



Outside and In:

Legal Entitlements to Health Care and Education for Migrants with Irregular Status in Europe

Annex: Entitlements in Individual EU Member States

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July 2015

Research for this report was supported in part by the Open Society Fellowship, which is funded and administered by the Open Society Foundations.

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Introduction

This document is an Annex to the report '*Outside and In: Legal Entitlements to Health Care and School Education for Migrants with Irregular Status in Europe*' written by Sarah Spencer and Vanessa Hughes and published by the [Centre on Migration, Policy and Society](#) at the University of Oxford.

That report sets out in the legal entitlements for migrants with irregular status to access health care services and, for children, education, across the 28 Member States of the European Union (EU28). In this Annex, that data is set out for each country individually for readers for whom presentation in this form is of particular value. The information on each country including footnotes clarifying entitlements is the same in the report and the Annex. Only the form of presentation differs.

The methodology used, terminology, acknowledgements and commentary can be found in the main report. A list of the sources used in the tables can be found at the end of this Annex.

The authors welcome updates to these country tables from authoritative sources.

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1. Austria

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for some/all children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|--|--|--|
| Austria | ✓ | | | ✓ ^a | ✓ | ✓ | Basic Care Agreement, BGBl Nr. 80/2004. Austrian Federal Hospitals Act. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|---|
| | | Screening | Treatment | Screening | Treatment | |
| Austria | Birth only | | | TB | TB | Basic Care Agreement, BGBl.I Nr. 80/2004. |

^a People without insurance have access to emergency treatment but are then expected to pay. Hospitals are obliged to pay costs if patients are unable to pay. Irregular migrants can under certain circumstances gain health insurance coverage if they register at asylum centres or are in contact with immigration authorities (Article 2(6) §§2,4 of the BGBl Nr. 80/2004).

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|---------|-------------------|--|--------------------------------------|---|---|
| Austria | | | ✓ | ✓ | Basic Care Agreement, BGBl. I Nr. 80/2004/ Austrian Federal Hospitals Act. |

Right to school education

| Country | Right ^b | | | Duty to report | Law |
|---------|--------------------|----------------|----------|----------------|---|
| | Explicit | Implicit | No right | | |
| Austria | | ✓ ^c | | No | Law on Compulsory Education, Articles 1 and 17, BGBl. 76/1985, last amended by BGBl. 77/2013 (23 May 2013). |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----------------|---------------------------------------|
| Austria | | ✓ ^d | Article 120 of the Aliens' Police Act |

^bRefers to compulsory education.

^c Pupils need identity documents, proof of address and birth certificate to enrol. Some discretion exists for school authorities of the *Länder* in this context. There is an explicit attitude and legal interpretation in the Ministry of Education that state residence papers are not necessary for the enrolment process. The Ministry of Education has also been supportive of school campaigns trying to regularise pupils' status.

^d However, there is a system of administrative fines which applies to irregular migrants to a considerable extent, which operates via the law on aliens' police matters. Imprisonment is an option if the fine is not paid. (Fremdenpolizeigesetz BGBl. I 100/2005, last amended by BGBl. I Nr. 68/2013 (17 April 2003). This includes fines for the immigrant as well as for those aiding them.

2. Belgium

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Belgium | ✓ | ✓ | ✓ ^a | | ✓ | ✓ | Art. 57 § 2, 1° Loi organique des CPAS (8 July 1976); Arrêté royal relatif à l'aide médicale urgente octroyée par les centres publics d'aide sociale aux étrangers qui séjournent illégalement dans le Royaume (Royal Decree, 12 December 1996). |

^a The right to health care is explicit in law. Legislation refers to “essential or urgent care” which can encompass a broad range of services. Access to emergency medical assistance is through the programme “*Aide Médicale Urgente, AMU*” (Emergency Medical Assistance) since 1996. The ‘necessity’ of care must be certified by a medical professional. To secure financial assistance, irregular migrants must demonstrate that they are living in the district where they are applying for it and are unable to pay for health care. Specialist and inpatient treatment can also be provided and some medication free of charge. Public Welfare Officers consider requests for emergency assistance which, if approved and paid for, are reimbursed by the Federal government.

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Belgium | ✓ | ✓ | ✓ | ✓ | ✓ | Loi organique des centres public d'aide social, 8 July 1976, Article 57. |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|---------|-------------------|--|--------------------------------------|---|---|
| Belgium | | | ✓ | ✓ | Loi relative à l'assurance obligatoire soins de santé et indemnités (14 juillet 1994), Article 32 1st alinea No. 22. ^b Royal Decree, 12 December 1996. |

^b For unaccompanied minors in Wallonia see for example circular OA Nr. 2008/198 (9 mai 2008).

Right to school education

| Country | Right ^c | | | Duty to report | Law |
|---------|--------------------|----------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Belgium | ✓ ^d | | | No | Constitution, Article 24, paragraph 3; Law on obligatory education (29 June 1983). |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|---|
| Belgium | ✓ | | Aliens Act, Article 75 (15 December 1980); and Belgian Code of Criminal Procedure, Article 29 (17 November 1808). |

^c Refers to compulsory education.

