relevant certificate issued by the country with which Portugal has signed such an agreement (*idem*).

International cooperation agreements have also been signed in the area of healthcare specifically for citizens of Portuguese speaking African countries (PALOP), in order to ensure medical services and care which do not exist or are limited in the countries of origin. Access is by submitting proof of the status of evacuee, issued by the Portuguese Directorate-General for Health (*ibidem*).

Third country nationals who are in Portugal within the scope of cooperation agreements in the field of education and professional training are also entitled to medical assistance and medication. In order to be able to avail of this right they are required to submit a document issued by the country of origin attesting this (Caetano *et al*, 2013).

As for third country nationals not covered by such agreements and pacts, access to healthcare depends on their individual situation. Those who have residence permits shall present this document, as well as proof of enrolment at a health centre or health system ID card. Individuals in irregular situations shall submit a certificate of residence issued by the local parish council; minors are required to be enrolled at ACIDI and provide proof of such enrolment to the health services. For foreign nationals with temporary residence permits or tourist visas, access to the SNS is usually by means of presenting proof of valid health insurance (*idem*).

In the case of foreign nationals who have the status of refugees or have been given asylum, access to healthcare is generally free of cost and is subject to presenting the document proving such status or proof of having applied for said documents (*ibidem*).

(5.3.) Presently there is no information available about situations in which third country nationals have used their rights based on bilateral social security agreements signed between Portugal and their countries of origin.

6. Case studies

Three case studies are provided here in order to better understand the functioning of the system and access to the diverse social security benefits. The three cases will attempt to highlight diverse aspects: available benefits, benefits applicable to third country nationals and conditions of access.

Case Study 1

Tho and Lien are a couple from Vietnam, aged 28 and 30 who have lived in Portugal for 10 years. They hold long term residence permits. Tho has been working in a car factory for 8 years and has paid his social security contributions during this period. Lien works as a chef in a restaurant at a large hotel and has paid the compulsory social security contributions for the last 2 years. Tho and Lien are expecting their first child in 6 weeks. Last week the factory where Tho works informed him that he would be laid off. With this loss of income at a time when Lien would be without work after their child is born, Tho decided to apply for an unemployment subsidy, while Lien would apply for maternity benefits.

In this situation, Tho is entitled to unemployment benefits, since he appears to have complied with the required eligibility conditions: he was a salaried employee, is in a situation of involuntary unemployment and paid social security contributions during 360 days in the 24 months immediately prior to the date when he became unemployed.

As for Lien, she is entitled to the initial parental subsidy exclusively for mothers (up to 30 days before birth on an optional basis and six weeks compulsorily after the birth), since she has complied with the guarantee period – 6 calendar months, whether consecutive or not, with recorded remuneration. Tho is also entitled to the initial parental subsidy exclusively for fathers (both for the 10 optional days as well as the 10 compulsory days).

According to labour laws, the initial parental leave is for 120 or 150 days and can be utilised by the mother or the father, with the exception of the 6 week period exclusively for mothers. The leave can be extended for 30 days if the leave is shared by the mother and father.

Case Study 2

Jasmine is a single mother, aged 29 years, a national of the Philippines, who has been in Portugal for two and a half years. She has a 2 year old son (also Filipino by nationality) who lives with her and a 5 year old daughter who lives with Jasmine's mother in the Philippines. Jasmine holds a temporary residence permit to engage in salaried employment, which has already been renewed once, and she has been working as a nurse in a day centre for the past two and a half years. She sends a small amount of money to the Philippines every month for her daughter's expenses. Last month her employer announced significant salary cuts due to budgetary restrictions. Due to this reduction in her income Jasmine was forced to move to a room in an inn because she can no longer afford to rent a house and she reduced the amount of money she sends every month to her family in the Philippines by half. In this scenario, Jasmine decided to apply for family allowances and minimum resources (RSI).

In this case, assuming that Jasmine is a single parent family and her income falls within one of the first three income scales shown in table 2.1. (necessary to access family protection benefits), her son resident in Portugal can benefit from the family allowance for children and youths. The amount of this family allowance is augmented by 20%, since it is a single parent family (as is also the case with Portuguese citizens, in identical conditions).

Since there has been a reduction in the income of the family unit, Jasmine could fall within a new income scale. As a result the allowance could increase accordingly.

