

# **THE SOCIAL COMPONENT OF DEVELOPMENT**

**The social policy context in Migravalue countries  
and Operational Indications for project development**

**Work Package 1**

**Activity 1.2**



**MIGRAVALUE. STEERING ECONOMIC AND SOCIAL COHESION IN THE CADSES SPACE: VALUING MIGRATION AS A DEVELOPMENT TOOL**

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Project activity 1.2.2 - Analysis of Migravalue's Social Component

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# Executive Summary

The *Paper on the Social Component of Migravalue* is part of a wider study and analysis component of the project (Work Package 1), which sketches the economic and social environment of the territories involved in the project, and includes the focus papers that should provide the operational indications for the realisation of the two main clusters of initiatives of the project: the modelling for the establishment of a financial fund for local development (Paper 1.2.1.) and the identification in origin contexts of social needs to address, in relation to migration dynamics (Paper 1.2.2.).

By outlining the current social environment in territories of origin and destination, linking it to migration dynamics, the paper firstly highlights the potential existence of a direct impact of migration on the social balance of origin areas, putting into context the future efforts of the *Migravalue's* partners to investigate the actual relevance of migration on the societies from where the flows originate.

The first section of the paper, with its background on social settings and policies, allows to believe that, among the host countries, the Italian system is characterized by an extended decentralised system in which Regions have a central role in the definition of social, labour and health policies, whilst in the Greek model the decisions on social issues, defined at the central level, are solely implemented at the regional level by specific departments of the competent Ministry. Among origin countries, Poland reveals the most complex institutional set-up in the sphere of social security, with several actors involved. In Albania, the social policies remain mainly regulated by the central government institutions, whilst in Hungary and the Slovak Republic the social systems result to be mainly set up and managed at the local level. As expected, independently to their institutional set-up with regard to migration dynamics, host countries are mainly interested in social integration policies, whilst origin countries focus on preventing emigration, fostering return and on returnees' integration issues.

The presentation of some of the current or recently completed projects considered relevant for the "Migravalue's social component" and the outlining of the relationships with central and local authorities that can be activated from the



partners constitute an important background to the analysis, as the identification of specific social sectors to support should be crucially led by local authorities and stakeholders.

Moreover, since one of the objectives of the project is exactly to provide recommendations for the definition of countries' bilateral agreements on the transferability of social security provisions, for they are supposed to influence individual decisions to return, particular attention in this paper is accorded to existing trans-national agreements on social security, both between European Member States, and between European Member States and Non European Countries.

Bearing in mind all these aspects, in Section II – Operational Indications -, it is suggested to verify the existence of social dynamics in origin contexts linked to the phenomenon of migration, and possibly identify specific social needs associated with it, with the purpose of identifying particular realms to be taken into account in the context of future social programming plans in origin contexts (activity 4.2.). This will be carried out through surveys to Polish and Albanian communities in Emilia-Romagna Region, as host territory, and through an investigation in areas of origin on the existence of a relation between social needs and migration, and the analysis of specific needs that may be related to it. The activity of technical assistance to authorities for social programming (activity 4.1.) will be implemented through the organisation of working tables with concerned central and local public and community stakeholders in order to communicate and discuss the results of the needs analysis as well as to open to the participants of external aid and donors with the aim to discuss how to integrate the impact of migration with social planning exercises. Moreover, the analysis of the possibility to use remittances for social development (activity 4.3.) will be conducted through three types of activities: the collaboration with working teams WP2 and WP3 and collection of suggestions and experts' opinions, the desk research and the field research in Emilia-Romagna Region through direct interviews to Polish and Albanian communities. Finally, according to the study, the recommendations for the definition of countries' bilateral agreements on the transferability of pension funds (activity 4.4.) will be implemented through a desk research of existing bilateral agreements, and working tables with experts and interviews with consulting groups both in Albania and Italy.



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## Introduction

Far from being a new phenomenon, international migration have been explored for decades in terms of magnitude, developmental impacts, and attempts to improve data collection, turning out to represent one of the key issues in today's debates in economic and social development.

Notwithstanding the increasing interest in the linkages between migration and development, relatively little is known about the role of migration as a tool to actually benefit regions inter-connected by this phenomenon. The investigation of this aspect becomes particularly relevant if it is considered that today migration is no longer a one-time and one-way event, but it is rather the circulation of people who often keep a simultaneous engagement in different countries and could plan in the future to return home to re-settle there.

According to the OECD Migration Outlook 2006, over the last 5 years, the European Union has been receiving an average of 1,400,000 people per year, although not all of them reside here on a permanent basis. Not only the countries of Western Europe but also several of the new EU Member States in Central Europe - the Czech Republic, Hungary, Slovakia, and Slovenia - are registering a positive migration balance. Both in destination and origin countries, the European enlargement process have brought further challenges in the governance of the phenomenon. Undoubtedly, the perspective from which migration is considered varies according to the context considered: whilst the countries of origin may be concerned of the impact of the phenomenon of brain drain and would like to enhance the benefits of remittances by their nationals, countries of destination want to discourage irregular migration, alleviate social sustainability worries and exploit the migrants' potential for trans-national business between their territory and origin regions.

Overall, *countries of origin and destination have been progressively more aware of the importance of an increased dialogue and cooperation between them, in order to manage the migration phenomenon successfully.* To this aim, as it is underlined by



the European Commission itself in *Communication on Migration and Development*<sup>1</sup>, **“Migravalue” aims to “steer Economic and Social Cohesion in the CADSES Space, valuing migration as a development tool”**. The project is composed of six Work Packages (WP1 – Study and analysis component; WP2 – remittance collection and transfer model; WP3 – Trans-national guarantee fund model; WP4 – Social Programming and Trans-national welfare model; WP5 – Communication Plan; WP6 – Project Coordination, Management and evaluation), and of two main clusters of activities (hereinafter referred to as “project components”): the economic - financial component (WP1-WP2-WP3) that aims to model a mechanism to link remittances with local development dynamics, and the social component (WP1-WP4) that aims to investigate the relation between emigration and the balance of societies in origin contexts.

This paper will focus on the “social component”, whose objectives are defined as follows:

1. Analysis of social needs that are determined by migratory flows and Technical Assistance to authorities for social programming - Activities 4.1 and 4.2.
2. Analysis of the possibility to use remittances for social development: economic and financial sustainability, identification of social necessities for targeting investments in target regions (also on the base of WP1 and 4.2 activity results) - Activity 4.3
3. Recommendations for definition of countries’ bilateral agreements on the transferability of pension funds (identification of target countries: Italy - Albania; Italy - Poland) - Activity 4.4

In particular, by showing the current social environment in territories of origin and destination in relation to migration dynamics, the present overview reveals the importance of this paper to put into context and outline the operational options to implement in the social component of the project.

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<sup>1</sup> Communication of the European Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on *Migration and Development: Some Concrete Orientations* (2006).



## **Section I and Section II**

In **Section I – Putting Migravalue’s social component into context**, after a brief presentation of the institutional set-up and competencies on social issues in each country partner (**chapter 1.1.1**), this paper will introduce some of the social policies concerning migration currently recorded in the context of the project (**chapter 1.1.2**) and will identify some projects that can be relevant for the “Migravalue’s social component” (**chapter 1.1.3**). Since agreements on the transferability of social security provisions are supposed to influence individual decisions to return, **chapter 2** presents existing trans-national agreements on the inter-state transferability of them, making a difference between transferability amongst EU Member States (**chapter 2.1.**) and EU Member States and non EU Member States (**chapter 2.2.**). A Community regulation *“on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community”*, provided through the Council Regulation (EEC) No 1408/71 and the Council Regulation (EEC) No 574/72 of March 21, 1972, regulates the trans-national agreements on the transferability of social security provisions within the European Union. A regulation by bilateral agreements, if existent, between individual European Union Member States and non-EU countries defines their relation on the transferability of social security provisions. **Chapter 2.3.** collects selected existing bilateral agreements. In the last chapter of this first section (**chapter 3**) the relationships with central and local authorities that can be activated from the partners in origin countries are mentioned.

In **Section II – Operational indications**, bearing in mind the aspects underlined in the previous section, operational indications for the implementation of the social component are outlined. In particular, **chapter 4** presents the operational options to investigate social needs related to migration flows. Both objectives of activities 4.2. – “Analysis of social needs that are determined by migration flows” and 4.1. “Technical assistance to authorities for social programming” and the methodologies to implement them are proposed. **Chapter 5** outlooks the objectives and methodology of implementation of activity 4.3. - “Analysis of the possibility to use remittances for social development”, whilst **chapter 6** focuses on the recommendations for the definition of countries’ bilateral agreements on the inter-state transferability of social security provisions (activity 4.4.), their objectives and the methodology of their implementation. **Chapter 7** focuses on the **training component**.



# ***SECTION I – PUTTING MIGRAVALUE’S SOCIAL COMPONENT INTO CONTEXT***

## **1. Social environment in territories of origin and destination in relation to migration dynamics**

### **1.1. Policy-making on social issues and migration: social systems and migrants in host and origin countries**

The present section is dedicated to briefly overview the social systems currently implemented in the countries involved in the project “Migravalue”, with a focus on their relation with migration issues. In the realm of this study, the definition of social systems concerns: social insurance programmes, health care insurances, free or low cost public education, unemployment assistance and pensions or other financial aids. Italy and Greece are herein looked at as territories of destination of migrants, whilst Poland, Albania, Bulgaria, Hungary and the Slovak Republic are considered as origin countries.

**Chapter 1.1.1** outlooks the institutional set-up and competencies in relation to social issues for each partner country. Among the host countries, the Italian and Greek systems show significant differences. Indeed, while the first one is characterized by an extended decentralised system in which Regions have a central role in the definition of social, labour and health policies, the Greek model is centralized: the decisions on social issues, defined at the central level, are simply implemented at the regional level by specific departments of the competent Ministry. Among origin countries, Poland reveals the most complex institutional set-up in the sphere of social security since several actors are involved. In particular, besides the Ministry competent for these issues which defines the policies to be adopted, the main actor in the administration of the new social security system is the Social Insurance Institution. In Albania, the social policies remain mainly regulated by the central government institutions, in Bulgaria the social policies are regulated on



central, regional and local levels, whilst in Hungary and the Slovak Republic the social systems result to be mainly managed at the local level.

**Chapter 1.1.2.** gives an overview of social programming in relation to migration policies for all partner countries. In particular, it can already be highlighted that, as expected, host countries are mainly interested in social integration policies, whilst origin countries focus on preventing emigration, fostering return and returnees' integration issues.

A limited number of current or recently completed projects that may be relevant for the "Migravalue's social component" are outlined in **chapter 1.1.3.** Specific relevance is accorded to projects that target, or have targeted, the main countries involved in this phase of the project. Therefore, activities carried out by Emilia-Romagna Region, Albania, Bulgaria and Poland are underlined. Starting from "Migralink- integration of migrants in the enlarged Europe and policies for the return of productive intellect", which involved partners actually leading "Migravalue" project, and the activities carried out by Emilia-Romagna Region in the field of decentralised cooperation, it is stressed the existence in Albania of the projects "Albamar – integrated support towards returning migrants in Albania and Morocco" and "Alnima. Albania – Nigeria – Morocco. Research, actions for the positive returning of men and women in the origin countries". Assisted return and reintegration in Albania are the issues faced by "VARPP" project, too. In order to comprehend migrants' social needs in host countries, in Poland, between 2005 and 2006, the project "Empowering migrants: integration through information and training of Public Officials and NGOs" has been performed. Moreover, a comprehensive analysis of the relations between territorial mobility and the situation of Polish and European labour market is being leading in these years by the Polish Ministry of Labour and Social Policy.



