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## **13. Portability of Social Protection in the European Union: A Transformation of National Welfare Systems?**

**Elaine Moriarty, James Wickham, Alicja Bobek, and Sally Daly**

Trinity College Dublin

### **13.1 Introduction<sup>1</sup>**

This chapter explores the tensions between the European Union's commitment to a single European labour market in which all member state nationals are treated equally and the continuing national basis of welfare systems. In particular it highlights the dynamics between increasingly mobile European nationals who are accessing and moving their social welfare supports across the EU, EU directives guaranteeing equal protection among member state nationals, and national welfare implementation systems which have engaged in selective 'restriction' policies in response to EU enlargements during the 2000s. The chapter examines the topic using a case study of Polish migration to Ireland following Poland's accession to the EU in 2004.

It begins with a discussion of the context of intra-EU migration and increased cross-border mobility. In order to examine European mobilities and the portability<sup>2</sup> of social protection in the European Union, the results of a qualitative panel study (QPS) are presented which tracked a group of young Polish nationals in the Irish labour market (2008–2013), examining their experiences of employment, unemployment, welfare utilization, and mobility during a period of radically changing economic circumstances (see Krings et al. 2013). It also draws

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<sup>1</sup> The chapter has benefited from financial support of the Irish Research Council and from research assistance from Eleanor Russell.

<sup>2</sup> 'Portability' of social protection refers to the entitlement of EU citizens to move to live and work in another EU country and to be treated in the same way as the nationals in the new place of residence as regards their welfare benefits independent of nationality and country of residence (see Avato et al. 2010 for discussion).

on stakeholder interviews with state and non-state actors, as well as on an analysis of the Irish quarterly national household survey, Department of Social Protection records on social welfare transfers 2000–2010, and an analysis of Irish welfare policy adjustments since 2004. The study reveals attempts to qualify EU social rights with the introduction of a series of social-policy adjustments based on residency during the 2000s. These measures served to reassert that people live in one place, accumulating benefits to be drawn down in that same place in the event of need. This static concept of welfare entitlement ignores the social transformation that has occurred as a result of new forms of mobility within Europe, particularly evidenced through the recent EU enlargements, and is contrary to the EU-wide policy, which advocates mobility with equality.

### **13.2 Intra-EU Migration: A New European Mobility Space?**

In recent decades migration flows in the European Union have been transformed, both quantitatively and qualitatively. Contemporary movements are often multidirectional and transient, covering a continuum of forms of mobility ranging from worker commuting (Wallace 2001) to lifestyle migration (O'Reilly 2007). While the number of EU citizens living abroad remains relatively low, it has steadily increased in the last two decades despite the economic crisis (OECD 2013). This is no longer an 'elite migration' of only the highly skilled but also appeals to individuals who seek to enhance their economic and cultural capital (Recchi 2006: 76; Kennedy 2010). Krings et al. (2013) use the concept of 'worklife pathways' to understand how, especially for the younger and more educated of these migrants, the move abroad not only is work-related but also involves lifestyle choices as part of a broader aspiration for self-development.

Much of this contemporary mobility is still work-related despite the constraints of the financial crisis because there is a continuous demand for migrant labour in the expanding service sectors of the advanced economies and also in lower-skilled manufacturing and construction sectors (OECD 2013). In addition, economic globalization and the associated labour market flexibilization have seen an increase in business travel, posted work, and frontier work, highlighting issues of multilocatedness (Ackers 2004). In this scenario workers' residences do not necessarily coincide with their location of employment. As cross-border mobility in the European Union has become more transient and circular, traditional concepts of integration and citizenship are less capable of capturing these movements.

