



AD HOC QUERY ON 2019.7 Access conditions of TCNs to social benefits and grants

Requested by Christelle CAPORALI-PETIT on 22 January 2019

Compilation produced on 25 September 2019

Responses from Belgium, Finland, Greece, Latvia, Netherlands, Sweden plus Norway, Athena BALOPOULOU (8 in Total)

Disclaimer:

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

1. Background information

The Directorate of Immigration of the General Directorate for Foreign Nationals in France (DGEF) within the French Ministry of the Interior has been requested by the Ministry to elaborate an overview of the conditions of access for TCNs to social benefits and allowances.

The EMN NCPs drafted late 2018 an Inform on "social benefits and rights for beneficiaries of international protection". Consequently this AHQ applies to other categories of TCNs. We will use the responses provided for the Inform regarding the beneficiaries of international protection.

You can complete the attached chart if this is more useful for you.

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2. Questions

- 1. Please detail the different types of grants and social benefits available to legally residing TCNs in your Member States (for example medical coverage, minimum income, benefit for disability, housing grant, family benefits, other)
- 2. What are the conditions to benefit from these benefits and grants? for example Length of regular residence, duration of a professional activity, family links, other
- 3. Are the conditions of access different depending on the type of residence permit issued?
- 4. Can TCNs in irregular situation benefit from social benefits and grants in your Member State? if yes which one?

We would very much appreciate your responses by 15 April 2019.

3. Responses

Wider
Dissemination²

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

EMN NCP Belgium Yes	1 Urgent medical care- Medical coverage- Social benefits: unemployment fee, living wage (minimum income, social integration), invalidity allowance and (early) retirement- Rights and housing benefits: social housing (possibility to rent / buy at a social rate), scholarship - Family benefits: child care benefit 2 Urgent medical care: no conditions- Unemployment fee: The amount of the benefit depends on the amount of the last salary received the family situation (cohabiting with dependent family, single, cohabiting without dependent family) starting from the second year of unemployment the length of your professional activity prior to your unemployment situation the length of time since you registered as unemployed. For the first year (3 + 3 + 6 months)Amount of the last salary received first 3 months of unemployment: 65%next 3 months: 60%following 6 months: 60%Digression of the amount of benefit does not apply to persons: with a long professional past (at least 25 years); *aged 55 or over; *who are permanently unemployable or at least one third of the time. Unemployed persons aged 60 and over may be entitled, under certain conditions, to a "seniority supplement" from the 2nd year of unemployment. In particular the beneficiary must be able to demonstrate a working career of at least 20 years. The amount of the seniority supplement depends on the family circumstances and the age of the applicant. Income guarantee benefit (AGR - Allocation de garantie de revenu): If you are unemployed and you undertake part-time work in certain cases you can receive a supplementary allowance which is additional to your earnings. This income guarantee benefit (AGR) aims to guarantee that you have an overall income which: si at least equal to your unemployment benefit if your part-time work does not exceed 1/3 of your time; single rethan your unemployment benefit if your part-time work does not exceed 1/3 of your time; higher than your unemployment benefit if your part-time work does not exceed 1/3 of your time; higher than you