## 1.1.1. Institutional set-up and competencies on social issues

### Host countries

#### Italy

##### **The social system**

The regulatory framework 328/2000 has radically modified the institutional set-up of the **ITALIAN social system**. It states the universal and prioritised rights for certain categories of individuals to receive social outcomes, and it defines the provision of such rights, emphasising the application of the **subsidiarity principles** to this aim.

At the central level, the State maintains a strategic function for the governance of the national welfare system through the definition of the Essential Levels of Provisions (LEP) concerning civil and social rights. It monitors, assesses the policies, and allocates the resources of the National Fund for Social Policies. The competent Ministry is the *Ministry of Social Solidarity* which sets the minimum standards for the provision of social services in the country. The Ministry is structured in the following Directorates: Directorate General for the management of the National Funds for Social Policies and Monitoring of Social Expenditures, Directorate General for Immigration, Directorate General for social inclusion and social rights and for Corporate Social Responsibility, Directorate General on drugs addiction, Directorate General for voluntary services, associations and social bodies, and Directorate General for Communication. The Ministry, set up with law decree n.118/2006, turned into n. 233/2006, is competent in the fields of social policies and welfare, for the control of migration flows of immigrant workers from Third and new Community countries, and for the co-ordination of integration policies for foreigners, the policies concerning drugs, as well as the management of the financial resources of the Monitoring centre on youth problems due to drug addiction fall under its competences; the Ministry is also in charge of the National Civil Service.



Notwithstanding the competences of the Ministry, with the reform of Title V of the Italian Constitution – *Le Regioni, Le Province, I Comuni*<sup>2</sup> -, **the main responsibility in terms of social issues has been assigned to the Regions**. They have the role of defining the normative framework for the outcomes' provision and adopt the Regional Social Plan to implement the social service agenda in their own territories<sup>3</sup>. At this level, the competent institutional organs are the *Assessorati* (councillorships of the Regional Government). In the case of the *Emilia-Romagna Region*, the councillorship is the "*Assessorato of social and educational policies for childhood and adolescence, migration policies, social enterprises and the third sector*", whose competence covers the promotion of social policies, as well as of social inclusion and social protection, including the social integration of immigrants.

The Provinces, at a lower level, collect the information concerning the population needs and the demand and supply of social services being offered, whilst the Municipalities manage and administer them and their agenda at the local level.

### **Labour issues**

As contemplated by the legislative ordinance 469/1997, **the Regions and the local entities have important responsibilities in labour issues**, too. The Regions plan and coordinate the initiatives for the promotion of employment, job placement of disadvantaged people and equal opportunities; they plan and verify apprenticeship, job scholarship, socially useful jobs and fill up the mobility list of the workers. In *Emilia-Romagna*, for instance, the competent institutional organ is the "*Assessorato of school, professional vocation, university, labour market and equal opportunities*".

At the central level, the competent Ministry is the *Ministry of Labour and Social Security*, which is organised in nine General Administrative Departments, each focusing on a specific issue: labour market, social security policies, technology innovation, human resources and health and safety at work.

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<sup>2</sup> "The Regions, the Provinces and the Municipalities".

<sup>3</sup> For instance, in the Emilia-Romagna Region, the normative framework is given by the Regional Law 12 March 2003, n. 2 "Norme per la promozione della cittadinanza sociale e per la realizzazione del sistema integrato di interventi e servizi sociali".



## Health system

The regulatory framework of the Italian **health system** has been settled by the legislative ordinance 229/1999. At the central level, the competent Ministry is the *Ministry of Health Care*, which, through the National Health Plan, defines the Essential Levels of Care offered to every citizen on the entire national territory. It identifies the prior areas of intervention, the goals to realize together with the local entities and defines the parameters for assessing the effective levels of health care. This notwithstanding, **the management of the Health Services is mainly at the regional level**: the Regions define the funding criteria of the Local Health Units and hospitals, their territorial distribution, and they concede the accreditation of the Public and Private Health Centres. Furthermore, the Regions establish the ways through which the Local Health Service and the hospitals provide their performances and offer them technical advice and support. In *Emilia-Romagna* the competent institutional organ is the "*Assessorato of Health Care Policies*".

The financial resources of all national and local social services, social security and support are provided by the state budget.

### Box: Italy – Focus on Migration

In Italy, migration policies and rights and duties of foreign alien citizens are principally regulated by the legislative ordinance 25 July 1998, n. 286 and by the law 30 July 2002, n. 189, known as "Bossi-Fini Law". Currently, the Central Administration is drafting a new law on non-EU immigrants. According to the proposal of the Ministers Amato and Ferrero, preferences will be accorded to certain categories of workers, such as nurses, domestic collaborators, person assistants, managers and specialised technicians, for which the limit of the maximum quota of entrance is not binding. Further important changes will be introduced: the possibility for foreigners to participate to Italian public competitions, simplified procedures for entry permits, sponsors that guarantees economically for immigrants and three-years programming of maximum quota of entrance with annual corrections. The "*residency card*" – a contract that allows the labour immigrant to enter legally in the country to work - will be abolished and a test of Italian language to be enrolled in "placements list" by Italian Embassies will be introduced in the origin countries. The current CPTs – Centres of Temporary Permanence for Foreigners- will be reduced and Centres of Acceptance will be improved. A National Fund for volunteer and encouraged returns will be created.

Overall, immigrants that legally stay in the Italian territory benefit from the same social performances as Italian citizens and from further services in terms of housing policies and social integration. Moreover, they benefit from the same health performances as Italian citizens<sup>4</sup>. Illegal immigrants can benefit from the urgent and essential services, such as pregnancy prevention, maternity care, vaccinations, etc.

<sup>4</sup> They have to be enrolled at the National Health System.



Nowadays, the competencies on migration issues are defined as follows:

1. At the central level, the Government has competences for the quantification of the maximum quota of entrance of labour immigrants<sup>5</sup>, the definition of the procedures to enter the country, the granting of residence permits, entry permits and visas, the borders control and the rejection and expulsion of illegal immigrants. Every three years the Prime Minister predisposes the Agenda Document concerning the policies of Migration and of Immigrants in the country, regulating the intervention planning by the State in migration issues.

The *Ministry of Social Solidarity-DG Immigration* disciplines the entries of non European labour immigrants, through the annual programming of the entrance flows of non European labour immigrants, the managing and monitoring of the quota defined at the territorial level, the creation and updating of specific lists of non European workers, and the bilateral cooperation with the origin countries. Moreover, it coordinates the policies of social integration, through both the realisation of initiatives to favour the insertion of immigrants in the Italian society and the participation to international symposium. By the *DG Immigration* there is also the *Committee for aliens minors*, which provides protection to not accompanied aliens minors and those temporary staying in Italy.

The *Ministry of the Interior*, through the *Central Direction for Migration and Asylum Policies*, concurs to the definition of Government's migration policies. It pursues the goals of order and public security – contrasting the illegal immigration and the connected crimes - and favours the acceptance and the integration of migrants that legally stay on the Italian territory. It carries out activities of analysis and programming of migration policies and monitors the initiatives of integration and needs investigation performed at the local level by the *Territorial Councils for Immigration*<sup>6</sup>.

The *Ministry of Labour and Social Security* supports the development of the Centres for the Employment managed at the local level, giving particular attention to the insertion and integration in the labour market of people exposed to the risk of social exclusion, above all migrants.

2. At the Regional level. The Regions define and implement programs of social integration through the Three Years Program for the Social Integration of Foreigner Citizen Migration. They promote initiatives of literacy, professional training, anti-discrimination measures and job insertion, participate in projects of cooperation with developing countries promoting the voluntary return of immigrants to the country of origin, and observe the migratory phenomenon in the region through a Regional Observatory<sup>7</sup>.

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<sup>5</sup> Every three years the Prime Minister predisposes the Agenda Document concerning the policies of Migration and of Immigrants in the country, regulating the intervention planning by the State in migration issues.

<sup>6</sup> The 8<sup>th</sup> of March 2007 the "*Circolare n.6*" on the transitory programming of the flows of entrance for the year 2007 of the seasonal extra EU workers and the workers who participated to training programmes in the origin countries has been signed. It contemplates the admission of 80,000 seasonal non European workers and 2,000 participants to training courses in the origin countries. In order to present the entry requests, two modalities are considered: one through the Associations of Category and one directly through the Department of the Civil Freedom and Immigration of the Ministry of the Interior.

<sup>7</sup> The Regional Observatory predisposes an annual report on the presence of immigrants; it collects and elaborates data in order to monitor the migratory flows and the living situations of the foreigners in the region; it estimates the labour demand for the years to come and transmits this information to the Government for the annual quantification of labour immigration quotas.



3. At the local level, programs of protection and social integration, job placement, and anti-discrimination activities are led by the Municipalities through local plans (Piani di Zona). They work in collaboration with the Region and the Province for the realisation of the initiatives.

By the Prefectures – Government’s Territorial Offices, the *Territorial Councils for Immigration* of the Ministry of the Interior, and the “*Sportello Unico per l’Immigrazione*” of the Ministry of Labour and Social Security - a desk in charge of the employment procedures of foreign employees - are the essential tools for the concrete performance of migration policies on the territory. The “*Sportello Unico per l’Immigrazione*” is a front office which is in charge of the granting of authorisations, the consequent delivers of stay permits and which follows the immigrants in the administrative procedures. The *Offices of the Provincial Direction of labour and the police departments* perform the back office tasks.

## Greece

Conversely, a **centralized model** is found in **GREECE**, where the competences for policy-making on social issues are covered by four different Ministries: the Ministry of Labour and Social Affairs, the Ministry of Education and Religion, the Ministry of Health and Welfare, and the Ministry of Internal Affairs, Public Administration and Decentralization. **The decisions on social issues defined at the central level are implemented at the regional level by specific Directions, departments of the competent Ministry.**

*The Ministry of Labour and Social Affairs* is competent for the implementation of the policies concerning the **labour market**, timing and minimum waging, social protection, safety at work, professional orientation, social insurance and security. The definition and managing of the education system, the intercultural education and training, the technological sector and the European and international educational subjects are provided by the *Ministry of Education and Religion*. Within this Ministry, there are two institutional organs involved in migration issues: *the United Managerial Sector of the Repatriated* and a *Department for immigrants’ lessons of Greek language, culture and lifestyle* (United Managerial Sector of Education Subjects & Further Education).

*The Ministry of Health and Welfare* is competent for the implementation of the government policies concerning the family, the social welfare, the public health and the organization and functioning of the healthcare system. One of its directions is the



Social Welfare Direction which is responsible for the implementation of the central directives on **social issues** at the local level.

The organization, functioning and managing of the personnel of the public sector, the improvement of methods and procedures applied and of the quality of services are the scope of competence of the *Ministry of Internal Affairs, Public Administration and Decentralization*. Within one of its four directions, the State-Citizen Relationship Direction, there is the Department of Social Integration of Immigrants.

The financial resources for national and local welfare policies are provided by the state budget.

## Origin countries

### Poland

**POLAND** has an articulated institutional set-up with respect to the edge of social issues. Indeed, **several actors are involved in the sphere of social security**.

At the central level, the *Ministry of Labour and Social Policy* determines the directions of development in the area of social assistance<sup>8</sup>, analyses its effectiveness, cooperates with non-governmental organizations and promotes new forms and methods of activity, including training activities for the personnel and IT system at social assistance organizational units in voivodeships, the regional government organs.

At the local level, each government - precisely the *voivodeship, the county and the commune* - has its own competences concerning welfare policies. In fact, according to the Law 1590/1998, the competencies of the voivodeship do not disturb the independence of the municipalities and counties, nor do they form any supervision above them. Analogously, as prescribed by the Law 1592/1998, the task of the counties cannot disturb the competencies of the municipalities.