Furthermore, attempts to conceptualize intra-European migration have to go beyond the nation state and consider the evolving transnational social space (Faist and Özveren 2004) of the European Union in which these new mobilities occur. While some aspects of what this chapter describes as new mobilities are familiar, for example, transnational care practices (see Lutz in this volume for a discussion of contemporary Eastern European female care worker migration) and circular migration were all common during the guest worker era (Krings et al. 2013) such migration was primarily governed at a bilateral level, with individuals often constrained by residence and work permits. This chapter emphasizes a far more complex supranational political framework that regulates contemporary mobilities in the European Union and has granted European nationals a form of agency and individualization that is new. A significant facilitator of this individualized mobility is the role of social policy as a guarantor of cross-border mobility (Sainsbury 2006). The right to free movement in Europe—that is, the free movement of the four pillars of freedom: goods, capital, services, and labour—has been gradually extended since its founding, in 1957, as part of the Treaty establishing the European Economic Community. Early European regulations sought to reduce barriers to cross-border mobility for European workers by coordinating national social protection systems connected to working lives. For example, European Council Regulation 1408/71 provides that European member states may not discriminate against resident EU nationals from another member state as regards social security; EU migrant workers can receive their welfare benefits in a country other than the one where the right was earned; eligibility periods over different time periods can be aggregated; and benefits can be accumulated on the basis of the time spent in the respective countries. Another key regulation was Regulation 1612/68, which ensured that EU migrant workers have the same rights as nationals, that they enjoy the same social and tax advantages as national workers, and that they may not be discriminated against based on nationality.

The 2004 EU Directive on Free Movement extended the right to free movement and residence in the EU from the free movement of *workers* to the free movement of *persons*. Effectively, European ‘migrant workers’ have become ‘EU movers’ (Favell and Recchi 2009), which illustrates the dynamism associated with political integration at the European level. What distinguishes contemporary European movement is that EU nationals should no longer be bound by a residence or work permit, and that new mobility opportunities and lifestyle choices should be permitted (see Wiesböck and colleagues in this volume for a discussion of how institutionalised promotion of intra European mobility facilitates cross border commuting). Arguably, nationals of new member states increasingly resemble their

West European peers in the pursuit of flexible worklife pathways in the new European mobility space.

In addition to European Council regulations, the European Court of Justice has played a major role in facilitating cross-border mobility, consistently interpreting these principles in a broad and favourable way towards migrants. Much of the initial testing of the applicability of such cross-border rights was related to health care. Obermaier (2009) demonstrates how the 1998 Kohll/Decker ECJ rulings, codified through the Directive on the Application of Patients' Rights in Cross-Border Healthcare, has enabled patients to seek health care in other European member states while the costs are covered by their national systems. While the threat to territorial principles of national governments was contested by individual nation states, the gradual incorporation of portable health care entitlements is seen by Obermaier as most significant. Interestingly, many of the cases taken to the ECJ to seek clarification on EU Directives emerge from cases taken to the courts by individual European citizens (Eigmüller 2013). This shows that European political integration is being promoted at both the macrolevel, through European Council Directives and Regulations, and the microlevel, through individual citizen agency.

EU nationals are changing jobs more frequently than they did in the past, are more likely to go through periods of unemployment, and are more likely to work part time or to be self-employed (Holzmann and Koettl 2011: 2). Thus, the tension between the increasingly mobile European national who may choose to work, study, travel, and retire in various different European nation states in which they were not born and territorial nation states that continue to have a desire to control the 'legitimate means of movement' (Mau et al. 2012) becomes more pronounced. Individual member states are increasingly confronting the disconnect between the perceived legitimacy of the social-security system understood as based on solidarity with one's own community and the entitlement of mobile European nationals to social protection in their place of residence regardless of their sense of belonging. Indeed, the consequences of such tensions highlight an increasing focus by the political framework of the European Union on protecting the *individual* rights of European nationals in a unified labour market. Simultaneously, the national welfare systems attempt to 'adjust' access to what often continues to be deemed 'national' entitlements.

### **13.3 EU Enlargement, 'Free' Movement, and Social-Policy Adjustments**

Since the European Union enlargement of May 1, 2004, the movement of European nationals has become a more contentious issue. Citizens of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia, Slovenia, Poland, Malta, and Cyprus were all granted the right of free movement across the European Union. However, the Treaty of Accession 2003 allowed existing member states to restrict the access of nationals of all the new member states (excluding Malta and Cyprus) to their labour markets for a transition period of up to seven years. The aim of these transitional arrangements was to allow member states to gradually introduce free movement while also avoiding labour market disturbances the feared would occur as a result of a sudden inflow of workers following accession. There were three phases (2 + 3 + 2 years) in the 2003 transitional arrangements, during which member states could apply labour market restrictions to nationals of new member states. The key restriction mechanism applied by member states was work permit schemes (EC 2008).