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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foreigners registered in the population register, and foreigners legally residing from a country of the European Union, or stateless persons or refugees;• be resident in Belgium and actually stay in Belgium, not only at the time of the application, but also during the whole period during which it receives the allowance (with exceptions for certain temporary stays abroad). Attention, since July 1, 2018, for the replacement income allowance, the person must have resided in Belgium for at least 10 years, including 5 years uninterrupted. There are mainly 3 types of allowances for people with disabilities:1. The income replacement allowance is granted as a result of the reduction or elimination of work capacity.2. The integration allowance is granted because of the loss of autonomy caused by the disability.3. The allowance for assistance to the elderly is granted to persons over 65, suffering from a loss of autonomy because of their disability.- (Early) retirement: If the legally residing TCN who is from a country with which Belgium has a bilateral agreement on social security, the length of service in that country is taken into account. Belgium is bound by bilateral agreements on social security with the following countries: the United States of America, Canada, San Marino, Serbia, Bosnia and Herzegovina, the Republic of Montenegro, Kosovo, Turkey, Algeria, Morocco, Tunisia, Israel, Chile, Australia, Croatia, Philippines, Japan, Macedonia, South Korea, Uruguay, Argentina, Albania, Republic of Moldova and India. The length of service in these countries of origin is taken into account for entitlement to early retirement and for specific calculation rules. No Belgian pension is obviously paid for these periods, since no contributions have been paid to Belgian social security. Allegedly residing TCNs, as all Belgians, are subject to the general regulations on GRAPA ('Garantie de Revenus Aux Personnes Agées', which means elderly earnings guarantee). GRAPA is a benefit granted to persons aged 65 or over whose income is too low to sustain themselves.- Social housing: The CPAS (The Public Social Action Center or 'Centre Public d' Action Sociale') provides housing for anyone who does not know how to pay for housing. If you have found adequate housing, but you cannot pay the rental guarantee, the CPAS will advance the amount, under strict conditions. You can, as a homeless person, have recourse to the CPAS of your commune for various allowances, for a medical and social assistance, for a mediation of debts ... The CPAS can also lodge you temporarily in an emergency housing. An emergency housing makes it possible to temporarily accommodate people in a situation of need. The CPAS thus prevents these people from being dragged into a downward spiral of precariousness of existence. The same goes for the elderly. If you have enough resources of your own, you must pay for your stay in a nursing home yourself. If your income is not enough to pay for a nursing home stay, your food debtors will be asked to complete the amount. If they also

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do not have enough resources, the CPAS will complete, under certain conditions, the deficit.-Scholarship: Scholarship are transferred from the federal government to the communities and regions. In the Federation Wallonia-Brussels the conditions are as follows: Beneficiaries of refugee status, resident in Belgium, for at least one year on 31 October of the school year; nationals of developing countries and territories (as defined by the UN), residing in Belgium with their family for 5 years on 31 October of the current academic year and who have completed at least 5 years of study. Nationals of other countries, residing in Belgium with their family for 5 years to 31 October of the academic year in progress and who have completed at least 5 years studies; provided that the country of origin grants reciprocity to Belgian nationals (there is an exception to the latter condition for Turkey). The foreigners regularized (on the basis of article 9bis of the law of December 15, 1980) who reside in Belgium and who were the subject of a regularization of stay on October 31 of the current academic year. Foreign refugees who have been living in Belgium for at least 1 year and are recognized as a political refugee. Other foreign applicants are not subject to a category of scholarship. In addition to the criterion of nationality, it is necessary to fulfil other conditions to obtain the scholarship: pedagogical conditions, condition of age and condition of maximum income. In the Region/Community of Flanders: ConditionsIn order to obtain a school allowance, certain conditions must be met: your nationalitylf you are not a Belgian national, you or your parents must have lived in Belgium for some time and must be working, or have already worked in Belgium. In addition to the criterion of nationality, it is necessary to fulfil other conditions to obtain the scholarship: pedagogical conditions, condition of age and condition of maximum income. - Child care benefit: Following the 6th state reform, Belgian family allowances have been regionalised since 1 January 2019. Each region now administers its own scheme and its own family allowance fund (Flanders, Wallonia, Brussels or the German-speaking Community). A condition of 5 years of uninterrupted residence in Belgium is necessary, but there are several exceptions (for example: recognized refugee, place of birth, ...). 3. Yes. A condition of 5 years of uninterrupted residence in Belgium is necessary, but there are several exceptions, it depend on the type of grant/social benefit requested. 4. No, only urgent medical care.