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<sup>8</sup> Act of 12 March 2004 on Social Assistance (Journal of Laws 04.99.1001).



**However, at the voivodeship level there are not only bodies of a local government but also representatives of the central government.** Tasks of a voivodeship local government are carried out by regional social policy centres and include the development and implementation of the regional strategy of social assistance (programmes on counteracting poverty and social exclusion, equalization of opportunities for disabled persons, health care, organization of public education, development of the labour market and cooperation with non-governmental organizations – upon the consultation with counties). Every year the voivodeship local government has to prepare the balance of needs concerning the social assistance to be submitted to the voivode, the representative of the Council of Ministers in the region and therefore the government administration on a regional level. It implements the state policies tailored to the regional situation and supervises the realization of the tasks not only of the voivodeship local governments, but also of the communes and counties.

Own tasks of a county are carried out by county centres for family aid, which provide pro-family services, public education, health promotion and protection, unemployment prevention and housing assistance. Additional tasks transferred by the State are defined.

Analogously, mandatory own tasks of a commune are completed by social assistance centres and include all basic social affairs of local importance. Further tasks are assigned by the State for the scope of competence of the Government administration.

Funds for the performance of tasks defined by the Government administration shall be provided by the State Budget; the own tasks of commune, county and voivodeship local government are given by their own budget. These competencies of the Government and local government administration bodies are given on the basis of partnerships with social and non-governmental organisations, the Catholic Church, other churches, denominational affiliations, as well as natural and legal persons.



Nonetheless, besides the Ministry of Labour and Social Policy and the corresponding local governments competent for the unemployment and family benefits, there are the *Open Pension Funds* that collect and invest funds for financing a part of a new old-age pension, the *Agricultural Social Insurance Institution* responsible of the benefits from the social insurance of farmers, the *National Health Fund* in charge of the health insurance and the *Social Insurance Institution (ZUS)*, competent for the cash social insurance benefits. As a consequence of the social insurance and health care system's reforms, implemented from 1 January 1999, **the ZUS has become one of the biggest public institutions in Poland and the main actor in the administration of the new social security system**<sup>9</sup>. It is a state organisational unit holding legal personality<sup>10</sup> and, as defined by the Law of 13 October 1998 on social insurance, combines functions of financial institutions (collection of contributions, payment of benefits, collection of taxes on behalf of pensioners) with tasks of institutions with a social mission. It establishes the entitlement to and pays pensions, death grant, social insurance benefits as well as sickness, maternity, care and compensatory allowances<sup>11</sup>. It assesses and collects contributions to the Social Insurance Fund, and from it to Open Pension Funds (OPF), to the National Health Fund, to the Labour Fund and to the Fund of Guaranteed Employee Benefits. Moreover, it cooperates with governmental administration bodies, foreign insurance institutions and international organisations, playing a key role in the implementation of international conventions and agreements in the field of social security system. Its tasks are exercised by both the Headquarter and field organisational units (42 branches, 225 inspectorates and 62 local offices).

As contemplated by the Law of 20 December 1990 on social insurance of farmers (consolidated text: Dz.U.of 1998 No.7, Text 25 with further amendments), the **social**

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<sup>9</sup> Law of 13 October 1998 on the social insurance system (DZ.U.No.137, Text 887 with further amendments).

<sup>10</sup> Its President is appointed and dismissed by the Prime Minister on the proposal of the minister in charge of social security issues, and the members of the ZUS Management Board are appointed and dismissed by the ZUS Supervisory Board on request of the ZUS President.

<sup>11</sup> Law of 17 December 1998 on pensions from the Social Insurance Fund (consolidated text: Dz. U. of 2004 No.39, Text 353 with further amendments); Law of 28 August 1997 on organisation and operation of pension funds (consolidated text: Dz. U. of 2004 No.159, Text 1667 with further amendments); Law of 25 June 1999 on cash social insurance benefits in respect of sickness and maternity (consolidated text: Dz. U. of 2005 No.31, Text 267 with further amendments); Law 30 October 2002 on social insurance in respect of accidents at work and occupational diseases (Dz. U. No.199, Text 1673 with further amendments).



**insurance of farmers** falls under the competence of the minister in charge of rural development, who cooperates in these matters with the *Ministry of Labour and Social Policy*. The problems associated to **employment** and counteracting unemployment are administered by the *minister in charge of labour issues*, whilst those related to health protection and organisation of **health care**, supervision over medicinal products and medical devices fall under the competence of the *Ministry of Health*.

## Albania

### The social system and labour issues

In **ALBANIA** the **social policies remain mainly regulated by the central government institutions**.

The Ministry competent for social policies is the *Ministry of Labour, Social Affairs and Equal Opportunities*, which operates at the regional level through the General Administration on Social Services offices. Three major groups of public programmes are provided: a *social insurance system*, social safety net programmes and labour market policies. The first, regulated by the Law on Social Insurance of 1993, provides social protection against loss of income due to seniority, general sickness and unemployment, whilst the *Social Safety Net* consists of three social assistance programs - benefits in cash targeted to poor, regularly monthly allowances to those disabled since childhood, price compensation paid to pensioners and their families - and a program of social care services for orphaned, disabled and elderly people. Local governments receive and process applications. The final decision on whether to grant assistance is then made by municipal and communal councils, which set the benefit amount, too. The **Labour market policies** include a *National Employment Service (NES)* responsible for delivering service related to labour market, a *National Labour Inspectorate*, competent for enforcing work safety standards and for requiring employers of informal labour market to contribute to the *Social Insurance Fund*, and professional training.

The social security financing is mainly covered by the conditional grants from the national government, public and private transfers and social security programmes from various multilateral financial assistance from EU, World Bank, etc.



## The Health System

Also the **Health Care System remains highly centralised**, both in the management and in the funding functions. The *Ministry of Health* is the major founder and provider of health care services and many Health Care Institutions are under its direct administrative control, with the partial exception of primary care. Some attempts of decentralization has been recently introduced: since the creation of the regional prefectures and internal districts in 1993, each district is responsible for administering district hospitals and polyclinics, specialist hospitals and Primary Health Care (PHC) centres. The Ministry of Finance gives them grants earmarked for equipping, maintaining, operating and upgrading PHC centres and posts, as well as for paying some staff salaries. Furthermore, the Health Insurance Institute (HII) and a new "Policy and Planning Department" within the Ministry of Health have been created towards the path of a less centralised model. **Eligibility for health care is based on both citizenship and payment of insurance contributions and access to free primary care and pharmaceuticals is restricted, in theory, to patients who have paid their insurance contributions.** However, the state is considered responsible for the insurance contributions of the economically vulnerable segments of the population and in practice, therefore, people are not refused medical services. Though most of the privatisation has been carried out with dental practices and pharmacies, hospitals, polyclinics, health centres and health posts remain publicly owned.

Albanian health care services are funded through a mix of taxation, for the main part, and statutory insurance. The Ministry of Finance allocates money to the Ministry of Health, mainly to cover unwaged groups, and to local governments for paying staff costs (excluding general practitioners, who are paid by the *Health Insurance Institute* (HII), operational costs of health centres and posts, and maintenance costs). It also transfers to the Health Insurance Institute (HII) the basic services and the essential drug subsidies available to some of the more unprotected and vulnerable segments of the society, including retired people, children and students.



## Bulgaria

At national level: **The Ministry of Labour and Social Policy /MLSP/** is a body of Council of Ministers for development, coordination and implementation of the state policy in the field of labour, professional qualification, incomes and living standard, industrial relations, health and safety at work, social security and social assistance. MLSP implements the state policy through its specialized units, namely the Employment Agency, General Labour Inspectorate, Social Assistance Agency and their regional structures, and the Agency for Foreign Aid.

In the field of labour market and professional qualification, the ministry: Assesses and prognoses the development of labour resources for insurance, unemployment protection and employment promotion; Proposes and implements measures for regulation of labour migration and for protection of the national labour market; Participates in the supervision over specialized insurance funds for protection against unemployment; Proposes drafts and create conditions for implementation of the inter-governmental agreements relating to labour force, Regulates the activity of labour market institutions at national and regional level.

The MLSP's competences in the field of incomes and living standard include: analyses of the level of incomes and their social protection, the living expenses and poverty thresholds; Development of the policy and mechanisms on issues related to the labour remunerations and other incomes of population;

The competencies of MLSP in the field of social security are: participation in the development of the main parameters of the social security and related to it payments; creation of conditions for implementation of the inter-governmental agreements in the field of social security; participation in the regulation of the activity of the institutions in the field of social security; promotion the establishment and participates in the supervision of the activity of public and private funds for the complementary voluntary social insurance

In the field of the social assistance the ministry: Develops programmes for resolving the social problems and reduction of the unfavourable consequences of poverty; Regulates the activity of the institutions in the field of social assistance; Encourages and supports charity and humanitarian activity; Encourages and supervises the social services granting and the development of the social institutions network by



businesses and non-for-profit organizations; Organizes and participates in the activity of the National Council for Social Services.

At Ministry of Labour and Social Policy have been established the National Employment Agency and the Agency for social welfare.

At national level: The National Employment Agency is an executive agency to the Minister of Labour and Social Policy for the implementation of the government policy on employment promotion. It conducts its activities within the corresponding legal framework – The Act on Employment Promotion, the Regulation on its application, Labour Code etc.

At regional level: Regional Employment Service Directorates - The Regional Employment Service Directorates are 9 and are the territorial divisions to the General Directorate "Employment Services".

At local level: Labour Office Directorate - LODs are territorial divisions of the Employment Service General Directorate. The HQs and territorial scope of the LODs are determined by the Minister of Labour and Social Policy.

At national level: The Agency for Social Welfare is an Executive Agency; it is a legal entity with its headquarters in Sofia. The Agency performs the following activities: delivering of social welfare and family aids for children; delivering of social services; monitoring and control; opening and closing of specialized institutions for social services; drawing out legal acts for social welfare, annual reports and analyses

At regional level: there are 28 Directorates for social welfare in the district centres

At local level: 271 Directorates for social welfare in the municipalities

**The Health Care System** is ruled by three main laws: Law on Health, Law on the Health Insurance and Law for the Health Care Establishments.

The Law on Health establishes the National system of health care. It settles the public relations in connection with the preservation of the health of the citizens; The preservation of the health of the citizens as a state of a complete physical, psychic and social welfare is a national priority and shall be guaranteed by the state through applying the following principles: equality in using health services; providing accessible and qualitative health care, with priority for children, pregnant women and mothers of children up to one year; priority of the health promotion and the integrated prophylactics of diseases; prevention and reduction of the risk for the health of the citizens from the unfavourable effect of the factors of the living



environment; special health protection of children, pregnant women and mothers of children up to one year of age and handicapped and mentally disordered persons ; state participation in financing activities aimed at preservation of the health of the citizens.

Law on the Health Insurance settles the health insurance in Bulgaria

The health insurance is an activity related to collecting health insurance instalments and health insurance premium, the management of the collected resources and their spending for payment of health activities, services and commodities, stipulated by this law, by the National Frame Agreement and by the contracts for voluntary health insurance.

Law for the Health Care Establishments settles the structure and activity of the health care establishments in Bulgaria.

The structures of Ministry of Health include: Central Administration; Regional Health Centres; Hygiene and Epidemiological Inspectorates; The Bulgarian Drug Agency; National Centres (National Centres for Emergency Medical Care, National Centre of Radiobiology and Radiation Protection, National Centre of Health Information, National Centre of Public Health); Medical Centres (Sanatoria); Hospitals (Dispensaries, Homes for Medical and Social Care); National Council on Narcotic Drugs; Centres for free and anonymous HIV/AIDS counseling and testing<sup>12</sup>.