In terms of a minimum income, namely the RSI, Jasmine cannot avail of this benefit since she does not fulfil the residence criterion necessary for third country nationals who do not benefit from an agreement for free circulation of individuals in the EU (3 years of legal residence in Portugal).

Case Study 3

Senghor is a highly skilled worker from Senegal. He came to Portugal six years ago and has a temporary residence permit obtained through the IT (Information Technology) company where he works. Senghor is not married and does not have children but he recently brought his elderly mother to Portugal to live with him by means of family reunification. Aged 80 years, Senghor's mother is totally dependent on her son's income. Last week Senghor suffered a work accident which left him incapable of doing the work for which he was contracted for a period of 3 years. He decided to apply for disability, illness and family allowance subsidies.

Based on this information, keeping in mind the fact that Senghor suffered an accident at work, he is covered by the system of protection for work accidents and professional illnesses (the protection in the case of work accidents is transferred by the company where he works to a private insurance company). Thus, Senghor could receive:

- i) An indemnity for temporary incapacity – absolute or partial; or
- ii) A pension for permanent incapacity – absolute for all types of work, or absolute for his habitual work, or partial.

It is worth noting that the protection scheme for work accidents and professional illnesses also offers a series of other benefits in cash and kind to which Senghor could possibly be entitled.

According to the national system the mother could possibly only benefit from support within the scope of the social action subsystem.

7. Statistics for social security payments to immigrants

The last section of this study examines access by immigrants to social security in Portugal, by means of some statistical datas⁴¹. This is a quantitative section, which reveals the behaviour of some indicators between 2007 and 2012. The data shows the evolution of the number of employed, unemployed and inactive third country nationals, the number of active beneficiaries (those who are contributing to the system) and the number of beneficiaries with contributions for unemployment.

Table 7. 1 Employed, unemployed and inactive population with foreign nationality (in thousands), from 2007 to 2012

		Angola	Brazil	Cape Verde	France	Romania	São Tomé and Príncipe	Ukraine	Others	Total
Employed	2007	22,9	57,5	30,8	6,3	11,1	9,3	12,5	44,6	195,0
	2008	21,1	76,1	32,3	9,9	12,1	9,4	18,7	45,5	225,1
	2009	21,9	71,6	23,9	7,0	8,6	5,5	19,2	50,6	208,3
	2010	21,8	68,9	19,1	5,4	10,6	4,5	18,4	48,5	197,2
	2011	14,4	53,5	14,0	5,5	10,0	-	13,7	44,1	155,2
	2012	9,4	37,4	10,3	5,7	10,6	-	11,4	37,2	122,0
Unemployed	2007	4,7	5,5	5,2	-	-	-	-	11,3	26,7
	2008	-	5,3	6,4	-	-	-	-	15,7	27,4
	2009	4,8	11,9	6,8	-	-	-	-	17,2	40,7
	2010	-	17,5	6,9	-	-	-	-	21,2	45,6
	2011	6,0	12,0	8,2	-	-	-	-	17,4	43,6
	2012	5,2	10,9	6,5	-	-	-	5,2	16,3	44,1
Inactive	2007	18,1	19,0	17,4	-	5,3	7,0	4,5	40,5	111,8
	2008	11,4	27,8	19,8	-	5,0	-	9,0	45,6	118,6
	2009	12,3	28,5	19,4	4,7	-	6,3	8,9	43,4	123,5
	2010	11,2	35,1	15,4	-	-	-	7,2	45,4	114,3
	2011	9,7	26,4	13,0	-	4,4	-	5,9	36,2	95,6
	2012	5,9	23,1	10,9	-	4,5	-	5,9	37,2	87,5

Source: INE, Employment Statistics, 2011 series

INE Notes: The information is within the dissemination parameters in effect at the INE for the Employment Survey (IE). The estimates provided on the basis of the IE should be analysed carefully in the case of variables with low quantities.

41 In this context, it is important to note the recent study by Peixoto *et al* (2011), which presents pertinent and complementary statistical data to better understand this issue.