Varying transitional arrangements were introduced in Phase 1 (2004–2006) by all countries except the United Kingdom, Ireland, and Sweden. During the course of the second phase (2006–2009) eight member states opened their labour markets (2006: Greece, Spain, Portugal, Finland, Italy; 2007: Netherlands, Luxembourg; 2008: France). From the beginning of the third phase (2009) Belgium and Denmark ended restrictions so that in the final two years of the transitional period only Germany and Austria continued to apply substantial restrictions on labour market access (EC 2011), which have since been lifted.

Transitional arrangements served to limit migrants' access not only to the labour market but also to the social-security systems of those member states. Jon Kvist (2004) examined these EU regulations in the context of EU accession and demonstrated how there was an intersection of labour market access and social-policy adjustment as a result of the EU enlargement in 2004. He found that EU-15 member states entered what he describes as strategic interactions on the assumption that welfare states with generous welfare benefits and accessible labour markets would 'become magnets' (Kvist, 2004: 301) for welfare migration (see Borjas, 1999 for discussion of welfare as a magnet for migrants). He also showed how EU-15 countries with the fewest labour market restrictions were most active in social-policy adjustment coming up to accession in 2004. These adjustments were introduced to prevent 'welfare tourism', which was a much-discussed, and often ill-informed, public concern in 2004.

At the time of accession Ireland was one of only three countries, along with the UK and Sweden, which granted full free movement rights to citizens of new member states intending

to work.<sup>3</sup> However, both the UK and Ireland changed their benefit regimes to prevent ‘welfare tourism’ from the new EU member states. The then UK Secretary of State for the Home Department, David Blunkett, told Parliament on February 23, 2004, that it was important to recognize that there was a potential risk of people from new member states abusing welfare, and that ‘we have to make sure that any potential basis for the exploitation of any loopholes in rules is closed off’ (Hansard 2004). This led the UK to impose a two-year work requirement before migrants from new member states could access a range of British social-security benefits, social housing, and health care. In addition, nationals of new member states were required to register with a newly established Worker Registration Scheme that would monitor labour market developments and justify restrictions on migrant workers from new member states if deemed necessary.

On the same day the then Irish Taoiseach (Prime Minister), Bertie Ahern, announced that the Irish ‘will put in place measures to prevent the abuse of the social welfare system’ (Ahern 2004). This was followed by an announcement from the then Minister for Social and Family Affairs, Mary Coughlan, that she was ‘concerned [...] that Ireland would remain the only country that had not put in place protection for its welfare system’ and that she would propose ‘changes to the social welfare code [...] no less robust than those in Britain’ (Coughlan 2004). This bilateral strategic interaction shows signs of resistance to EU measures which had been introduced to ensure equal rights for all mobile EU citizens.

The primary measure Ireland introduced was the Habitual Residence Condition (HRC) mirroring the social-policy adjustments made in the UK. The HRC states that ‘Since 1 May 2004, all applicants regardless of nationality are required to be habitually resident in the State in order to qualify for’ allowances including child benefit, carers allowance, and so on. The HRC applies in principle to both EU nationals (including returning Irish citizens) and non-EU nationals.<sup>4</sup> To qualify as habitually resident, applicants must provide evidence of residence over a continuous period of time (at least two years), the term ‘habitually resident’ being ‘intended to convey a degree of permanence evidenced by a regular physical presence enduring for some time [...] and intended to continue [...] in the foreseeable future’ (DSP

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<sup>3</sup> Ireland did impose transitional arrangements for the 2007 accession of Romania and Bulgaria, though these have now been relaxed.

<sup>4</sup> Section 246 of the Social Welfare Consolidation Act 2005 provides that ‘it shall be presumed, until the contrary is shown, that a person is not habitually resident in the State at the date of the making of the application concerned unless he has been present in the State or any other part of the Common Travel Area for a continuous period of 2 years ending on that date.’