## Hungary

Contrary to the Albanian system, in **HUNGARY** the **welfare system results to be mainly managed at the local level**. The *Ministry of Social Affairs and Labour*, competent for social issues, though supervises the activities of the regional and local governments and provides them financial support, is not required to grant directly social services. The main services are provided at the local level. More specifically, according to Act III/1992 on social administration and social services, the municipalities supervise, among other activities, the provision of basic education, health care, retirement pension and regular social security payment. They manage the housekeeping allowance, cooperate in the supervision of the labour market and assure the enforcement of the rights of national and ethnic minorities. According to

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<sup>12</sup> <http://www.az.government.bg/>; <http://www.asp.government.bg/>,  
<http://www.mlsp.government.bg/nsspweb/>



Act III/1993, services can be provided by the decentralised institutional organs either independently or through integrated organisations: more services can be provided by one institution or more institutions can be integrated vertically.

The social welfare system is mainly financed by the state budget and secondarily by the budget of municipalities, complemented by the fee paid by the applicants.

## Slovak Republic

Analogously, in the **SLOVAK REPUBLIC** the **main welfare tasks are completed by the municipalities**, financed by local taxes and contributions from the state budget. They establish and control social services facilities, help citizens in case of accommodation, run consultancy services to help solving family and social problems and manage a register with people that benefit from social aid. At the central level, the ministry in charge of the social issues is the *Ministry of Labour, Social Affairs and Family* that provides social support in terms of birth/parental contribution, child benefit, substitutive care contribution. It also guarantees social assistance through material poverty solutions, social-legal protection, compensation of social impact of health disability and social services.

However, in the national welfare system great relevance is covered by the ***Social Insurance Company***. It offers social insurance in five fields: sickness insurance (sickness benefits, treatment benefits, compensatory benefit, maternity benefit), pension insurance, divided into old-age insurance and disability insurance, guarantee insurance (insolvency insurance for employers), and accident insurance (accident supplement, accident rent, one-off settlement, survivors' injuries annuity, one-off indemnification, working rehabilitation, retraining and retraining allowance, compensation for injuries and compensation for aggravation of social expediency, compensation of cost related to treatment, compensation of cost related to funeral). Basis of this insurance come from previous citizen's economic activity and its income. The amount of benefits depends on how much and/or how long citizen contributes to the system. The Company receives contributions from the state budget as well.



## 1.1.2. Social policies and migrants

Several different projects concerning welfare policies addressed to migrants are currently recorded in the countries involved in our analysis. Specific policies targeted to refugees and migrant workers are defined by the European Council with the European Fund for Refugees (2005-2010). This programme aims to delineate a comprehensive framework concerning the issues of integration, acceptance and voluntary repatriation of the petitioners asylum and of refugees. It coordinates conditions and procedures of acceptance, such as accommodation, material, sanitary and legal assistance, of integration and eventual reinsertion in the country of origin.

### Host countries

As previously seen, in Italy a central role in the definition of social policies for immigrants is played by the Regions. For the period 2006-2008 the **Legislative Assembly EMILIA-ROMAGNA REGION** ("Migravalue's partner") has approved a "Triennial program 2006-2008 for the social integration of foreign citizens". It defines the regional policy concerning the social integration of immigrants and identifies the activities that the Region, in collaboration with the Provinces and Municipalities, intends to realize in order to facilitate the participation of regular immigrants to the cultural and social life. In particular, it aims to remove the barriers to a complete cultural, social and political integration and promotes the mutual acknowledgment of the cultural, religious and linguistic identities and of rights and duties associated to the condition of immigrant. It contemplates the collection and analysis of data on the migratory phenomenon and its continuous evolution; it sustains actions of coordination between the institutional level and the Non Governmental Organizations, and favours the intercultural exchange, facilitating occasions of encounter between native and migrant citizens.

In **GREECE**, according to the Law 3386/2005, the Parliament has approved the program: "Entrance, Residence and Social Integration of Alien Citizens in the Greek State". The Ministry of Public Order, the Ministry of Interior Affairs, Public



Administration and Decentralization<sup>13</sup>, the Ministry of Economy, the Ministry of Education and Religion and the Ministry of Health and Welfare are involved in the implementation of the plan<sup>14</sup>. The article 66 provides the framework for the Integrated Program of Actions concerning the social integration of immigrants that is realized through free lessons of Greek language, history, culture and life style of the Greek society, measures of integration in the Greek labour market and of active social participation. At the regional level, the Directions are responsible for the implementation of the activities forwarded by Ministries and of the tasks concerning the residence permits. The specific directions in charge of these issues are the Direction of Immigration and Urban Situation of Aliens, the Department of Control and the Department of Social Integration.

Nowadays, the social policies for immigrants are defined as follows:

1. Immigrants have full access to the first two levels of education, whilst for the third level a specific selection process is contemplated<sup>15</sup>.
2. No programmes or policies concerning the housing are defined, though, according to Law 2790/2000, until 2005 repatriated received granting of loans for their first house<sup>16</sup>.
3. Immigrants previously employed receive unemployment benefits from the Organization for the Employment of Labour Potential (OAEΔ) and there are different programs that allowed immigrants to receive benefits after completion of specific working days for the last time-being. Benefits for seasonable workers, family benefits and complementary benefits for mothers are contemplated as well.
4. Analogously to the Italian system, immigrants that legally stay in the Greek territory benefit from the same health performances as Greek citizens. Illegal immigrants can benefit from the urgent and essential services.

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<sup>13</sup> Migration policies are mainly defined by the Ministry of Internal Affairs, Public Administration and Decentralization, which defines the directives of the Information Centre for Immigrant Citizens.

<sup>14</sup> Integration provisions are based on Common Basic Principles on Immigrant Integration. The new legislative frame is supposed to guarantee the right of participation of immigrants in the economic, social and cultural life and emphasise their obligation to respect the customs and traditions of Greek society.

<sup>15</sup> In Greece, approximately 130,000 foreign pupils attend public schools and 24 inter-cultural schools operate.

<sup>16</sup> Until 2005, 35,000 loans of 60,000 Euros each have been granted.



Currently, a comprehensive project for the social integration of immigrants is being jointly designed by the Ministry of Education and Religion, the Ministry of Health and Welfare, the Ministry of Interior Affairs, Public Administration and Decentralization, the Ministry of Public Order and the Ministry of Labor and Social Affairs. The plan will comprise six sections: information, employment, training, culture, health and housing, and treatment, care and follow up of the arrested.

## Origin countries

The **POLISH** Council of Ministers has approved for the period 2007-2013 the "Human Capital Operational Plan (draft)". The program, financed by the European Social Fund and the state budget<sup>17</sup>, points at migrants (especially asylum seekers, refugees and those benefiting from subsidiary protection) as a group which is especially exposed to the danger of social exclusion. Some issues connected with fostering the returning home of nationals have also been incorporated into the draft. These include inter alia the creation and implementation of tools to generate migration policies, the support of labour migrants and the preparation of the education system for large increase of number of pupils which part of their lives spent abroad<sup>18</sup>. As a general document of programming intervention of the European Social Fund in Poland, the program's main goal is to enable complete use of human capital potential through growth of employment and adaptability of enterprises and their employees, improvement of society education level, diminishment of social exclusion areas and supporting of creation of administration structures of the state. The plan's interventions will be carried out, among others, in the following areas: development of human capital in rural areas, empowerment of administration at all levels, implementation of good governance and promotion of healthy labour resources.

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<sup>17</sup> The European Social Fund contributes for 9,707,176,000 Euros, whilst the national budget for 1,713,031,059 Euros (total 11,420,207,059 Euros).

<sup>18</sup> There are already several mobility programmes, such as Erasmus, Leonardo da Vinci, Youth, MOST (student exchange between Polish HEIs), Erasmus Mundus. On the admission of non-Polish citizens to public kindergartens, schools, teacher training institutions and establishments there is a regulation of the Minister of National Education of 4 October 2001.



Moreover, according to Law of 13 October 1998 on the social insurance system, an insured person is an individual who is covered by at least one social insurance scheme. This means that Polish social security system treats citizens and non – citizens equally using “insured person” definition instead of “citizenship”<sup>19</sup>.

In **ALBANIA**, in the “Program of the Albanian Government”, approved by the Council of Ministers for the period 2005-2009, and financed by the Government, with regard to migration management in the country, the Government emphasis the return of qualified and skilled migrants and its commitment to reverse the brain drain and to end human trafficking. In order to prevent further migration and motivate emigrants to return, it assures full employment for all Albanians and promotes the integration of migrants in Albania’s political, economical and social life and in its future development. Nonetheless, although these are important and laudable objectives, the new Government has not specified yet how they are going to be implemented.

For the same period (2005-2010) the Albanian Council of Ministers has approved “The National Strategy on Migration and its Action Plan”, financed by the Government of Albania and the International Donor Community. It targets Albanian migrants in EU Members States, migrant families, potential migrants from Albania, as well as immigrants in Albania. The aims are to foster the return and reintegration of Albanian nationals from EU Members States; to link emigration of citizens and development of the country through the improvement of the Albanian migrants’ image abroad and the diplomatic and consular services, the protection of rights of Albanian emigrants and the mobilisation of the Albanian communities abroad for the development of their home country; to elaborate an appropriate legal and institutional framework for emigration and immigration. The overall goals are to provide the country with a comprehensive policy on migration management and to link it to national development in line with a common EU immigration policy.

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<sup>19</sup> The Polish social insurance system includes: old-age pension insurances, disability and survivors’ pension insurance, sickness insurance, work accident insurance (Dz.U.No.137, Text 887 with further amendments).



In order to support the Albanian Government in the process of establishing and implementing an effective migration, asylum, return and readmission system in compliance with EU and international standards, the European Community has approved and financed the "CARDS National Action Programme for Albania 2004" for the period 2004-2006<sup>20</sup>. It targets the Albanian Government along the implementation of its main policy documents, the National Strategy on Migration and the Readmission Agreement with the European Community. The main issues addressed by the program are: the non-existence of legal framework, institutional structures and physical infrastructures to implement the Readmission Agreement with EU, in particular the readmission obligation regarding third-country nationals; the weak institutional capacities and coordination mechanism on migration, asylum, return and readmission issues; the insufficiency of reception centers, in terms of infrastructures equipment and professionalism of local staff, for irregular migrants on one hand and asylum seekers/refugees on the other hand. Therefore, CARDS aims to create the proper environment and mechanisms needed for the smooth implementation of the Re-admission Agreement with EU and the National Strategy for Migration and its Action Plan; to strengthen Albania's reception capacities in order to enable the country to cope with the flow of irregular migrants and asylum seekers/refugees and to improve their life conditions; to assist the trafficked persons, especially children and women.

The **HUNGARIAN** government have defined a "National reform programme for growth and employment" for the period 2005-2008 which considers, among others, the issue of migration. In particular, as defined in guideline 20, the management of migration in a labour market context is to be found within the priority of "attract and retain more people in employment and modernise social protection systems". Several measures are contemplated: a law on asylum, which includes social integration programmes for refugees and those enjoying other forms of protection, is under preparation; a Migration Strategy for the Hungarian Republic is being elaborated; and, under the coordination of the National Statistics Office, an integrated migration statistics system is being developed. Moreover, since August 1, 2005, migrant workers in the agriculture sector can be employed for seasonal work without a work

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<sup>20</sup> Financial size of the program: 2 millions of Euros.



permit: in order to meet the seasonal labour demand they need the temporary employee card for up to 60 days within a period of 12 months<sup>21</sup>.

In **BULGARIA** the policy towards migrants is directed to Bulgarians living abroad and refugees. Corresponding laws were adopted and two agencies were established.

