

## **Migrants from new EU states 'denied welfare'**

JAMIE SMYTH Social Affairs Correspondent

INCREASING NUMBERS of migrant workers from new EU states are being unfairly denied access to social welfare payments because residency rules are applied inconsistently, a charity has claimed.

**Crosscare Migrant Project (CMP)** said a significant number of EU migrant workers who had lost their jobs faced homelessness or emigration as a result of decisions made by community welfare officers to refuse them supplementary welfare allowance, a €196 weekly social welfare payment to help people meet basic needs.

The charity issued the warning as new figures showed the Government spent €151,863 on flights to repatriate 663 EU nationals who became destitute last year.

Some 394 Romanians and 93 Poles were sent home under the repatriation scheme for destitute EU-12 nationals, which was introduced by the Government for EU nationals who are not entitled to access social welfare payments.

The "EU 12" are the member states which joined the European Union on or after May 1st, 2004.

CMP said it was concerned that some of those repatriated by the Government may have been entitled to social welfare benefits.

"We have come across an attitude in parts of the country where community welfare officers now see themselves as gatekeepers of Irish funds rather than working to see if someone has an entitlement," said Wayne Stanley, CMP housing and welfare officer.

He highlighted the case of one Polish migrant worker in Mallow, who was refused supplementary welfare allowance in August despite having lived and worked in Ireland since September 2004. A copy of a letter of appeal sent by the charity on the migrant's behalf detailed that he had made a total of 193 paid contributions during his term of employment and was granted jobseeker's benefit before seeking the basic payment.

The migrant subsequently won an appeal and is now receiving the supplementary welfare allowance.

To qualify for a social assistance payment any Irish national or EU migrant worker must be considered to be "habitually resident" in the Republic. Community welfare officers must consider five factors when deciding if someone meets the habitual residence criteria:

length and continuity of residence in Ireland or other parts of the Common Travel Area;

length and purpose of any absence from Ireland or the Common Travel Area;

nature and pattern of employment;

main centre of interest;

future intentions to live in Ireland as it appears from the evidence.

Guidelines sent to all community welfare officers in the State say none of the five factors are conclusive and each case should be treated individually. But they stipulate that EU migrant workers in continuous employment for 52 weeks qualify for supplementary welfare allowance as long as they remain unemployed. For those EU migrant workers who become unemployed before reaching a year's continuous employment, the supplementary welfare allowance may be paid for six months.

A Department of Social Welfare spokeswoman said the aim of the "habitual residency" requirement was to protect the Irish welfare system from abuses. She added that anyone dissatisfied with a decision could request a review.

In 2009 the State repatriated 14 Bulgarians, 33 Czechs, five Estonians, nine Hungarians, 52 Latvians, 16 Lithuanians, 93 Poles, 394 Romanians and 47 Slovaks.