Table 7. 2 Number of active beneficiaries of social security, by nationality, from 2007 to 2012

	2007	2008	2009	2010	2011	2012
Europe	44.720	45.203	42.454	42.171	40.792	37.910
Albania	16	17	15	17	14	17
Andorra	5	5	6	9	6	5
Armenia	30	30	36	36	34	34
Belarus	796	768	702	659	627	574
Bosnia and Herzegovina	12	12	15	19	22	21
Kazakhstan	418	448	450	443	434	395
Croatia	32	31	40	36	43	41
Faroe (Denmark)	7	5	6	7	8	7
Georgia	647	730	680	691	677	609
Iceland	10	8	12	13	11	9
Yugoslavia	81	74	60	57	50	42
Moldova	5.665	6.573	6.497	6.469	6.184	5.592
Norway	156	153	149	151	142	144
Russia	2.611	2.677	2.546	2.534	2.501	2.329
Serbia and Montenegro	13	12	8	6	5	5
Switzerland	295	290	279	279	267	271
Ukraine	33.914	33.359	30.942	30.733	29.756	27.808
Others	12	11	11	12	11	7
PALOP	38.896	43.256	43.903	46.282	46.411	43.901
Angola	13.038	13.146	12.342	11.914	11.082	9.779
Cape Verde	14.058	16.198	17.086	18.605	19.228	18.891
Guinea-Bissau	7.166	8.600	8.794	9.487	9.573	8.762
Mozambique	1.731	1.839	1.849	1.920	1.880	1.813
São Tomé and Príncipe	2.903	3.473	3.832	4.356	4.648	4.656
Outros African countries	5.132	5.914	5.558	5.304	4.895	4.317

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South Africa	217	222	238	227	239	233
Algeria	101	123	107	109	113	116
Benin	11	13	10	12	13	9
Botswana	14	23	22	19	17	16
Burundi	58	58	54	52	48	47
Cameroon	36	42	45	38	49	52
Congo	88	98	91	89	87	77
Congo (Democratic Republic)	104	108	102	104	92	85
Ivory Coast	43	49	52	54	54	54
Egypt	391	269	224	181	140	133
Ethiopia	6	6	11	13	13	14
Gambia	107	128	97	117	113	79
Ghana	94	124	92	93	91	71
Guinea	863	1.093	1.081	1.136	1.083	902
Equatorial Guinea	8	7	7	10	9	10
Liberia	22	19	16	11	10	7
Malawi	10	9	8	11	10	8
Mali	44	52	48	49	46	46
Morocco	840	1.084	938	941	913	854
Mauritania	19	25	24	29	25	19
Nigeria	271	355	292	287	267	221
Kenya	17	22	15	16	16	18
Rwanda	10	11	13	18	12	10
Senegal	1.567	1.767	1.764	1.473	1.213	1.016
Sierra Leone	28	30	27	27	24	24
Swaziland	8	7	6	8	8	5
Tanzania	17	17	16	15	16	16
Togo	16	17	19	16	15	14
Tunisia	44	46	49	50	53	62
Uganda	12	17	14	15	13	11

Access by Migrants to Social Security and Healthcare

	2007	2008	2009	2010	2011	2012
Zambia	7	8	8	9	8	9
Zimbabwe	25	25	30	30	30	29
Others	34	40	38	45	55	50
Asia	13.965	16.064	17.375	19.576	22.683	22.855
Afghanistan	37	38	36	35	33	35
Bangladesh	464	632	679	932	1.603	1.633
China	6.345	7.864	8.640	9.525	10.174	10.048
Korea (Republic of)	19	26	23	22	30	28
Philippines	276	331	345	385	405	420
Hong Kong	16	16	16	15	16	16
India	3.014	3.192	3.280	3.543	4.158	4.075
Indonesia	15	39	49	60	67	84
Iran	33	40	62	83	115	132
Iraq	12	17	18	20	20	17
Israel	32	39	43	53	46	43
Japan	110	123	139	136	126	128
Lebanon	25	24	20	24	25	29
Malaysia	9	9	7	10	12	10
Mongolia	8	8	9	9	10	14
Nepal	454	529	645	1.013	1.719	2.080
Pakistan	1.624	1.338	1.228	1.288	1.533	1.517
Kyrgyzstan	27	23	21	25	23	23
Singapore	7	7	8	9	9	11
Syria	5	8	7	7	5	7
Sri Lanka	5	12	12	17	19	24
Thailand	79	220	848	741	911	880
Taiwan	593	586	579	572	554	526
East Timor	28	26	28	30	31	30