### **State Agency for Bulgarians Abroad**

The Agency for Bulgarians Abroad was established by the Council of Ministers Decree No. 180 of October 1, 1992, as a coordinating body of the Government for the implementation of the state policy regarding Bulgarian expatriates and Bulgarian communities across the world. On February 21, 2000, by a Council of Ministers Decree No. 19 it was transformed into a State Agency for Bulgarians Abroad (SABA). The main goals of the agency include the preservation of the spiritual heritage of the nations – its language, culture, traditions and history among our compatriots across the world and the establishment of Bulgarian lobbies abroad, which have to assist in increasing the authority of both Bulgaria and of the Bulgarian communities in the respective countries

The agency carries out scientific and research activities. The prepared analyses and forecasts serve for the search of the most suitable approach in solving the specific issues of every Bulgarian community, which was formed under most different social, demographic, cultural, language, religious, economic and political conditions. Scientific conferences and round tables on the issues of the state policy towards the Bulgarians across the world, as well as on topics related to the establishment, formation, status and prospects of the Bulgarian communities in different countries are carried out.

The Agency is an important unit in the processes of acquiring Bulgarian citizenship and in obtaining permission for long-term residence in Bulgaria. It is the specialized body, certifying the Bulgarian origin of persons who have applied for obtaining Bulgarian citizenship, for permanent or continuous residence in the country, Issuance of Bulgarian Origin Certificate, Acquisition of Bulgarian Citizenship by Persons of Bulgarian Origin on the Grounds of Article 15 of the Bulgarian Citizenship Act.

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<sup>21</sup> During the period workers are allowed to change employer. The program, called "Management of economic migration in the context of the labour market employment of foreign nationals in Hungary", is managed by the Hungarian Ministry of Employment and Labour.



**Directorate “Bulgarian Citizenship”** is a specialized administration within the structure of the **Ministry of Justice** and has the following basic functions: Accepts applications and proposals concerning Bulgarian citizenship files respective correspondence; Sends the correspondence for coordination with the interested institutions; Makes preparations for the meetings of the Citizenship Council and prepares the draft record; Issues the certificates stipulated under the Bulgarian Citizenship Act; Makes notifications to the municipalities or mayor’s offices at the respective person’s permanent address for entry of changes of citizenship into the civil status registers and to the Minister of Interior and the Ministry of Foreign Affairs for issue or seizure of identity, etc.<sup>22</sup>

In Bulgaria the Parliament has adopted a **Law for the Asylum and the Refugees**. This law settles the conditions and the order of providing special protection to foreigners on the territory of the Republic of Bulgaria, as well as their rights and obligations.

The President of the Republic of Bulgaria shall provide asylum.

The Council of Ministers shall provide temporary protection in cases of massive entry of foreigners under the conditions of this law or in fulfilment of the conclusions of the Executive Committee of the High Commissioner of the United Nations Organisation for the foreigners and upon an appeal of other international organisations.

The chairman of the State Agency for the Refugees shall provide a refugee status and a humanitarian status by virtue of the Convention for the refugees status of 1951 and the Statement for the refugees status of 1967, of the international acts on the protection of the human rights and of this law.

**The State Agency for Refugees with the Council of Ministers** is legal person financed by the State budget with a seat in the capital of Sofia and has territorial units in the country.

The Agency is managed by a Chairperson who is an executive authority organ entrusted with special competence. He manages, coordinates and controls the implementation of the State policies relating to granting a refugee status and humanitarian status to aliens in the Republic of Bulgaria. In performing his duties the Chairperson is assisted by two Deputy Chairmen.

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<sup>22</sup> [www.justice.government.bg](http://www.justice.government.bg) [www.aba.government.bg](http://www.aba.government.bg).



The Agency is the administration, which supports the Chairperson in fulfilling his duties through technical assistance and rendering administrative services to natural and legal persons. The Agency staff numbers 127 on pay roll<sup>23</sup>.

National Programme for Integration of Refugees in 2005-2007 has been adopted, including issues on Refugee integration policy; Accommodation/ Housing, Providing access to Bulgarian language education for facilitating the adaptation process and integration of the refugees in the Bulgarian society, Social Assistance; Health Care, Vulnerable groups of refugees, Education, Employment, Protection from discrimination, Institutional strengthening.

**The Integration Centre for Refugees (ICR)** is a territorial unit of the State Agency for Refugees with the Council of Ministers and supports the integration of refugees in the Republic of Bulgaria in accordance with the 1951 UN Convention related to the Status of Refugees, the 1967 New York Protocol and the Asylum and Refugees Act by:

Main activities: Education and Training in Bulgarian; Vocational Qualification and Re-qualification; Work with Children; Social and Cultural Activities; Sport Activities

Law for entering, residing and leaving the Republic of Bulgaria of EU citizens and members of their families.

This law regulates the terms and order under which the European Union citizens and members of their families may enter, reside and leave the Republic of Bulgaria.

This law shall be applied to the citizens of countries - parties to the European Economic Area Agreement, the citizens of confederation Switzerland and the members of their families, who are not citizens of the European Union, the European Economic Area and confederation Switzerland, who, by virtue of international agreements concluded with the European Union, are entitled to free movement.

According to the "Second Annual Report on Migration and Integration"<sup>24</sup> (2006) of the Commission of the European Communities, the **SLOVAK** Government, through the Ministry competent for migration policies - the *Ministry of Interior* -, has adopted a new "Concept of Migration Policy" that includes legal migration and integration of newcomers into the society. It covers not only refugees, as was the policy until

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<sup>23</sup> [www.aref.government.bg](http://www.aref.government.bg)

<sup>24</sup> Commission Staff Working Document.



recently, but also other third-country nationals. Slovak migration policy is mainly governed by the following principles: respect for the general principles of international law and international agreements on the legal regime of foreigners while complying with the principles of reciprocity and equality, a mutual continuity in solution of migration issues with searching for and application of policies in order to ensure the security, stability and a peaceful coexistence of countries, the subordination of foreigners to the sovereign power of the Slovak Republic and respect for its legal rules and the balance in the extent of delivered humanitarian aid to refugees, leavers and displaced persons with the economic possibilities and social potential of the country<sup>25</sup>.

### 1.1.3. Identified projects that may be relevant for Migravalue's social component

This chapter overlooks a number of projects that have a relation with "Migravalue". Starting from "MIGRALINK - Integration of migrants in the enlarged Europe and policies for the return of productive intellect", carried out in the period 2005-2007 at the involvement of most of the partners engaged, various other projects that may be considered significant for "Migravalue's social component" are identified. Indeed, the following projects are not simply related to migration issues and not only do they involve the same partners of "Migravalue", but they face challenges and issues that are relevant for "Migravalue" and offer information and a "knowledge net" that can be useful for the project itself.

"MIGRALINK", a project funded by INTERREG IIIB CADSES (Central Adriatic Danubian South Eastern European Space), principally aimed at achieving higher territorial and economic integration within an area comprising 18 Countries (Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Germany, Greece, Hungary, Italy, former Yugoslav Republic of Macedonia, Republic of Moldova, Poland, Romania, Serbia-Montenegro, Slovak Republic, Slovenia and

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<sup>25</sup> Danusa Jurcova, "Schengen Agreement: Consequences for National Migration Policy in Slovakia", 2002 OSI LGI Research Project – Impact of EU Enlargement and Implementation of Schengen in the CEE Region, INFOSTAT, Bratislava, Slovakia.



Ukraine). Its main goals were to strengthen trans-national cooperation in the governance of migration flows in and between the 7 countries participating in the project (Italy, Austria, Hungary, Slovak Republic, Poland, Romania and Serbia-Montenegro) and to provide migrants with concrete return opportunities, offering appropriate training and entrepreneurship support, and thus contributing to the economic and social development of poorer regions in the new EU Member States.

Target groups were the local and national organisations dealing directly and/or indirectly with immigration, employment, social services and business intermediaries (immigration offices, National contacts points on immigration, employment offices and Chambers of Commerce) and immigrants. The wider target was represented by all migrants, Veneto and EU entrepreneurs running productions in the new Member States and the economies of poor regions affected by high emigration flows and lagging development. The partners were the Union of Veneto Chambers of Commerce – LP, the Regional Agency For Employment Veneto Region, the Chamber of Commerce, Industry, Crafts and Agriculture of Venice, the Styrian Economic Chamber of Graz, the Catholic University of Lublin, the Italian-Slovak Chamber of Commerce of Bratislava, the HYDEA Consulting Ltd, of Budapest, the Chamber of Commerce and Industry of Brasov and the Ministry of Labour of Belgrade.

## Italy

The Legislative Assembly **EMILIA-ROMAGNA REGION** has approved for the period 2006-2008 the Program “Triennial Plan on the activities of international relevance of the Emilia-Romagna Region- Addresses and priorities”. The Plan defines a comprehensive framework on the international activities of the Region, identifying geographical areas of priorities for the implementation of pluri-sectorial actions: European Union, New Member States, Serbia, Moldavia, Morocco, Brazil, Argentina, China and India. Several technical and institutional competences in different sectors of the Region and of the civil society are involved in an integrated programming on economic development, decentralised cooperation, immigration and culture. In particular, the programme aims to strengthen the presence of the Region in Developing Countries and Countries in Transition through the decentralised cooperation, and to support initiatives for the development of capacity and



institutional building in Countries candidates to the adhesion to the EU. It supports enterprises interested in reinforcing and developing trade relationships, investment and technological transfers with partners of the Countries candidates and sustains Non Governmental Organizations running activities of social integration and training for immigrants.

To the same aim and in the same period, the Legislative Assembly Emilia-Romagna Region has also approved the "Document of programming 2006-2008 for the cooperation with Developing Countries and Countries in Transition". The document defines the general goals of the international cooperation of the Region and identifies the tools of intervention in migration and development issues. It promotes activities of sustainable development, international solidarity and transfer of decentralised models of governance, creating new opportunities of political and economic cooperation and social inclusion.

Furthermore, the **EMILIA-ROMAGNA REGION** has a number of initiatives on the social integration of immigrants in its territory. One of these activities is the project: ERLAI – European Regional and Local Authorities on Asylum and Immigration. This is an European network of regions and local entities on immigration and asylum, promoted and coordinated by the Emilia-Romagna Region, through a linking service "Connecting service with the European Union" in Brussels. Its aims is to facilitate the exchange of experiences and good practices, to promote the spread of information about community policies and funding and to facilitate the development and the participation in European projects. From 2007 onwards, its activities will continue through the ERLAIM Project (European Regional and Local Authorities for the Integration of Migrants), co-financed by the INTI Project of the European Commission.

## Italy - Albania

Among the areas reached by Emilia-Romagna Region's initiatives of decentralised cooperation there is **ALBANIA**. During the period 2004-2005 the Emilia-Romagna Region has implemented the project –"Support to the welfare system and to the



creation of social enterprises in Elbasan, Albania<sup>26</sup>- which aimed to consolidate the social services created from 1998 in the Province, in the centre of the county. Indeed, the support to the complex of projects managed by the Albanian Association TJETER VIZION (targeted to women, minors and young people) was required to favourite the maturation of Albanian Local Plans and the growth of the civil society and institutions. Thus, the plan aimed to maintain and consolidate the services targeted to disadvantaged groups (minors, women, young people and families); to initiate the planning of two social enterprises - one in charge of the collection of garbage in Elbasan in collaboration with the municipalize companies of Emilia-Romagna and one entrusted with the management of two scholastic refectories and an academic refectory; to help the Municipality of Elbasan to define a model of Local Plan for social services with the technical assistance of PULSE Association and other third sector representatives of Reggio Emilia; to pursue training courses in collaboration with the Chamber of Commerce of Elbasan; to strengthen the role of the juvenile centre RIEMAR as a cultural centre in association with the "Provveditorato degli Studi" and the University of Elbasan. The partners involved were CEFA – European Committee for Formation and Agriculture (accomplisher), GEMUS Cooperative, PULSE Association of Reggio Emilia, Municipality of Elbasan, and Association TJETER VIZION.

