



Department of Social and Family Affairs

John Bruton Wrong On Accession Rules – Ministers Mary Coughlan And Frank Fahey

The former Fine Gael leader John Bruton is wrong in his assertions about restrictions on access to social welfare and Ireland's position on migrant workers, said Social and Family Affairs Minister Mary Coughlan and Labour Affairs Minister Frank Fahey today in Brussels.

Ireland gave a commitment that EU citizens who want to come and work here from May 1st are very welcome to do so – and we will honour that commitment, said both Ministers.

"However John Bruton is deliberately misleading the public about what rights and entitlements EU citizens coming here after May 1st will have. His suggestion that these changes which are designed solely to protect the social welfare system from becoming over burdened are contrary to EU treaties is incorrect and quite simply, his assertions are misinformed and amount to the scaremongering and hysteria that should not characterize any debate on this issue," said Minister Coughlan.

"The Government has decided to put in place a number of measures which will restrict access to qualification for certain social welfare payments by introducing a "habitual residence test" which will act as an additional condition to be satisfied by a person claiming a social assistance payment or Child Benefit."

"The new condition is designed to restrict access to social assistance and Child Benefit payments for people from other countries who have little or no connection with Ireland. People who claim welfare but do not satisfy the habitual residency test will be assisted to return home and the necessary arrangements will be made in co-operation with the department of Justice " said Minister Coughlan.

"I expect that the majority of returning Irish nationals will meet the "habitual residence" condition due to their family connections, previous residence in the State and intention to remaining the State. It is difficult to envisage circumstances where a returning Irish national would not meet this condition."

"Returning Irish nationals will generally be able to demonstrate strong connections with Ireland and will be able to establish residency. They may frequently have been working abroad and they would therefore be able to draw social benefits, in Ireland, from countries where have a social contribution record. This applies to contributions made in EU and EEA countries and in countries with which we have bilateral social security agreements," added Minister Coughlan.

Ministers Coughlan and Fahey went onto make a number of other points:

- Every EU member state is allowed to change its social welfare system as long as the changes apply equally to all citizens across the EU.
- The current legal position in Ireland is that to reside here inactive people must not be a burden on the State. EU and EEA citizens can live in this country provided they have sufficient resources to avoid becoming a burden on the State.
- All other EU member states impose residency restrictions on entitlement to their social welfare payments.
- The "habitual residence test" will apply to all applicants for social assistance payments – not just EU and EEA citizens.



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The Minister for Labour Affairs, Frank Fahey, confirmed that changes in the rules on access to welfare will have no impact on the Irish Government's decision to allow nationals of the 10 accession countries to work in Ireland.

"With effect from 1 May, nationals of the 10 new member states of the Union will be entitled to come and work in Ireland without restriction. That has always been the case and it remains the case. Changes in the rules on access to welfare are completely neutral in so far as access to the labour market is concerned," Minister Fahey said.

Speaking on the margins of a Council meeting of EU Employment and Social Policy Ministers which he co-chaired with Welfare Minister Mary Coughlan, Mr Fahey said: "The formal EU position on the freedom of movement of workers within the enlarged Union allows Member States considerable national flexibility. A variety of transitional arrangements are available allowing member states to control access to their labour markets for, in some cases, up to seven years."

"Ireland, however, has chosen not to apply any such measures because we do not believe it would be in our interests to do so. We will allow full access to work with effect from the date of accession."

"Indeed, the transition arrangements require existing Member States, in the lead-in to 1 May, to give preference to nationals of the accession countries over and above those from other parts of the world. Ireland has been giving very tangible expression to this requirement in recent months," Minister Fahey said.

And he concluded: "There continues to a strong demand from Irish employers for overseas labour and we believe that our decision to allow free access to our labour market will be to everyone's advantage. Last year we issued almost 50,000 work permits about a third of which went to persons arriving from the ten accession states. After 1 May Irish employers will have pool of 28 countries from which to draw its labour force. In such circumstances, we believe that Ireland will be in a position to meet the bulk of its overseas labour needs from within the enlarged European Economic Area."

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