2013a). As early as 2004 the European Commission raised questions about this two-year waiting period, noting that it may constitute a breach of the equality principle provided in Regulations 1408/71 and 1612/68. The European Commission was particularly concerned that the HRC conditions would have a greater negative impact on migrant workers than on workers of Irish nationality. A second key issue raised was that some social benefits such as child benefit and family payments should be available to all workers regardless of their nationality and outside of the HRC principle.

While this reminder from the European Commission was communicated across the Department of Social Protection in Ireland, with the onset of the recession the habitual residence condition was further adjusted. Since 2007, to be deemed habitually resident, applicants were required to prove that their ‘centre of interest’ was in Ireland.<sup>5</sup> In particular ‘A person’s main centre of interest would normally be in the country in which s/he has lived all his/her life and has his/her home and family. This may be maintained even where a person lives and works for a period of time in another country’ (DSP 2013a). Two primary objectives were pursued. Firstly, there were concerns about the obstacles returning Irish migrants faced because of the HRC when trying to access social-welfare supports. New guidelines issued by the Department of Social Protection in 2011 clarified that ‘returned [Irish] emigrants or retired missionaries who have chosen to resettle in Ireland should be considered to have their main centre of interest here’ (Crosscare 2013). Secondly, it provided a means to undermine claims by nationals of new member states who, despite having lived in Ireland for the required time period, continued to have property or a family in another European country, which was thereby deemed to undermine their claim to centre of interest (Cairde 2013).

Thus, despite the gradual transfer of social-policy competences from national levels to the European level, the fact that the core functions of national welfare systems remain within the remit of the nation state shows the power of the state to intervene in the transposition and application of such European instruments.

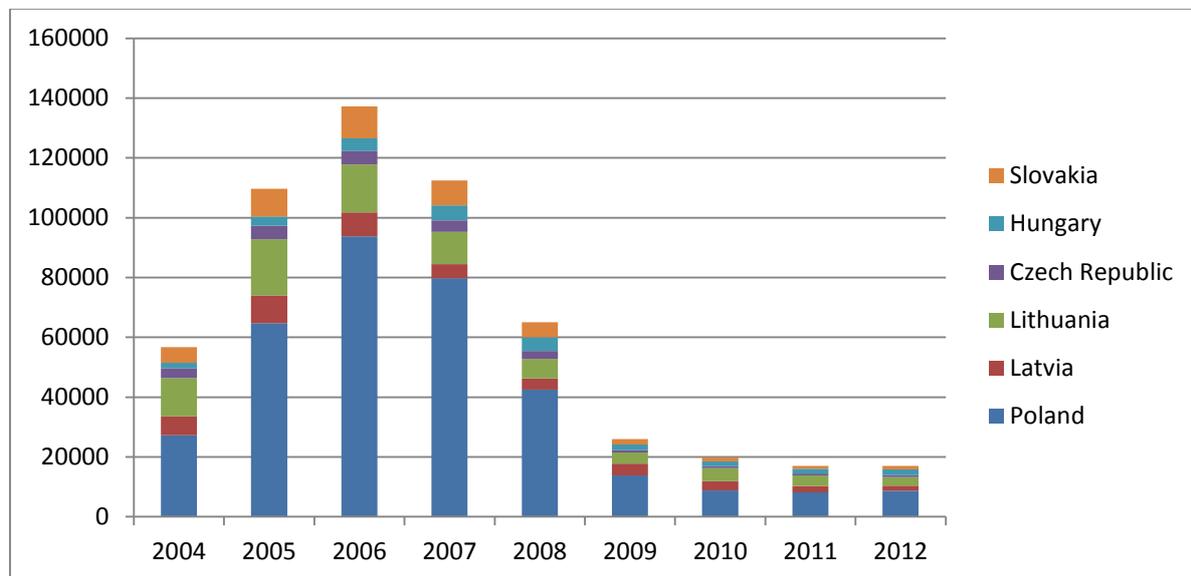
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<sup>5</sup> Section 30 of the Social Welfare and Pensions Act 2007 provides that, ‘a deciding officer or the Executive, when determining whether a person is habitually resident in the State, shall take into consideration all the circumstances of the case including, in particular, the following: (a) the length and continuity of residence in the State or in any other particular country; (b) the length and purpose of any absence from the State; (c) the nature and pattern of the person’s employment; (d) the person’s main centre of interest, and (e) the future intentions of the person concerned as they appear from all the circumstances.’