+	EMN NCP Finland	Yes	1. The Missoc database https://www.missoc.org/missoc-database/comparative-tables/) includes a compre-hensive overview of all the grants and social benefits available in Finland (see attached table). Third-country nationals are not excluded from any benefits if they reside legally in Finland. fi_missoctable01july2018.xlsx 2. In general, third-country nationals do not have any special requirements compared to other immigrants than that they need to have a valid residence permit. The Finnish social security system is divided into residence-based and employment-based social security. Residence-based social security applies to persons who actually reside in Finland or are considered to reside in Finland. Residence entitling a person to social security is defined differently in different legislation and decisions pertaining to residence are made by several different authorities. Residence-based social security includes benefits administered by Kela, the Social Insurance Institution of Finland (including compensation for medical expenses, daily sickness allowance, daily parental allowance, child benefit, basic unemployment allowance and labour market support for the unemployed, national pension and guarantee pension as well as housing benefits), as well as public health care and social assistance arranged by municipalities. Persons moving to Finland must apply for eligibility for residence-based social security with Kela, which issues an insurance decision. In order to be eligible for residence-based social security as referred to in the Finnish Act on the Application of Residence-based Social Security Legislation, a third-country national must have a residence permit with a duration of at least one year and move to Finland on a permanent basis. Permanent residence is determined on the basis of an overall evaluation irrespective of the person's nationality. Evidence of permanent residence includes an employment contract that is effective until further notice or has a period of validity of at least two years. The rig

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and the provision of social services may, in urgent cases or other special circum-stances, also be extended to third-country nationals who do not have a municipality of residence in Finland. The municipality of residence is registered in the Population Information System by the local register office upon application. Pursuant to the Finnish Municipality of Residence Act, a third-country national is domiciled in a municipality if he or she has a residence permit for continuous or permanent residence. If the residence permit is for temporary residence of at least one year, a further requirement is that the person is considered, taking the overall circumstances into account, to intend to reside in Finland permanently. Evidence of permanent residence includes an employment contract for employment in Finland that is effective until further notice or has a period of validity of at least two years. A municipality of residence is also registered for a family member of a person who has a municipality of residence in Finland. Purely employment-based social security in Finland includes the earnings-related pension insurance system, accident insurance and unemployment security pursuant to the Finnish Unemployment Security Act. Statutory earnings-related pension insurance applies to all work performed in an employment relationship. and pension accrues based on the employee's earnings. An employee is covered by accident insurance, which covers occupational accidents and occupational diseases, from the start of employment. The earnings-related pension is ultimately paid to pensioners irrespective of their nationality or country of residence. The same applies to accident insurance benefits. Employed wage earners and self-employed persons may join a voluntary unemployment insurance fund that pays its members an earnings-related daily allowance during unemployment. Those who are not entitled to an earnings-related daily allowance may receive a basic unemployment allowance or labour market support from Kela. Qualifying for earnings-related and basic unemployment allowance is subject to satisfying the condition regarding previous employment, meaning that the person must have a sufficient history of employment prior to unemployment in order to qualify. Qualifying for labour market support, however, is not subject to having a previous history of employment. Unemployment benefits are only paid to persons residing in Finland pursuant to the Finnish Act on the Application of Residence-based Social Security Legislation, and qualifying for benefits is subject to the person registering as a jobseeker at the local Employment and Economic Development Office, Social assistance is a means-tested form of last resort assistance. Social assistance is granted by the municipality of which the person is a permanent resident. Emergency social assistance can also be granted to a person residing in a municipality on a temporary basis. As a starting point, the Finnish Aliens Act states that foreign nationals are responsible for their

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means of support in Finland. Repeatedly requiring social assistance may lead to refusal or cancellation of the residence permit. The case-specific overall evaluation of such persons takes into consideration the reasons that led to the person having no means of support, the duration of residence in Finland and the person's ties to Finland. The authorities responsible for residence permits do not, however, generally receive information on whether a foreign national has been granted social assistance. On the 1st of April, a new Act on the Application of Residence-based Social Security Legislation in cross-border situations enters into force. Regarding those immigrants who come for employment, the right to benefits is primarily reviewed based on the employment and not on residence-based criteria. Persons who do not come for work, the right to benefits still remains residence-based. According to the new Act, even persons in short-term employment in Finland are entitled to social security benefits and health insurance during their employment (previously need for at least an employment contract of a min. duration of four months). If a short-term employed person brings his/her child, the person is entitled to child allowance during the period of employment, excluding seasonal workers in certain professions and students who are working beside their studies.