European Migration Network

Turkey	52	73	90	104	107	101
Uzbekistan	625	770	799	778	794	726
Vietnam	7	10	43	71	62	140
Others	44	64	65	69	76	78
America	70.105	96.592	97.663	94.921	85.865	70.677
Argentina	226	249	267	270	278	266
Bolivia	66	62	62	63	68	62
Brazil	66.877	93.082	94.004	91.080	81.855	66.791
Canada	331	337	359	384	376	325
Chile	72	82	97	103	111	101
Colombia	177	194	209	211	333	341
Costa Rica	8	11	11	10	21	24
Cuba	271	315	343	384	399	398
Ecuador	155	156	149	150	151	138
USA	552	595	602	654	640	617
Guatemala	15	17	20	19	22	21
Guyana	10	9	10	8	6	6
Honduras	5	8	11	15	14	16
Mexico	66	92	92	102	121	129
Nicaragua		7	10	10	13	9
Panama	15	13	17	16	14	13
Paraguay	41	50	61	64	62	55
Peru	85	91	103	107	111	109
Dominican Republic	16	18	21	28	36	37
Uruguay	56	75	92	82	80	79
Venezuela	1.003	1.067	1.055	1.104	1.097	1.080
Others	58	62	68	57	57	60
Oceania	107	108	105	117	115	118
Australia	79	79	76	80	77	82
New Zealand	12	13	14	16	18	17

Access by Migrants to Social Security and Healthcare

Others	16	16	15	21	20	19
Total	172.925	207.137	207.058	208.371	200.761	179.778

Source: MSES – Information Analysis and Management Department, “Estatísticas da Segurança Social”.

Note: Data as on 11 October 2013, subject to change.

Table 7. 3 Number of social security beneficiaries with unemployment subsidies, by nationality, from 2007 to 2012

	2007	2008	2009	2010	2011	2012
Europe	4.865	5.087	6.894	8.009	7.897	8.650
Belarus	82	88	113	109	108	106
Kazakhstan	45	54	73	82	83	82
Georgia	79	99	148	188	197	197
Moldova	367	439	800	1.011	1.009	1.186
Norway	10	10	10	12	6	5
Russia	396	359	461	521	455	468
Switzerland	17	9	12	20	19	21
Ukraine	3.853	4.017	5.263	6.046	5.994	6.555
Others	16	12	14	20	26	30
PALOP	3.635	4.291	6.395	7.996	8.188	8.930
Angola	1.597	1.825	2.438	2.775	2.473	2.375
Cape Verde	1.131	1.332	1.985	2.568	2.817	3.193
Guinea-Bissau	482	602	1.198	1.686	1.887	2.177
Mozambique	153	168	215	245	248	276
São Tomé and Príncipe	272	364	559	722	763	909
Other African countries	185	257	469	688	760	843
South Africa	13	12	17	15	11	11
Algeria	6	11	20	19	23	23
Congo	13	12	17	20	23	22
Congo (Democratic Republic)	16	22	26	29	26	22

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Guinea	13	39	115	185	203	214
Morocco	48	65	96	145	157	180
Nigeria		9	14	20	20	23
Senegal	31	37	80	138	170	217
Others	45	50	84	117	127	131
Asia	150	187	406	638	805	974
Bangladesh	7	8	14	25	34	36
China	14	16	14	18	16	28
Philippines	6	7	15	14	9	18
India	40	36	172	261	354	434
Nepal			16	36	55	83
Pakistan	30	37	59	116	162	165
Uzbekistan	31	51	79	122	143	160
Others	22	32	37	46	32	50
America	4.997	6.446	10.997	14.214	13.448	13.408
Argentina	14	13	15	20	22	21
Brazil	4.753	6.223	10.699	13.839	13.086	12.980
Canada	21	22	25	27	33	38
Chile	5	5	5	8	10	9
Colombia	19	13	25	25	25	28
Cuba	19	17	44	66	59	63
Ecuador	6	13	11	11	10	14
USA	26	25	30	39	40	43
Peru	8	5	8	10	14	11
Venezuela	100	82	103	135	113	146
Others	26	28	32	34	36	55
Oceania	4	6	6	8	8	11
Total	13.836	16.274	25.167	31.553	31.106	32.816

Source: MSESS – Information Analysis and Management Department, “Estatísticas da Segurança Social”.