### 13.4 Ireland, Migration, and the Welfare State in an Enlarged Union

Ireland was a major recipient of migrant flows from the new EU member states. An economic boom in conjunction with a flexible and open labour market facilitated large-scale inward migration from the accession states. Since 2004 almost 500,000 nationals of new member states have arrived in Ireland. With over 300,000 arrivals, Polish nationals account by far for the largest nationality group of all migrants from new member states. As can be seen in Fig. 1, inflows from the new member states peaked in 2006.

**Fig. 1** Allocation of Personal Public Service numbers for migrants from new member states by year and country. (DSP 2013b)



A qualitative panel study (QPS) (2008–2013) was designed to track a group of young Polish nationals active in the Irish labour market and in particular their experiences of employment, unemployment, welfare utilization, and mobility during a period of radically changing economic circumstances (Krings et al. 2013). The QPS is comprised of 10 women and 12 men aged between 22 and 38 years, almost all of whom arrived in Ireland after the enlargement of 2004. While some were educated to secondary level, the majority held a third-level degree. They were found in a variety of occupations ranging from general operatives and less-skilled service sector positions to managerial and professional positions in four employment sectors: construction, hospitality, software, and financial services.

The QPS found that their motivation for moving to Ireland included better employment

opportunities, higher wages, and an opportunity to learn the English language. Others cited the spirit of adventure, opportunity to travel, and a desire to escape the ‘dull reality’ of daily life in Poland. When studying the participants’ mobility, we noted frequent travel to Poland to visit the hairdresser, the dentist, the doctor, and other service providers. This frequent mobility prompted an examination of what strategies and tactics migrants were engaging in to either invest in their welfare futures or deal with contemporary challenges.

After almost two decades of unprecedented growth during the Celtic Tiger years Ireland was severely hit by a recession. A dramatic decline in the housing market in conjunction with the global financial crisis dramatically altered the economic fortunes of the country. GDP growth in Ireland reached 6 per cent in 2007, only to be replaced by a 3-per-cent contraction in 2008. The unemployment rate, once among the lowest in the European Union, reached 14.4 per cent in 2013. An increase in unemployment was particularly noticeable among nationals of new member states, with unemployment rates almost trebling from 6.4 per cent to 18 per cent (CSO 2011a). In the context of the recession and unemployment, social welfare protection became very important. As more migrants lost their jobs, they increasingly utilized their welfare entitlements as a ‘survival’ strategy to cushion the impact of unemployment (Krings et al. 2009).

The study shows that welfare considerations did not influence the initial decision to move to Ireland. However, changes in employment opportunities do raise questions about social-welfare activity. EU-15 to EU-25 state nationals experienced the greatest change in social welfare activity between 2006 and 2011. Those arriving in 2006 had a social-welfare activity rate of 8 per cent in that year, but the rate had risen to 32 per cent by 2011, illustrating that those on social welfare tended to be longer-term migrants who had been active in the labour market but had lost their jobs (CSO 2011b). In other words, the data shows that this group of migrants does not engage in ‘welfare tourism’, confirming previous research on intra-European migration that found little evidence to suggest that welfare provisions in the host country are a migration incentive (Kvist 2004; Barrett and McCarthy 2008).

While there were conflicting reports by participants on experiences of engaging with the social-welfare system in Ireland, some participants reported being pleasantly surprised by how smoothly the application process worked in the country. However, some of the representatives of the stakeholders interviewed<sup>6</sup> mentioned severe delays in accessing

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<sup>6</sup> Stakeholders interviewed included Cairde (Challenging Ethnic Minority Health Inequalities), Focus Ireland (an organization providing support for homeless people), and Crosscare (a social-support agency that helps

entitlements and also claims of ‘inconsistent interpretation’ (Crosscare 2011) of the Habitual Residency Condition guidelines by social-welfare officers. Issues included difficulties encountered by both young and single individuals seeking to prove their centre of interest and connection to Ireland when applying for social-welfare assistance (Cairde 2013; Crosscare 2013). Some single individuals were deemed not habitually resident because they could not prove links with Ireland, did not have family or children in school, and/or continued to have family in Poland (Focus Ireland 2013). Pressurizing European nationals to return ‘home’ if they cannot prove a ‘connection’ to Ireland reinforces a static concept of migration.