- 3. As a general rule, the type of residence permit does not affect the rights to social benefits, but as a result of implementing certain Directives some residence permit categories are excluded from some benefits; e.g. a student who works is not entitled to family benefits and seasonal workers have some restrictions regarding family and unemployment benefits.
- 4. Social welfarePersons in an irregular situation who need indispensable assistance urgently should primarily be referred for a needs assessment to the authority responsible for social welfare in the municipality. Municipalities must always check with the reception situation centre of the Finnish Immigration Service to find out whether an individual has a right of residence in Finland. Where possible, municipalities should also ensure that persons in an irregular situation, who receive emergency accommodation are provided with food and possible other acute assistance. According to the Social Welfare Act, every person residing in the municipality has, in an emergency situa-tion, the right to receive social services based on their individual needs in a way which does not endanger their right to receive indispensable subsistence and care. In other than urgent cases, services will be provided for persons who have a municipality of residence in Finland. Those in need of urgent social services under the Social Welfare Act should turn to their

			temporary municipality of residence. Organisation of temporary accommodation and other urgent social welfareTemporary accommodation under the Social Welfare Act is organised for persons who need short-term urgent assistance. The organisation of temporary accommodation is associated with different kinds of crises, and the aim is to find a solution that best suits each person's situation. At the same time the person's need for other urgent social welfare should be assessed. A social welfare professional will assess what kinds of urgent services the person needs. One possible form of services is emergency accommodation which can be arranged also for persons without a residence permit. Urgent social welfare in connection with indispensable care can also include food, clothing and necessary medication. Even regarding urgent socials services the client must be given an appealable decisions and instructions concerning claim for a revised decision. According to the Health Care Act, public healthcare must always provide urgent care to all who are in need of it, irrespective of whether they have or have not the right to health services on the basis of residence in a municipality or on some other grounds. Urgent cases mean cases involving:an injury, a sudden onset of an illness, a long-term illness suddenly getting worse, or a deterioration of functional ability where immediate intervention is required. In these cases, starting the treatment cannot be postponed without aggravating the illness or injury.urgent oral healthcare, mental healthcare, substance abuse care and psychosocial support. The assessment of need for urgent care is usually made by the unit providing 24-hour healthcare. Healthcare professionals assess whether patients are in need of urgent care. Their assessment is a medical assessment based on the health of the patient and on national clinical guidelines. Patients who have no residence permit or municipality of residence in Finland must pay themselves the costs of urgent care in full. Municipalities can d
≝	EMN NCP	Yes	1. a. Minimum Incomeb. Housing grant (rental benefit)c. Benefit for Disability d. Family benefits

Greece		ahq_2019.7_el_ncp_residence_permits_and_social_benefits_and_rights.docx 2. a. Valid residence permit b. Five consecutively years of legal residence in the countryc. Valid residence permit for humanitarian reasons or as a member of a Greek or EU citizen's family, asylum seeker who is not accommodated in a suitable structured. Beneficiaries have to stay legally and permanently in Greece the last five (5) years before the application 3. No 4. No
EMN NCP Latvia	Yes	1. In Latvia there are two types of social allowances: state social benefits and state social insurance services. State social benefits are available only to TCN who has received permanent residence permit. Comparatively all TCNs who are employed and pay taxes are available state social insurance services which amount is depended on the amount of salary, from which social insurance contributions have been paid. Social benefits include: family state benefit, allowance to the family state benefit for a child with disabilities, allowance for child care, extra bonus assigned to the basic amount of the child care benefit of parent's benefit for the care of twins or several children born at a single delivery, disabled child benefit, child birth benefit, state social security benefit, allowance to compensate transport expenses of persons with mobility disabilities, benefit for a disabled person in need of care, state support for children suffering from celiac disease. More detailed information could be found online: http://www.beglis.lv/uploads/files/pabalsti_patveruma_mekletajiem_eng.pdfState social insurance services are: unemployment benefit, sickness benefit, maternity benefit, paternity benefit, parental allowance, old age pension, disability pension, survivor's pension granted to children of the deceased, insurance indemnity related to accident at work or occupational disease, funeral allowances. More detailed information is available http://www.integration.lv/uploads/files/informativie-materiali/2018/vsaa-infografika-soc-apdr-en.pdf