Note: Data as on 11 October 2013, subject to change.

Table 7. 4 Number of beneficiaries with unemployment benefits, by nationality, from 2007 to 2012

	2007	2008	2009	2010	2011	2012
Europe	4.772	4.958	6.767	7.626	7.372	8.421
Belarus	84	81	110	105	98	104
Kazakhstan	45	54	72	81	79	77
Georgia	78	93	147	172	181	192
Moldova	347	430	764	939	918	1.137
Norway	12	11	9	15	7	5
Russia	381	345	450	490	424	455
Switzerland	20	14	14	23	20	18
Ukraine	3.790	3.916	5.187	5.780	5.620	6.403
Others	15	14	14	21	25	30
PALOP	3.560	4.159	6.268	7.507	7.484	8.649
Angola	1.579	1.780	2.396	2.664	2.300	2.334
Cape Verde	1.102	1.295	1.955	2.402	2.569	3.065
Guinea-Bissau	474	567	1.161	1.532	1.690	2.107
Mozambique	143	169	212	234	230	269
São Tomé and Príncipe	262	348	544	675	695	874
Other African countries	184	252	451	625	695	825
South Africa	13	11	16	15	12	9
Algeria	6	11	20	19	22	22
Congo	13	13	17	18	22	21
Congo (Democratic Republic)	15	22	27	30	24	22
Ivory Coast				9	14	17
Guinea	14	38	108	156	176	209
Morocco	48	62	92	138	147	171
Nigeria		9	14	21	19	23
Senegal	30	37	76	127	149	218

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Others	45	49	81	92	110	113
Asia	150	176	390	582	698	931
Bangladesh	7	7	13	23	26	34
China	14	14	13	17	14	26
India	40	34	167	233	302	410
Nepal			14	31	40	78
Pakistan	30	35	58	107	145	162
Uzbekistan	31	49	74	109	133	158
Others	28	37	51	62	38	63
America	4.895	6.153	10.705	13.366	12.523	13.068
Argentina	15	11	14	18	20	20
Brazil	4.653	5.939	10.412	13.012	12.188	12.656
Canada	21	21	24	24	28	35
Colombia	17	13	26	25	22	25
Cuba	18	17	41	58	54	61
Ecuador	6	12	11	10	10	14
USA	27	25	33	39	40	44
Venezuela	100	77	101	128	107	144
Others	38	38	43	52	54	69
Oceania	3	6	6	9	8	10
Total	13.564	15.704	24.587	29.715	28.780	31.904

Source: MSESS – Information Analysis and Management Department, “Estatísticas da Segurança Social”.

Note: Data as on 18 October 2013, subject to change.

8. Main conclusions

This brief overview and analysis of the Portuguese social security system revealed various important aspects, especially with regard to access by third country nationals.

Firstly, it was seen that third country nationals are treated on par with Portuguese citizens, especially in terms of the welfare system (although there are some less favourable norms for some benefits relating to the solidarity subsystem, such as social pensions or the Social Insertion Income (RSI)). The LBSSS establishes that everyone is entitled to social security and social protection, irrespective of their nationality.

A quick review of some characteristics of the (non-contributive) Citizenship Social Protection System, through its three subsystems. Firstly, the social action subsystem, which does not distinguish among beneficiaries on the basis of nationality but rather in terms of socio-economic conditions, age or disabilities; secondly, the solidarity subsystem, which encompasses national and foreign citizens and only requires legal residence in the country, sometimes for minimum time periods; and finally, the system for family protection, which encompasses most people and, like in the previous case, legal residence for a minimum period of time.

Touching upon some aspects of the welfare system, it is characterised by encompassing individuals engaged in professional activities and who are compulsorily enrolled in and contribute to the system. Access to the benefits of this system thus depends on said contributions and whether the contributions have been made for a minimum period of time. Once again the question of nationality is not considered in the context of access to the benefits derived from this system but rather this access depends on the existence of a minimum period of contributions.