While most of the participants did not report difficulties in accessing social-welfare benefits in Ireland, those who had accessed social protection felt some considerable shame and embarrassment. For some participants this translated into only applying for what was absolutely necessary but also what was perceived by those participants as their having *a right to*, such as unemployment benefits. But decisions were made not to apply for rent allowance (housing cost assistance) or medical cards, which would have had an element of means testing and discretion. This attitude of Polish nationals reflects attitudes found by Delaney (2007) among Irish nationals living in post-war Britain who were hesitant to apply for council housing despite having lived there for decades, deeming British nationals to have that *right* but not regarding themselves as migrants. This raises questions about discourse and practice around legitimacy. There is a growing division being reinforced between insurance-based contributions, which are considered individually earned and mobile, and universal, location-based entitlements, which are considered ‘national’ and to which some residents should not be entitled.

One crucial aspect of changing encounters with welfare provision is the rise of individualized and privatized social provision. The study of Polish nationals in Ireland found that many participants who remain resident in Ireland have chosen to purchase property or buy private life insurance and pension schemes in Poland, the main reason put forward being that it was a form of investment in the future. But, contrary to what the literature on migrant remittances has suggested, this was an individualized investment by young European nationals for their own personal benefit (Krings et al. 2013).

For many Polish nationals the Irish welfare system offered the opportunity to stay and search for new employment. However, the possibility of transferring welfare rights also raises a fundamental issue of cross-border entitlements and protection.

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marginalized people in Dublin).

## 13.5 Portability of Welfare Rights Between Ireland and Poland

A significant finding from the QPS study was the European dimension of migration and social protection, and in particular European nationals' awareness of the right to transfer welfare benefits from one EU country to another. However, there has also been a growing tension between the enjoyment by migrants of such cross-border social protection rights and national welfare states' nationalizing and restricting discourses and practices.

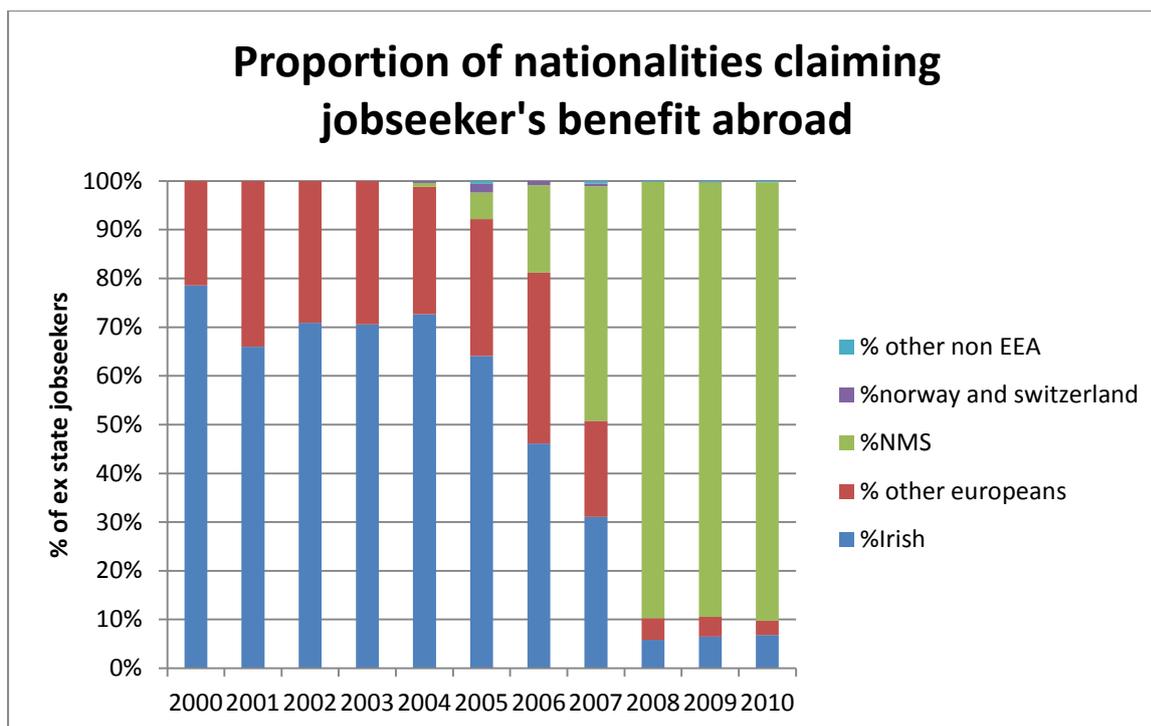
The social-security rights of people moving around the European Union are governed by EU Regulations 83/2004 and 987/2009 (DSP 2013a). Under such regulations a person who is getting jobseeker's benefit for at least four weeks in Ireland can transfer their claim to another member state for up to 13 weeks in order to look for work in that country. These new EU regulations have had a significant impact on the portability of social insurance-based benefits. In particular the replacement of the paper-based system with electronic data exchange has seen the introduction of direct payments between the competent state and the individual claiming.