In Elbasan, the Region has also led a pilot project for the professional and entrepreneurial training of weak categories (2004-2005)<sup>27</sup>. The specific goals were the creation of an information desk for young people and the strengthen of the Centre for Professional Training. The know-how and competencies of the Municipality and the Centre for Professional Training of Cesena were involved. Other partners of the project were the University of Bologna – Faculty of Economics in Forlì, SINFORM Consortium, Municipality of Elbasan, Centre for Professional Training of the Italian Ministry of Labour and Social Affairs, University of Tirana (Polytechnics) and XXVII Group Italian Navy. Currently (2007-2009), moreover, a support programme in the field of minors' policies in Albania is funded by the Italian Ministry of Foreign

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<sup>26</sup> In 2006, agreements with Ministry of Labour and Social Affairs to develop a joint programme in the field of welfare policies were signed.

<sup>27</sup> "Studio di fattibilità e iniziativa pilota nel campo della formazione professionale ed all'impresa per categorie deboli e nel campo della formazione continua". Ministry of Foreign Affairs Law no. 84/2001 (art.7).



Affairs<sup>28</sup>. During the same period, in Scutari, in the north of Albania, the Municipality of Modena – Quality Division of the Agency, the Europe Project and Marketing (accomplisher), the Province of Forlì, Madonnina del Grappa and the Municipality of Scutari have carried out a project of technical assistance: “Territorial activities and networking for the support to the creation of local policies of welfare mix in Scutari”. Their initiatives were related with the training activities on social services led by the Program NEW – European Network for the Welfare (Interreg Cross-Border Adriatic IIIA – 2004/2006). It concerned the institutional reinforcement and the creation and harmonisation of networks of PAO Countries partners of the project (Albania, Bosnia and Herzegovina and Serbia), through professional trainings of private and public operators on welfare policies, with particular attention to the gender component. Moreover, NEW aimed to favour the cooperation between institutions of the partner countries in order to make their systems uniform and strengthen their net of social services for the prevention and protection of the more exposed. It contemplated the creation of the European School of Training on Welfare in Forlì for the operators of associations and managers of the public administration; the establishment of a Technical Committee for the management of the centre; the creation and management of an informational network and training activities on welfare policies. The target areas are: Elbasan, Scutari, Tirana and their districts in Albania, Tuzla and its canton in Bosnia and Herzegovina, and Kragujevac, Novi Sad and Pancero in Serbia<sup>29</sup>.

L.V.I.A. Forlì - Bottega del Mondo - and L.V.I.A. International Association Laic Volunteers (accomplisher) together with the Prefecture, the Chamber of Commerce and the Municipality of Scutari led in the years 2004-2005 the project “New opportunities for young Albanians”. It aimed to improve the informational system on labour market and on training opportunities for young people in Scutari and its district, through the creation of an informational desk and a database on the local job market. Initiatives of micro-enterprises and new professions were promoted as well.

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<sup>28</sup> In 2002 the Emilia-Romagna Region signed an agreement with the Albanian Ministry of Justice to develop a training exchange on minor justice and a declaration of intent with the Ministry of Labour and Social Affairs on reintegration of un-accompanied minors. Local agreements were signed as well. (Tools: regional Law no.12/2002).

<sup>29</sup> The institution involved are: the Provinces of Ferrara, Forlì-Cesena, Ravenna, Rimini, and the Emilia-Romagna Region.



## Albania

A particularly relevant project is "ALBAMAR – integrated support towards returning migrants in Albania and Morocco", led from 2006 to 2008 by COOPI, Cooperazione Internazionale, together with HFTF – Shprese per te Ardhmen (**Hope for the future** – Albania), AFVIC - Association des Amis et Familles des Victimes de l'Immigration Clandestine, Khouribga (Morocco), Fondation Zakoura Microcredit (Morocco), PSHM - Partneri Shqiptar në Mikrokredi (Albania) and SRF - Società Ricerca e Formazione (CNCA - Coordinamento Nazionale Comunità di Accoglienza). Its overall objectives are: to contribute to the development of a culture of legal migration and to promote the socio-economic reintegration of returning migrants. Reintegration in home countries is a process that starts in host countries and should be supported in all the different phases from pre-departure preparation to return, to the fully active participation in the society of origin in home countries. ALBAMAR aims to the definition of a sustainable and integrated support to returning migrants which covers the diversity of factors related to the return (psychological, social and economical). This implies the existence of a group of social workers in Italy, host country, trained on the issue of return, Albanian and Moroccan potential or future returnees contacted in Italy and sensitized on the possibilities of an assisted return (200 contacts per year: 50 incarcerated and 50 potential returnees per town) and centres for the socio-economic reintegration of returnees in the home countries (two in Albania - Tirana and Scutari - and two in Morocco - Beni Mellal and Khouribga, respectively in the region of Tadla-Asilal and Chaouia-Ourdigha)<sup>30</sup>. Hence, targeted groups are: Albanian and Moroccan migrants forcibly repatriated from Italy, contacted in the prisons of Turin and Milan; Albanian and Moroccan migrants illegally residents in Italy, experiencing a high degree of social vulnerability, contacted through shelters of homeless and care centres in Turin and Milan; migrants returned to their country of origin; young people at risk of illegal migration, contacted in Albania and Morocco and participating to social and cultural activities aimed at their active involvement in their society<sup>31</sup>. Furthermore, the project, financed by the

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<sup>30</sup> The centres in Albania will be actually a reinforcement of the already existing centres of the partner Hope for the Future, whereas in Morocco the centres will be created ex-novo in partnership with the Moroccan NGO AFVIC. It is expected to assist a total of 280 beneficiaries assisted per year in the two countries. Two local associations of returnees will operate in collaboration with the centres.

<sup>31</sup> 500 people will be involved in sensitization activities in each of the four centres in the two countries, for a total of 2,000 people.



AENEAS Program Budget Line 19.0203<sup>32</sup>, contemplates the collection and publishing of data on returnee's flow from Italy to Albania and Morocco and the definition of a network of entities assisting returnees in third countries through a trans-national workshop for Moroccan and Albanian staff.

An analogous project called "ALNIMA. Albania – Nigeria – Morocco. Research, actions for the positive returning of men and women in the origin countries" has been carried out between 2002 and 2005 to facilitate a positive social and professional reintegration of persons who were coercively repatriated into the society of the country of origin. It monitored the labour market and the potential job opportunities in Albania, Nigeria, and Morocco, trained 120 persons in their respective countries and provided them with appropriate vocational skills, thereby improving their self-reliance. The beneficiaries had the chance to transform a prison sentence into a training opportunity with the aim of returning to their country of origin with a "marketable" skill. Moreover, it created a micro-credit system meant to provide potential entrepreneurs with the capital they need to start and develop their businesses and attempted to reduce social and gender inequality for female beneficiaries in Nigeria, by putting economic empowerment means at disposal. Training and awareness raising with targeting public offices in all three countries about the socio-economic dimensions of illegal migration and human trafficking was contemplated as well. The project allowed to establish an international network of organizations that will be able to cooperate and collaborate on these issues and will in turn strengthen international data collection and information exchange about the problem. It was also considered important to underline how the specific problems connected with return and the reintegration process vary according to the different categories of migrants involved (economic migrants, trafficking victims or ex-prisoners), and the different countries of origin. The target group of ALNIMA project, financed by EU program HIGH LEVEL WORKING GROUP<sup>33</sup>, was either Moroccan and Albanian prisoners and Nigerian women – including sex workers forced to return to their home country. The leader partner has been TAMPEP Onlus, a transnational association, whilst other partners have been COOPI, CeSPI - Centro Studi di Politica

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<sup>32</sup> The total cost of the project is 1,668,216 Euros.

<sup>33</sup> Project No.2002/HLWG/26 in the context of funding for "Co-operation with third countries with regard to immigration and asylum", identified by code B7-667. The total budget contracted is 1,343,443.66 Euros.



Internazionale, SRF and local partners such as **Hope for the Future**, F. Zakoura etc..

It is still ongoing the project "VARRP- Voluntary Assisted Return and Reintegration Program", funded by International Organization for Migration (IOM) Tirana and the European Refugee Fund<sup>34</sup>, and led by IOM Tirana in partnership with **Hope for the Future** NPO. Its purpose is to facilitate the voluntary and orderly return of asylum-seekers and irregular migrants to their country of origin such as Albania and to contribute towards the sustainability of their return. It therefore provides voluntary returnees with assistance to facilitate return and reintegration in their home country, helping them in the job seeking process and placing them in jobs through negotiations with enterprises and business partners. Assistance is provided in Albania to individuals and families who return under the VARRP Partnerships and reintegration activities are available to all beneficiaries countrywide.

## Poland

The project "Empowering migrants: integration through information and training of Public Officials and NGOs", carried out in **POLAND** between 2005 and 2006, has been mainly interested in the integration of migrants in the host society and therefore useful to comprehend their new social needs. Its main idea was to provide immigrants with information (website for migrants in Polish, Russian, English and Vietnamese: [www.migrant.info.pl](http://www.migrant.info.pl)) and to improve the services to help them integrate into the Polish host society, familiarizing the receiving population, public officials in particular, with the needs of migrants and ways to foster their effective integration. Targeted groups have been public officials, NGOs (Budapest, Warsaw) and immigrants<sup>35</sup>. The project was entirely funded by the European Commission (INTI) and the International Organisation for Migration (IOM). The partners were the Czech Helsinki Committee and the offices of the IOM in Budapest, Prague, Bratislava, Warsaw and Ljubljana. In Poland, the Caritas of Warsaw Archdiocese, in cooperation with the Ministry of Labour and Social Policy and the Warsaw Municipality, was involved.

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<sup>34</sup> Start date: 06/02/2003. End date: 31/07/2007. The financial size of the project is 37,142 US\$.

<sup>35</sup> Two rounds of trainings for public officials and NGOs, at the international level; public debate "Problems and barriers of immigrant' integration in Poland" and three rounds of trainings for stakeholders involved in integration issues about labour market, healthcare and culture, at the national level.



A project to run a complex research on relations between territorial mobility and the situation on Polish and European labour market is being led (2006-2008) by the Polish Ministry of Labour and Social Policy. The "Migration policy as an instrument for promotion of employment and limitation of unemployment" project aims to analyze the situation of local and regional labour markets in Poland in order to estimate the scope of imbalance and its origins in territorial and sectorial sections. Possibilities to transfer workforce surplus from Poland to certain EU Member States labour markets as well as consequences of migration for the Polish economy are investigated. The promotion of employment and long term reduction of imbalance in the Polish labour market are within the scope of the analysis that will consider the condition of foreigners in the Polish labour market too. The project is financed by the European Social Fund<sup>36</sup>.

## 2. Existing trans-national agreements on the inter-state transferability of social security provisions.

The European enlargement process and the increasing interest in migration flows and their consequences are asking for a better comprehension of the phenomenon and of its practical aspects. "Migravalue" indeed aims to launch a model for the active management of migration as a key tool for the integrated economic and social development of host and origin countries and, in particular, in the social component, addresses the social dimension of development. Since the transferability of social security provisions is supposed to be an important feature influencing individual decision to return, this aspect has been retained as a key issues to consider in the relation between migration and development.

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<sup>36</sup> The financial size of the Project is 1,025,099 PNL, corresponding to 260,276 Euros.



