



Norway: Government proposal to curtail the social security rights of migrants rejected by Parliament

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In June 2017 the Norwegian Parliament rejected a package of proposals by the Government to delay access of all categories of migrants to a number of social security benefits (including old-age pensions and disability benefits) until after five years of residence (previously three), and to remove the existing preferential treatment of refugees in terms of access to and level of benefits.

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Description

During the asylum crisis in November 2015, a broad coalition of parliamentary parties asked the Government to propose measures to limit the inflow of asylum seekers. In addition to reviewing the conditions for granting residence, the parliamentary agreement also mentioned the need to assess whether easy access to generous social security rights made Norway a particularly attractive destination country and - if so - to come up with appropriate measures. The Government responded to this latter request with an audit document issued in July 2016 (Høringsnotat av 4. juli 2016). The document presents a series of measures to delay and limit access to social protection for refugees, recipients of subsidiary protection and other third country nationals.

A first category of measures concerns the introduction or extension of waiting periods before migrants are eligible for social security benefits. For a range of benefits, the existing Norwegian legislation operates with a waiting period of three years before migrants (including returning Norwegian nationals, but excluding refugees) become eligible. This applies to old-age pensions, survivors' pensions, disability benefits, rehabilitation benefits and special benefits to lone parents. For all these benefits, the Government proposed to expand the waiting period from three to five years. In addition, it proposed the introduction of a similar

five-year waiting period for the cash-for-care allowance granted to families with children between 12 and 24 months. For a range of other social security benefits (including social assistance, child allowance, parental leave, unemployment benefits and sickness benefits), there was no waiting period and the Government suggested that this situation should remain unchanged.

A second category of measures proposed by the Government concerns the abolition of the existing preferential treatment of refugees vis-à-vis all other categories of migrants including recipients of subsidiary protection.

The existing preferential treatment for refugees has two aspects:

- The waiting periods: up until now, the waiting periods mentioned above have not applied to refugees. Refugees are entitled to all categories of social security benefits from the day they are granted permanent residence. The Government's proposal meant that refugees would also have to wait for five years before receiving any of the benefits mentioned above (such as old age pensions and disability benefits).
- The calculation of old-age pensions and disability benefits: as a general rule the condition for entitlement to a full minimum pension is to have 40

years of residence in the country between the ages of 17 and 67. The minimum pension benefit is reduced proportionally if the residency period before reaching 67 is less than 40 years. Similar rules – with a further complicated twist - apply also to disability benefits. For instance, a migrant who settles in Norway at the age of 36 and becomes disabled at 46 will receive 26/40 of the full disability benefit. These rules do not currently apply to refugees; refugees are entitled to a full minimum pension and disability benefits even if they have a short residency period before being eligible for an old-age pension or becoming disabled. In its audit document, the Government points out that the proposed curtailment of entitlement to category-based social security benefits for refugees is likely to be partly offset by a higher take-up of social assistance and an existing scheme for means-tested old-age pension benefits. It even proposes to expand this scheme to also pay out disability benefits – but only to refugees.

To support its proposals, the Government emphasised the need to strengthen labour market incentives for refugees and other categories of migrants, and presented the removal of the preferential treatment for refugees vis-à-vis other categories of migrants (including Norwegian citizens who return from longer periods abroad) as motivated by equal treatment and fairness considerations.

The Government's proposals were met with almost unanimous criticism from NGOs, expert bodies (such as The Norwegian Directorate for Children, Youth and Family Affairs) and the social partners, including employers' associations such as the Confederation of Norwegian Enterprise (NHO). Many criticised

the proposals for making migrants, including refugees, more dependent on social assistance and for just shifting the financial burden onto the municipalities (which are responsible for paying out social assistance). Several questioned whether the proposals complied with Norway's international obligations, in particular with respect to the refugee convention.

In April the Government presented a detailed legislative proposal in line with its audit document (Prop. 85 L (2016-2017)). However, when the proposal was considered by Parliament in June, a majority – including the Labour Party as well as the two smaller parties that otherwise form part of the Government's parliamentary support (the Christian Democrats and the Liberal Party (Venstre)) - decided to reject the bulk of the proposals. Only representatives of the two governing parties – the Conservative Party (Høyre) and the Progress Party - supported them.

The only part of the Government's package that was accepted with broad support in Parliament is the introduction of a five-year waiting period for the cash-for-care allowance. Both the Labour Party and the Liberal Party explained their support by stating that they wanted to abolish the allowance altogether.

Outlook & commentary

The Government's proposals would have moved Norway a significant step towards more of a dual social security system, in which refugees and other categories of migrants would be excluded from accessing normal social security benefits and would be more dependent on means-tested benefits or family support.

In the midst of the refugee crisis in 2015, there seemed to be broad

parliamentary support for considering measures in this direction, with a view to making Norway less attractive as a destination country. However, this argument now appears to have lost its appeal. In the parliamentary debate, representatives of the Labour Party and the Socialist Left party argued that there is no evidence that the accessibility and generosity of social security rights have an impact on migration flows (Innst. 368 L (2016-2017)).

The Government has instead tried to justify cuts in the social security rights of migrants in general and refugees in particular with arguments concerning labour market integration and fairness, but these arguments have failed to convince societal stakeholders and the parliamentary majority.

Further reading

Høringsnotat av 4. juli 2016.
<https://www.regjeringen.no/contentassets/bd18def1f5094b70a5053e54452c3a0f/horingsnotat-04072016.pdf>

Prop. 85 L (2016-2017)
<https://www.regjeringen.no/no/dokumenter/prop.-85-l-20162017/id2546645/>

Innstilling 368 L (2016-2017)
<https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Innstilling/Stortinget/2016-2017/inns-201617-368/>

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