Since the 2004 accession social-protection mobility has become increasingly significant for European nationals, as demonstrated by the analysis of the 'recipients receiving jobseeker's benefit from Ireland abroad'<sup>7</sup> presented in Fig. 2. This also shows a significant decrease in Irish nationals claiming jobseekers benefit abroad from 79% in 2000 to 7% in 2010 while NMS national claims have increased from 0% in 2000 to 90% of all claims abroad in 2010.

**Fig. 2** Proportion of nationalities claiming jobseeker's benefit abroad, 2000–2010. (DSP 2013c)

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<sup>7</sup> The figures presented in this section were accessed through a Freedom of Information request (DSP 2013c).



There is also increasing evidence of European nationals seeking to move more diverse types of benefits and supports. Stakeholders interviewed reported that EU nationals are provided with assistance in accessing illness benefit, invalidity pensions, carers benefit, and medical treatment (Cairde 2013; Crosscare 2013). The number of individuals accessing these diverse benefits abroad has increased though the number of these claims remain low. Recipients were primarily located in the ‘old’ European Community (UK, Italy) until 2006; since then, most claims have been filed by nationals of new member states (Czech Republic, Lithuania, Latvia, Estonia) (DSP 2013c).

However, the issue that has most absorbed the energies of the Irish government are the implications of the EU’s principle of equal treatment for eligibility to child benefit, namely that eligibility to benefits cannot be made dependent on nationality. Successive governments have expressed concerns about a threat to the legitimacy of the national welfare system, such as ‘EU rules on benefits affecting the integrity of national social security systems in the wider union’ (Smyth 2011a). As Table 1 shows, the cost of paying child benefit to the parents of non-resident children increased from €720,000 in 2005 to €20.9 million in 2008, although by 2012 this figure was reduced to €13.3 million spent supporting 7,871 children (DSP 2013d). However, what is most apparent is how small this cost is relative to overall child benefit expenditure.

**Table 1** Child benefit expenditure. (DSP 2013d)

Child benefit	Total programme expenditure on child benefit <sup>1</sup>	Expenditure on child benefit claims going abroad* <sup>2</sup>	% of child benefit expenditure claimed abroad
<b>2000</b>	€637,543,000	Information not given	-
<b>2001</b>	€964,847,000	Information not given	-
<b>2002</b>	€1,462,793,000	Information not given	-
<b>2003</b>	€1,666,530,000	Information not given	-
<b>2004</b>	€1,765,117,000	Information not given	-
<b>2005</b>	€1,899,936,000	€720,000	0.04%
<b>2006</b>	€2,056,925,000	€2,200,000	0.11%
<b>2007</b>	€2,232,974,000	€4,770,000	0.21%
<b>2008</b>	€2,453,957,000	€20,900,000	0.85%
<b>2009</b>	€2,495,304,000	€19,700,000	0.79%
<b>2010</b>	€2,213,429,000	€15,400,000	0.70%
<b>2011</b>	€2,076,338,000	€13,100,000	0.63%
<b>2012</b>	€2,046,955,000	€13,300,000	0.65%

\*This expenditure reflects payments going to any country outside of Ireland, not just EU destinations.