		 State social benefits are available only to TCN who has received permanent residence permit. Comparatively all TCNs who are employed and pay taxes are available state social insurance services which amount is depended on the amount of salary, from which social insurance contributions have been paid. Yes. State social benefits are available to TCN who has received permanent residence permit. TCN holding temporary residence permits do not receive state social benefits. But in the case if TCN holding temporary residence permit works legally, he/ she can receive state social insurance services. Irregularly staying persons cannot receive any social benefits mentioned before.
EMN NCP Netherlands	Yes	1. I would like to refer you to the MISSOC tables; https://www.missoc.org/missoc-database/comparative-tables/. It sets out exactly the criteria on the basis of which you are entitled to social security. This information concerns the situation of 1 January 2018. At the moment the update is taking place to reflect the situation of 1 January 2019. MISSOC was established in 1990 to promote a continuous exchange of information on social protection among the EU Member States. The database includes information on social protection in the 28 Member States of the European Union, the three countries of the European Economic Area – Iceland, Liechtenstein and Norway – as well as Switzerland. This system has grown into a central database for public authorities, professional users and European citizens, providing up-to-date information on social protection legislation, benefits and conditions in all participating countries. It allows users to find descriptive information about a specific country, and offers the opportunity to compare and analyse several social protection systems. 2. On the basis of Regulation 1231/2010 Regulation 883/2004 applies to third country nationals who legally reside on the territory of the EU Member States. This Regulation includes provisions on the aggregation of insurance periods and export obligations. The aggregation rules ensure that, when employees apply for a benefit, the periods worked in other EU-Member States are included

			in the assessment of the reference requirement of, for example, unemployment benefits. 3. No. Every TCN with a valid residence permit can apply for the grants and benefits mentioned in the table. 4. ResidencyFor the national insurance schemes (General Child Benefit Act, Child Benefit Act, General Surviving Relatives Act, General Old Age Pensions Act, Long-Term Care Act) and the Healthcare Insurance Act, it is only possible that entitlement can only arise if one is insured. You are insured in case of legal residency. In addition, for non-residents, the provision of work in the Netherlands and, on that basis, the income tax subject to entitlement. Resident is the person who lives in the Netherlands. The residency is lawful if the person has the Dutch nationality or has a valid residence permit. A non-EU citizen has a valid residence permit if a residence permit has been issued in the framework of the Aliens Act, provided that the conditions for that permit are met. Employment relationship For employee insurance (Unemployment Insurance Act, WIA, Sickness Benefits Act) the main rule is that accepting a (private law or public law) employment in the Netherlands entails that you are compulsorily insured for employee insurance and are entitled to continued payment of wages by the employer in case of sickness. The insurance and premium obligations will continue for as long as the employment relationship exists and end when the employment ends. Where an employee resides or resides during the employment relationship is irrelevant."
#	EMN NCP Sweden	Yes	 Everyone with a residence permit valid for more than one year residing in Sweden has the right to be registered in the population registry. When registered in the population registry the person has the same rights, and obligations, as everyone else living in the country. If the residence permit is valid for less than a year the person is not entitled to social benefits. A residence permit with a duration of more than one year. No