The last system, the complementary system, is voluntary both in terms of the public capitalisation system as well as the other collective or individual complementary systems and thus also does not depend on the nationality of contributors. The benefits can be accessed according to each system and their respective provisions.

Nationality can condition access to or the maintenance of benefits in cases of a return to the country of origin. In such cases it is important to ascertain the existence of international agreements and conventions established between

Portugal and third countries in the area of social security and healthcare, since these will determine the rules for any export of benefits. In the Portuguese case, Portugal has established agreements with fifteen countries: Andorra, Argentina, Australia, Brazil, Canada (Ontario and Quebec), Cape Verde, Chile, Morocco, Moldavia, Romania, Tunisia, Uruguay, USA, Ukraine and Venezuela. It is expected that agreements will soon be signed with South Africa, Algeria, Bermuda, India, Israel, Japan, South Korea, Philippines and Russia. Within the PALOP nations, the agreement signed with S. Tomé & Príncipe will soon come into effect, there is already an agreement with Angola and one will be signed with Mozambique in the near future. The agreement signed with Guinea-Bissau will be renegotiated.

In keeping with the notion of equal treatment for Portuguese and migrants in the area of social security, it has been seen that apart from the diverse healthcare services available in the SNS, migrants can also access a broad set of social support and benefits encompassing various situations, including illness, maternity, paternity and adoption, disability, old age, survivors, unemployment, work accidents and work related illnesses, family allowances and minimum guaranteed income. Since Portugal participates in the MISSOC system, the specific support and benefits for each situation, and the rules of access, have also been systematised, both in the comparative MISSOC tables as well as in a single document, available online. This document, or guide to social security rights, facilitates a comparison of social security rights among the various EU Member States (as well as Iceland, Liechtenstein, Norway and Switzerland). In the context of migrants it contributes towards a general awareness of social protection in Portugal.

It has also been seen that even though there is no direct relationship between social security policies and immigration policies, there is some interaction while preparing these policies. This interaction is due to the actions and contributions of the diverse ministries and public bodies, including the MSESS, SEF and the Ministry of Health, among others.

These public policies, combined with the action of private social institutions, associations and other agents, have ensured that Portugal is at the vanguard as one of the countries with the best practices for receiving and integrating immigrants at a global level. In this context the fact that Portugal was showcased in the 2009 Human Development Report for having a high Migrant Integration Policy Index (MIPEX) ranking and offering healthcare accessible to all migrants

is worthy of note (UN, 2009)⁴². Portugal's position in the MIPEX was again highlighted in 2011, when it was ranked 2nd among a total of 31 nations (MIPEX, 2011). The national strategy was also highlighted in the report by the Universal Periodic Review submitted in early 2012, due to the implementation of a record number of recommendations in the area of racial discrimination, minority rights (especially of the Roma community) and women's rights (especially with regard to domestic violence) (UPR Info, 2012). Equally noteworthy is the praise in the final 2010 report of the International Organisation for Migration, which stated: "The immigrant integration policies adopted in Portugal provide a good example of coordinated and coherent intervention by different stakeholders" (OIM, 2010: 57).

The current national and international situation has hindered the expansion of the social security system and caused some challenges for its maintenance. In fact, as has been mentioned, the economic crisis, restructuring programme and the need to reduce public expenditure resulted in a review to the eligibility criteria to access some social benefits. These changes consist, for example, of a reduction in the number of income scales to access benefits for family allowances and reducing the value of such allowances. Considering the inevitable reduction in the number of beneficiaries of certain social benefits it has been estimated that the living conditions of many of those who are now excluded from the system will worsen. It is important to note that these changes apply to Portuguese citizens and migrants alike and could result in a wave of emigration from Portugal, combined with a reduction in the number of immigrants.

Finally, it is also important to reflect on issues related to the maintenance and future of the social security system, as well as the contributions migrants make to it. This reflection should not just consider economic and political aspects, but also the social and cultural dimensions. It can be assisted by studies such as the one developed by a team coordinated by Prof. João Peixoto – *Imigrantes e a Segurança Social em Portugal*, and supported by pertinent statistical data, in order to ensure a fair, sustainable and transparent system.

42 MIPEX measures policies promoting the integration of migrants in six areas, viz. long term residency, family reunification, citizenship, political participation, anti-discrimination measures and access to the labour market (UN, 2009).

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