## 2.1. The transferability of social security provisions within the European Union

This section will introduce the relevant European Union's Regulations on social security that apply throughout the European Union's territory, as well as for Iceland, Lichtenstein, Norway and Switzerland.

In 1958, the European Council issued two regulations on social security for migrant workers which were subsequently superseded by Regulation 1408/71, supplemented by implementing Regulation 574/72. The **Council Regulation (EEC) No 1408/71** on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ EC No L 149 of July 5, 1971 as currently amended) and the **Council Regulation (EEC) No 574/72** of March 21, 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 (OJ EC No L 74 of July 27, 1972 as currently amended) **are binding in the European Union Member States, the European Economic Area (Iceland, Lichtenstein, Norway) and in Switzerland** and provide, in line with the principles of coordination of national social security, schemes of granting and disbursing of old-age, invalidity and survivor's pensions, benefits provided under insurance schemes for accidents at work and occupational diseases, family, maternity and sickness benefits, benefits for unemployed people, medical treatment or healthcare benefits in kind.

The key principles upon which the Council Regulation (EEC) No 1408/71 and bilateral agreements on social security are based are the followings:

- principle of equality of treatment for workers and self-employed persons<sup>37</sup> from other Member States respect to the citizens of the host State,
- principle of place of work - you are subject to social and health insurance in the country where you work (with some exemptions),

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<sup>37</sup> Originally, Regulation 1408/71 only covered workers but, with effect from 1 July 1982, its scope was extended to cover the self-employed too. Now, the Regulation covers family's members, dependants, civil servants and finally all insured persons, particularly students and persons not in gainful employment. Council Regulation 895/2003 extended the scope of the Regulation to cover nationals of third countries provided they are legally resident on Union territory.



- principle of one legislation - you are subject to regulations of a single state,
- principle of retention of acquired rights or social benefit exportability – if you have been granted an old-age pension in one state you can reside in another country without losing the right to this benefit. The benefits shall be delivered to the place of your actual residency,
- principle of aggregation of insurance periods – if the period of your insurance in one country has been too short to make you eligible for benefits, your insurance in each country where you have worked shall be taken into account. However, if you are eligible for benefits, the principle of sharing responsibility works: migrant workers receive from each Member State under whose legislation they have been covered at various times only a proportional benefit based on the period for which they were effectively covered in that Member State.

In 2004, the European Parliament and the Council approved the **Regulation n. 883/2004** which replaces the Regulation EEC No 1408/71. It contemplates the improvement of the rights of insured persons by the extension of coverage – all nationals of Member States – and by the scope in respect of social security areas covered – inclusion of pre-retirement legislation -, the strengthening of the principle of exportability of benefits – insured persons temporarily staying in another Member State will be entitled to health care -, and the introduction to the principle of good administration.

## 2.2. The transferability of social security provisions between the European Union Member States and non-UE countries

The relation in terms of transferability of social security provisions between single European Union Member States and non-UE countries is defined on a bilateral basis between an individual EU Member State and its non-EU counterpart. From a first review of the agreements with non-EU Member States brought forward by the “Migravalue” European partners, it can be underlined the similarity of their provisions with the European Regulation concerning social security assets.



It should be highlighted that so far there are no bilateral agreements on the transferability of social security provisions between EU Member States and Albania, the sole non European Union country involved in “Migravalue”.

## 2.3. Selected existing bilateral agreements

### Albania

Although no bilateral agreements regulating pension funds have been signed by Albania so far, the Government is making efforts in order to negotiate accords with different European Countries. In compliance with **Measures 22, 23, 24, 25 of the National Action Plan on Migration (NAP)** the Ministry of Labour, Social Affairs and Equal Opportunities (MOLSA) has taken the initiative to review and evaluate the existing seasonal labour agreement with Italy and Greece. This process is still ongoing. Moreover, in line with **Measure 30 of NAP<sup>38</sup>**, negotiations for the social protection of Albanian migrants have initiated with several countries, that is:

- negotiations with Greece have initiated in 2003 and are ongoing,
- negotiations with Romania concerning the health benefits of migrant workers have started in 2004 and are still ongoing (during the first round of negotiations, 2/3 of the agreement has passed),
- negotiations with Hungary have started and are still ongoing (during the first round of negotiations that took place in October 2005, the articles of the first chapter of the agreement were passed),
- a draft bilateral agreement has been officially sent to the Bulgarian authorities, who have not reacted yet,
- a bilateral agreement on social protection of migrant workers has been concluded with Turkey. The agreement has been ratified by the Albanian Parliament and is expected to start being soon implemented.

### Bulgaria

Since 1 January 2007 Bulgaria is a rightful member of the European Union and accepts Council Regulations (EEC) No 574/72 and 1408/71.

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<sup>38</sup> The ongoing bilateral agreements on social security focus mainly on the partial transfer of financial contributions of migrants from the social insurance fund in the host country into Albania.



## **Bilateral agreements for social security by 01.07.2006**

**Agreement between Bulgaria and the Netherlands** for export of social insurance - signed 09.02.2005; in force since 1.05.2006; it will terminate on the date of the accession of Bulgaria to the EU and Regulation 1408/71 will be applied.

**Agreement between Bulgaria and Luxembourg** for social insurance - ratified on 30.03.2005; in force since 1.03.2006; it will terminate on the date of the accession of Bulgaria to the EU and Regulation 1408/71 will be applied.

**Agreement between Bulgaria and Hungary** for social security – ratified on 22.03.2006; in force since 01.07.2006; it will terminate on the date of the accession of Bulgaria to the EU and Regulation 1408/71 will be applied.

**Agreement between Bulgaria and Croatia** for social insurance - ratified on 24.09.2003; in force since 1.10.2004.

**Agreement between Bulgaria and Austria** - ratified 19.12.2005; in force in Bulgaria since 01.04.2006. It will terminate on the date of the accession of Bulgaria to the EU and Regulation 1408/71 will be applied.

**Agreement between Bulgaria and Albania** - social insurance – ratified 18.04.1953; in force since 1.05.1953.

**Convention between Bulgaria and Romania** in the field of social issues – Approved by the Council of Ministers on 13.04.1960; on force since 31.05.1960. It will terminate on the date of the accession of Bulgaria to the EU and Regulation 1408/71 will be applied.

**Agreement between Bulgaria and Poland** for cooperation in the field of social policy – ratified on 25.11.1961; in force since 1.04.1962. It will terminate on the date of the accession of Bulgaria to the EU and Regulation 1408/71 will be applied

**Agreement between Bulgaria and Germany** for social security – ratified on 26.03.1998; in force since 1.02.1999. It will terminate on the date of the accession of Bulgaria to the EU and Regulation 1408/71 will be applied.

**Agreement between Bulgaria and the Czech Republic** for social insurance – ratified on 17.02.1999; in force since 1.01.2000. It will terminate on the date of the accession of Bulgaria to the EU and Regulation 1408/71 will be applied

**Agreement between Bulgaria and Slovakia** for social insurance – ratified on 28.11.2001; in force since 1.07.2002. It will terminate on the date of the accession of Bulgaria to the EU and Regulation 1408/71 will be applied



**Agreement between Bulgaria and the Ukraine** for social insurance - ratified on 28.11.2001; in force since 1.04.2003.

**Agreement between Bulgaria and Macedonia** for social insurance - ratified on 21.05.2003; in force since 1.08.2003.

**Agreement between Bulgaria and Spain** for social insurance - ratified on 18.09.2002; in force since 1.11.2003.

**Agreement between Bulgaria and Cyprus** for social insurance

**Agreement between Bulgaria and Turkey** for paying of pensions in Turkey – Signed on 4.11.1998; in force since 1.03.1999. This agreement will be in force till signing of an Agreement for social insurance

## Italy

Several agreements on social security have been signed between Italy and other non-EU countries towards or from which migration's flows are more relevant. These agreements aim to guarantee an adequate protection to migrants in the field of social security and to assure to those who worked abroad the possibility to aggregate the contribution periods executed in Italy and in other countries in order to obtain the pension, the possibility to obtain the pension defrayable from a country on the territory of the other contracting country and the possibility to benefit of the equality of treatment respect to the citizens of the country in which the labour activity is performed.

In particular, since 1984, Italy has signed with Argentina a bilateral agreement that disciplines social and pension insurance for people who worked in these countries, independently from their citizenship. The **“Agreement on social security between the Government of the Italian Republic and the Government of the Argentinean Republic”** contemplates the aggregation of insurance periods, that is, the possibility to summing up the insurance periods executed in the two countries in order to achieve the minimum requirements for the acquisition of the right to receive a performance. It is also considered the possibility to aggregate the contributions paid in third countries linked to at least one of the signer countries by international agreements on social security (multiple aggregation). The payment of the pension is carried out in the country of residence, but it is defrayable from the



other contracting country, and its double taxation is avoided: the tax reduction of the pension is granted only in the country of residence. Analogous agreements have been signed with the **Federal People's Republic of Yugoslavia** (since 1957) – they are temporarily effective for Serbia, Montenegro, Bosnia Herzegovina and Macedonia - and with the **Tunisian Republic** (since 1984). Nonetheless, in both cases the multiple aggregation is not allowed and only citizens of the signer countries benefit from the convention. Furthermore, in 1977, **Italy and Mexico** signed a bilateral agreement which establishes that Italian retired citizens residents in Mexico who transfer their residency in Italy benefit from the reception of the pension they obtained up to that moment in Mexico, without any limitation. Vice versa, the Italian Republic is committed not to prevent the transfer and the payment of the pensions received by Mexican citizens in Italy who transfer their residence in Mexico.

## Greece

The **Council Regulations (EEC) - 1408/71 and 574/72** – are binding in Greece since 1981, the year of its admission to the European Union. Further agreements on social security which contemplate analogous features have been signed between Greece and other countries. These are U.S.A. (since 1994), Canada (since 1997), Quebec (since 1983), Argentina (since 1988), Brazil (since 1988), Venezuela (since 1995), Uruguay (since 1997), Cyprus (since 1991) and New Zealand (since 1994). Particular bilateral agreements on social insurance and pension transfers have been specified with Egypt (since 1986), Libya (since 1991) and Syria (since 2002).

## Poland

Since May 1, 2004 Poland has been a rightful member of the European Union and treated the **Council Regulations (EEC) No 1408/71 and No 574/72**. Under the Council Regulation (EEC) No 1408/71 - Annex III there are still in force the following bilateral agreements on social security:

- 1. Article 33 (3) of the Convention on social security between Poland and Austria of 7 September, 1998.**



It concerns periods of insurance completed in the territory of Poland before 27<sup>th</sup> of November, 1961, which under Austrian legislation are considered as periods of insurance completed in Austria for the purpose of determining the entitlement to and the amount of pension benefits. Acceptance of such periods of insurance as completed in Austria is beneficial to the individuals concerned.

**2. Convention between Poland and Germany of 9 October, 1975 on old-age and work-injury provisions, under the conditions and the scope defined by Article 27 (2) to (4) of the Convention on social security between Poland and Germany of 8 December, 1990.**

The object of keeping in force the Agreement of 9 October, 1975 is to maintain the legal status for people who established their residence in the territory of Germany before 1991.

**3. Article 11 (3), 19 (4), 27 (5) and 28 (2) of the Convention on social security between Poland and Germany of 8 December, 1990.**

The object of keeping in force Article 11 (3) and Article 19 (4) of the Agreement of 8 December, 1990 on social security is to maintain the special legal provisions resulting from German legislation and beneficial for the persons concerned.