Early discourse focused on the importance of ‘people in Ireland [having] confidence that particularly in times of scarce resources, benefits are paid to people who need them’, as the Minister for Social Protection, Joan Burton, put it in 2011. This discourse questions the legitimacy of entitlements, particularly of the entitlement to family benefits for those not resident in Ireland, despite EU policy guarantees. In this context, Minister Burton sought to raise the issue at the EU level by requesting an ‘impact assessment on how EU regulations on benefit payments are affecting national social welfare systems’ (Smyth 2011b). European Commissioner for Employment, Social Affairs, and Inclusion László Andor did not support the Irish move to change EU rules governing entitlements to benefits. ‘For us the question is about social security coordination and what I can say is that we have not been thinking about changing the rules here and especially not about restrictions’. He also confirmed that ‘the free

movement of workers is a fundamental right in the EU' (Collins 2011). Some European Union states such as Denmark and the UK have continued their attempts to raise the need for an impact assessment on how EU regulations on benefit payments are affecting national social-welfare systems (Lynch 2013).

By October 2012 Minister Burton had conceded that the 'implementation of change in this area [child benefit] is unlikely' (Minihan 2012). However, the unease and concern about 'welfare tourism' continues, with issues now being raised about the amount of revenue that is being lost as a consequence of transferring social benefits out of Ireland. The Fianna Fáil spokesman on Social Protection and Social Equality, Willie O'Dea, expressed 'concern at the "enormous" sum that was being taken out of the Irish economy and called on the department [of Social Protection] to examine how it can reduce the cost of paying benefits to up to 60,000 claimants in 93 different countries' (McQuinn and Hutton 2013). What is neglected in this national concern is the issue of Irish workers living in countries such as the UK and Germany. In addition, Warnes (2002) estimates that up to 20 per cent of the then Irish population aged over 65 were in receipt of a British old-age pension.

Importantly, the tension between nationality and residence requirements and European mobility has shown the lack of equality of social-rights access due to renewed emphasis on temporality of residence and by nationalizing discourses focusing on issues of legitimacy.

## **13.6 Conclusion**

This chapter suggests that a rise in various forms of mobility has implications for national welfare systems and individual wellbeing. The examination of the Irish context shows that there is clear evidence of increased mobility across the European Union and a pronounced increase in the portability of social protection across borders as European nationals are exercising their right to be mobile. Attempts by the Irish state to qualify EU social rights and to adjust its obligations have been presented. In the first instance the Irish state introduced a qualified acceptance of entitlement with the use of HRC and centre of interest. These measures served to reassert the assumption that people live in one place, accumulating benefits to be drawn down in that same place in the event of need. These barriers were challenged at the macrolevel by interventions by the European Commission and also from a microlevel, whereby individuals, often with the support of NGOs, took cases against the Department of Social Protection in Ireland.

Ultimately, European mobility is likely to continue to transform in size, form, and complexity over the coming decades. Strategies to resist cross-border portability, the entitlement to, and portability of, social protection in the European Union have been transformed despite national welfare implementation systems. This static concept of welfare entitlement is being challenged through the social transformation that has occurred as a result of new forms of mobility within Europe, particularly evidenced through the recent EU enlargements. Further work is required to examine the extent to which the Irish experience of increased mobility and increased transferability of social protection is applicable in the wider European Union. With the ending of transitional arrangements for the new accession countries Bulgaria and Romania, public and political discourse have again ignited fears about ‘welfare tourism’ and the ‘integrity’ of national welfare systems across the European Union.

Given the territorially bound fiscal basis of contributions, the potential of a hierarchical social-protection system is emerging, with a clear political preference for contribution-based rather than general taxation-based welfare supports. Contemporary forms of mobility, particularly transnational types, could serve to undermine universal, non-contribution-based welfare supports and contribute to the expansion of private and contribution-based forms of welfare.

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