		4. No. Since all social benefits are connected to registration in the population registry they are not entitled to that if they are not registered. Urgent medical care can be given and kids in an irregular situation are allowed to go to school.
EMN NCP Norway	Yes	1. Generally, permanent legal residents in Norway have equal access to most social benefits. However, to get permanent residence, a TCN generally must be able to support themselves as well as family members through legal employment. Once a TCN and their family members have a temporary residence permit and employment, they generally become obligatory members of the National Insurance Scheme. Most benefits become available once an immigrant has been employed for some weeks. Employees pay a national insurance contribution of 7.8 per cent of gross income. The contribution is deducted together with tax. Some employees may be exempt from the Norwegian National Insurance Scheme because they belong to a social security scheme in their home country. There are exceptions to this rule however. All forms of social assistance are means-tested and this applies to Norwegian nationals as well as beneficiaries of subsidiary protection and immigrants that are TCN. TCN must have resided in Norway for a period of five years for some forms of social welfare assistance. Some benefits are only available to legal residents who have at least 3 years of residence – and this is the same for Norwegian nationals as well as other residents. The rules are complex.Medical coverage is the same for everyone residing legally in Norway. Labour immigrants who are not registered as residing in a Norwegian municipality are not entitled to a primary doctor. However, anyone in need of emergency health care (when their life or health is in danger) will receive this care irrespective of their residence status. In order for a family to be granted family immigration permits, it is a requirement that the person living in Norway can guarantee subsistence for the family members applying for family immigration. In the case of some types of family members, it is also a requirement that the family living in Norway can guarantee accommodation. A person must earn pension rights for 40 years to be entitled to a full pension from Norway. A special program referred

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parents with the purpose of partly covering the expenses of having a child. A TCN can be paid these child benefits from the month following the child's birth, or the month after the parent gained a legal residence permit and after they arrived in Norway with the child. If the child is born in Norway after a TCN has registered in the National Register, family allowance is granted automatically. A residence permit pursuant to the general regulations entitles the holder to live and work in Norway. There are many types of work permits, and different rules, guidelines and application procedures apply. A complete overview of residence permits and information about the different permits, conditions and application procedures is available at www.udi.no.. Generally, a TCN must prove that he/she can support themselves and their families through legal employment to get a residence permit. National Insurance Schemeo When someone works and pays tax, he/she becomes an obligatory member of the national insurance scheme. The employer is responsible for employees' membership in the National Insurance Scheme. This does not apply to TCNs who work temporarily for his/her foreign employer in Norway.o Exceptions – persons employed on ordinary Norwegian ships, persons with short-term residence and pensioners with social security from another country do not qualify for membership in the National Insurance Scheme A residence permit pursuant to the general regulations entitles the holder to live and work in Norway. There are many types of work permits, and different rules, guidelines and application procedures apply. A complete overview of residence permits and information about the different permits, conditions and application procedures is available at www.udi.no. must prove that he/she can support themselves and their families through legal employment to get a residence permit. National Insurance Schemeo When someone works and pays tax, he/she becomes an obligatory member of the national insurance scheme. The employer is responsible for employees' membership in the National Insurance Scheme. This does not apply to TCNs who work temporarily for his/her foreign employer in Norway.o Exceptions – persons employed on ordinary Norwegian ships, persons with short-term residence and pensioners with social security from another country do not qualify for membership in the National Insurance Scheme

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		4. Irregular migrants' children are entitled to attend obligatory schooling from 1st – 10th grade levels. Illegal residents will in most cases also receive medical attention for life-threatening health issues.
Athena BALOPOULOU	Yes	 a. Minimum Incomeb. Housing grant (rental benefit)c. Benefit for Disability d. Family benefits ahq_2019.7_el_ncp_residence_permits_and_social_benefits_and_rights.docx a. Valid residence permit b. Five consecutively years of legal residence in the countryc. Valid residence permit for humanitarian reasons or as a member of a Greek or EU citizen's family, asylum seeker who is not accommodated in a suitable structured. Beneficiaries have to stay legally and permanently in Greece the last five (5) years before the application No No