The object of keeping in force Article 27 (5) and Article 28 (2) of the Agreement of 8 December, 1990 on social security - is to maintain the commitments resulting from Polish legislation, namely:

- the continuity of payment of benefits awarded on the basis of the Agreement between Polish People’s Republic and German Democratic Republic of 13 July, 1957 on cooperation in the domain of social policy,
- the recognition by Polish legislation as insurance periods the periods of employment of Polish workers, employed on the basis of the Agreement of 5 September, 1988 on cooperation in the domain of employment of Polish workers in the enterprises of German Democratic Republic.



Furthermore, there is a bilateral agreement on social security between **Poland and Federal People's Republic of Yugoslavia** (Dz.U.59.19.114) which now applies to Croatia, Macedonia, Serbia, Montenegro and Bosnia and Herzegovina.

All of the above mentioned bilateral agreements are signed for an indefinite period.

## Hungary

After Hungary's adhesion to the European Union (May 1, 2004), the previous agreements with other Member States and newcomers have lost force and have been substituted by the European Social Security Regulation (**Council Regulations (EEC) No 1408/71 and No 574/72**). Other bilateral agreements binding at present are:

- 1. Hungarian – Soviet agreement (Act 16/1963): still in force with the exception of Latvia, Lithuania, Estonia, Uzbekistan.**

Social services are determined by the competent institution of the country of residence on the basis of the time spent in both countries, that is, the pension of a Russian citizen settled in Hungary is paid by Hungary according to the Hungarian regulations, taking also into account the years of work spent in Russia.

- 2. Hungarian – Yugoslavian agreement (Act 20/1959): still in force, with the exception of Slovenia and Croatia, in Serbia, Montenegro, Macedonia and Bosnia-Herzegovina.**

The years spent at work are taken into account in both countries, but each country's institution grants pensions only for the amount of years of work spent in it, that is, if a person works 30 years in Hungary and 10 years in Serbia, Hungary will pay him/her 75 % of his/her pension and Serbia will contribute for its 25 %.

- 3. Social security agreements with other countries, such as, for instance, Canada, Croatia and Quebec.**



Analogously to the European Regulation, if it is recognized the right to get the pension, irrespectively to the years spent at work in other countries, then the national regulations get into force. Otherwise, the years spent at work in both countries are taken into account and aggregated. Each country pays the worker according to the ratio of years spent at work in its own territory.

## Slovak Republic

After Slovak Republic's adhesion to the European Union (May 1, 2004), the previous agreements with other Member States and newcomers have lost force and have been substituted by the **Council Regulations (EEC) No 1408/71 and No 574/72**. Other bilateral agreements on sickness and pension insurance binding at present are with Republic of Cyprus (since 1996), Federal People's Republic of Yugoslavia (since 1957), Ukraine (since 2002) and Quebec (since 2003).



### 3. Initiating the dialogue with concerned authorities in origin territories.

The partners in origin countries, in particular in Albania, Poland and Slovak Republic, have suggested to activate the following relationships with central and local authorities.

Since Hope for the future (HTFT) –**ALBANIA** has collaborated with the *Directorate for Migration Policies* within the Ministry of Labor Social Affairs and Equal Opportunities (MOLSA) in the framework of ALNIMA project, partnerships based on mutual exchange of information on Return Migration policies and practices and on reintegration assistance provided to returnees are still ongoing and therefore exploitable. To this aim, HTFT is also collaborating with the *Ministry of Interior*. In addition, it has signed two Collaboration Agreements with the *Municipalities of Tirana and Scutari* in order to assist the returnees and internal migrants in their social and economic integration, and two Collaboration Agreements with the corresponding *Regional Employment Offices* to facilitate the job brokering of the returnees.

RDA with BSC for SMEs (BULGARIA) names – Ministry of Labour and Social Policy – regional directorates and local directorates, State Agency for Bulgarians Abroad, International Organization for Migration – Bulgarian office, stakeholders and policy makers.

The University of Lublin (POLAND) proposes the involvement of the *Regional Government (Marshall's Office of Lubelskie Voivodeship)* - responsible for regional development and human resources management, the *Governor's of the region's Office (Voivod of Lublin)*- responsible for state administrations in the region, the *Superintendent's office (Kuratorium)* - responsible for educational policies and their implementation, the regional, provincial and municipal labour offices, the regional branches of the *Social Security Establishment (ZUS)* and of the *Treasury Office (Izba Skarbowa)*, the *Regional Statistics Office (WUS)* and local NGOs.



The IT-SK Chamber of Commerce (SLOVAK REPUBLIC) names *the Ministry of Labour, Social Affairs and Family* with its Headquarters and Offices, the *Social Insurance Company*, the *private insurance companies*, the *regional self-government offices and municipalities*.



## ***SECTION II – OPERATIONAL INDICATIONS***

### **4. Operational options to investigate social needs**

In order to base the implementation of Migravalue's initiatives on actual socio-economic dynamics, the first section of the Paper has concentrated on depicting the overall context of the countries involved.

The goals of “Migravalue” are ambitious: the project is meant to enhance the spatial cohesion of target regions by valuing the financial and human capital of migrants, with two main objectives:

1. activating sustainable systems to channel migrants’ remittances to fuel local development in home countries, in accordance with the provisions of local development plans, and thus fostering the local ownership of its results;
2. addressing the social dimension of development.

This second section responds to the need to provide concrete pattern indications for the implementation of the key goal of analysing and possibly intervening on the social repercussions of migration on the social balance of areas of origin.

#### **4.1. Project activity 4.2 “Analysis of social needs that are determined by migration flows”**

##### **4.1.1 Objectives**

Activity 4.2 shall investigate the existence of a social issue when we talk about emigration: do large outflows of people from a given area have an impact on the social structure of such area? Does migration affect the social sustainability of origin areas?



The thorough analysis of the social impact of migration on source contexts, and the possible subsequent analysis of social domains that are specifically impacted by migration movements, shall serve as a basis for supporting concerned authorities in origin areas to incorporate migration in their social planning exercises, as a transversal feature that may be actively addressed, in order to balance possible adverse repercussions but also to steer the support of the diaspora to preserve the social sustainability of their territories.

With reference to the country-systems in terms of competences, level of decentralisation, existing social planning and social practices, as well as existing relationships at a bilateral level, the project's activity 4.2. therefore aims to detect the existence of social dynamics in origin countries that have a direct or indirect relation with the phenomenon of migration, and if so, analyse the social needs associated with it, with the purpose of identifying the specific components to be included in the social programming exercises of areas of origin.

The investigation, as well as the other activities of the Work Package 4 of "Migravalue", will be implemented in two pivotal bilateral axis: Italy - Albania, and Italy - Poland.

#### 4.1.2 Methodology for the implementation of activity 4.2.: operational options

The activity will be carried out on two subsequent levels:

1. **A qualitative and quantitative survey on the Polish and Albanian communities in the host territory, the region of Emilia-Romagna**, in order to assess the diasporas' perceptions of social needs in their contexts of origin, and to review judgments on needed social support services back home.

**Tools:** two distinct qualitative/quantitative questionnaires tailored on the specific features of the Polish and Albanian diasporas. The survey on the Polish community will be carried out by the Catholic University of Lublin, whilst



the survey addressed to Albanian immigrants will be led by the Emilia-Romagna Region. Interviews with relevant stakeholders will complement the surveys.

**Target groups:** Polish and Albanian communities at a regional level in Emilia-Romagna, following the definition of criteria for and the identification of representative interviewees of the survey.

**Timing:** December 2006 – June 2007

2. **In target areas of origin**, investigation on the actual existence of a relation between social needs, or specific social domains, and migration movements.

It is recommended that the activity is carried out undertaking, if feasible,

- a. a **preliminary desk research** to explore and analyse existing social databases; identify target territories; run a preliminary needs analysis on the basis of available data. The Catholic University of Lublin will carry out the analysis on Poland, while the Emilia-Romagna Region will focus on Albania exclusively;

which will be necessarily followed, or substituted if data-base analysis are not feasible, by

- b. an **extensive field research with direct questionnaires, as well as interviews to focus groups**, in order to identify specific social issues that are inter-connected with migration dynamics, and which can be taken into account in social planning exercises.

**Tools:** databases, data analysis, possible questionnaires for direct interviews.



**Target groups:** target local communities in Poland and in Albania. The support of established networks of stakeholders is deemed to be highly beneficial.

**Timing:** April 2007 – November 2007

## 4.2. Project activity 4.1 “Technical Assistance to authorities for social programming”

### Objectives

The aim of the project’s activity 4.1. is to support the competent authorities in origin countries in the integration of migration as a target transversal issue in their social planning exercises.

### 4.2.2 Methodology for the implementation of activity 4.1.: operational options

The activities 4.1. will be implemented through the **organisation of Working Tables with concerned public and community stakeholders** at all relevant levels, as well as with external aid donors, in order to communicate and discuss the results of the needs analysis exercise, and foster jointly the identification of necessary interest and resources.

**Timing:** April 2007 – December 2007



## 5. Hints on the financial sustainability of social development initiatives

### 5.1. Project activity 4.3 "Analysis of the possibility to use remittances for social development"

#### 5.1.1 Objectives

The aim of the project's activity 4.3. is to overview the potentially available financial resources to support the implementation of specific social development or social support initiatives, following the outcomes of the two previous phases.

Specific sub-objectives:

1. assess the possibility and feasibility to use the resources of the financial tool, and its guarantee fund, that will be modelled in the framework of the Work Packages 2 and 3 of the project;
2. investigate the existence of other sources of funding for social support initiatives in target origin territories;
3. assess the actual needs and perceptions of migrants.

#### 5.1.2. Methodology for the implementation of activity 4.3.: operational options

Three types of activities are suggested to pursue the objectives outlined above:

1. collaboration with working teams WP2 and WP3 and collection of suggestions and experts' opinions;



2. desk research;

3. field research in Emilia-Romagna, as the host context: direct interviews

**Tools:** two distinct qualitative/quantitative questionnaires tailored on the specific features of the Polish and Albanian communities in Emilia-Romagna. (using the same questionnaire and in the course of the same survey exercise as in 4.2, in order to optimise resources)

**Target groups:** Polish and Albanian communities in Emilia-Romagna

**Timing:** April 2007 – December 2007



## 6. The transferability of social security provisions: supporting the definition of bilateral agreements

### 6.1. Project activity 4.4 "Recommendations for the definition of countries' bilateral agreements on the transferability of social security provisions"

#### 6.1.1 Objectives

The aim of the project's activity 4.4. is to provide support and formulate recommendations, in collaboration with and to the benefit of concerned State parties, to define bilateral agreements on the transferability of social security provisions.

In particular, the pivotal bilateral focus Italy - Albania as shall focus on the inter-country transferability of pension funds. The choice to focus on pension funds is due to the assumption that the individual choices to return of people who live and work in countries with different social protection systems are likely to be influenced by the possibility to access accumulated pension funds in their home country.

#### 6.1.2. Methodology for the implementation of activity 4.4.: operational options

The project's activity 4.4. will be carried out through two types of activities:

1. desk research to identify and study existing relevant bilateral agreements;
2. Working Tables with relevant experts and stakeholders both in countries of origin and destination

**Timing:** September 2007 – April 2008



## 7. Training

### 7.1. Project activity 4.5 “Traditional and distance training”

#### 7.1.1 Objectives

Traditional and distance trainings on the functioning of the national social schemes and the trans-national welfare system.

**Timing:** September 2007 – December 2007



## 8. Final Report

### 8.1 Project activity 4.6 "Final Report"

#### 8.1.1 Objectives

Preparation of a conclusive report with clear policy and operational guidelines and recommendations, to be shared with all partners and disseminated to all members of the technical and political project organs, direct and indirect stakeholders and policy makers in and outside the project area, including appropriate services of the European Commission. The report will become a publication for wide hard and net distribution.

**Timing:** January – April 2008