^d The right is explicitly stated in several Flemish decrees on education (art. 26 Decree on elementary education (25 February 1997); Decree on equal opportunities in education (28 June 2002)), and further explained in ministerial circulars (ministerial circular 24th of June 1999 on the right to education for irregular children). For the French speaking community the right to school education for irregular migrant children can be found in the missions decree based on a *contrario* reading of the relevant provision (Art. 79 §2) Décret-Missions (24 July 1997), *iuncto* the obligation on education and Art. 24 § 3 of the constitution. In the French and Dutch speaking communities, registration is regulated to protect irregular children's access to education; furthermore the right to receive official certification is explicit; a circular by the Minister of Interior on 29 April 2003 forbids the arrest of children during school time and recommends that police do not wait for children at school gates. Further provisions were made in a circular letter by the Minister of Education in the Flemish community on 24 February 2003. The circular states that headmasters and teachers do not have to inform the immigration authorities or police and these authorities cannot use schools as a means to detect families in an irregular situation.

3. Bulgaria

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|----------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Bulgaria | ✓ | | | ✓ | | | Health Act (2004), Articles 82 (1), 99 (1) and 100 (1); enforced on 1 January 2005. ^a |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|----------|----------------|-----------|-----------|---------------------------|-----------|--------------------|
| | | Screening | Treatment | Screening | Treatment | |
| Bulgaria | | | | | | Health Act (2004). |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|----------|-------------------|--|--------------------------------------|---|--|
| Bulgaria | | | ✓ | | Health Act (2004), Articles 82(1), 99(1) and 100(1); enforced on 1 January 2005. |

^a Emergency medical aid is provided when related to (a) life endangering health conditions; (b) examination of pregnant women or medical assistance during delivery; (c) psychiatric aid; (d) transplantation of organs, tissues or isolation; (e) mandatory medical treatment or isolation; (f) medical establishment of temporary or permanent working disability.

Right to school education

| Country | Right ^b | | | Duty to report | Law |
|----------|--------------------|----------|----------------|----------------|---|
| | Explicit | Implicit | No right | | |
| Bulgaria | | | ✓ ^c | No | Public Education Act, as amended 2009 Article 4(2), 4(3). |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|----------|-----|----|--|
| Bulgaria | ✓ | | Art 48(1) Foreigners Act No. 326/1999, Coll. (as amended), Art. 279 Criminal Code No. 40/2009. |

^b Refers to compulsory education.

^c Despite a constitutional guarantee of primary and secondary education (Article 53) because in practice a residence permit is required. Possible access upon payment if they have a birth certificate.

4. Croatia

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Croatia | ✓ ^a | | | ✓ | ✓ | ✓ | Law on Foreigners' Obligatory Health Insurance and Foreigners' Health Care in the Republic of Croatia (Article 24); 21.06.2013. |

^a Only if they are accommodated in a detention centre or are in the returns procedure. While the law refers to emergency care for 'foreigners who reside illegally' they are defined in Art 19 of the Act as those who are detained, whose removal is postponed or who have been given a date for voluntary return. Emergency care is defined (Art 8) as diagnostic and therapeutic procedures necessary to avoid immediate danger to life and health. The Act specifies that the patient is expected to pay for the treatment but if unable to do so the Ministry of Health will cover the cost.

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|---|
| | | Screening | Treatment | Screening | Treatment | |
| Croatia | ✓ ^b | ✓ | | ✓ | ✓ | Regulation on Accommodation in Detention Center, Official Gazette Nr. 66/13; Law on Obligatory Health Insurance and Health Care of Foreigners 2014; and Law on the Protection of the Population of Infectious Diseases (Official Gazette Nr. 79/07, 113/08, 43/09). |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|---|
| Croatia | | | ✓ | ✓ ^c | Regulation on Accommodation in Detention Center, Official Gazette Nr. 66/13; Law on Obligatory Health Insurance and Health Care of Foreigners 2014; Law on the Protection of the Population of Infectious Diseases (Official Gazette Nr. 79/07, 113/08, 43/09). |

^b The 2014 Act specifies only emergency health care for those in the returns procedure. The earlier regulation on Accommodation in Detention (Art 13) refers to medical services provided in a morning clinic and specifically to maternity services. Given the subsequent Act it is not clear if this Regulation remains in force.

^c Children like their parents are entitled to emergency care only if in the returns procedure, with the exception of unaccompanied children who, under the Regulation on Accommodation in Detention Center (Art 22) are entitled to the same health care as those insured under the obligatory health insurance system.

Right to school education

| Country | Right | | | Duty to report | Law |
|---------|----------|----------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Croatia | ✓ | | | No | Act on Amendments to the Act on Upbringing and Education in Primary and Secondary Schools, 13.07.2013. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|---|
| Croatia | ✓ | | Art. 42 of the Act on the Monitoring of State Borders; Art. 222 of the Aliens Act. ^d |

^d Except when the person applies for asylum, when irregular entry is not considered a crime.

5. Cyprus

Right to

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Cyprus | ✓ | | | ✓ ^a | ✓ | | Administrative circulars, 2000 Refugee Law. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|---|
| | | Screening | Treatment | Screening | Treatment | |
| Cyprus | | | | | | Administrative Circulars and 2000 Refugee Law. ^b |

^a Irregular migrants are given emergency treatment in hospitals but have to pay for any further treatment.

^b A ministerial circular of 2011 (Y.Y.11.11.09(4)) states that pregnant women should have access to health care, but it is reportedly not implemented. The Huma Network (2011:23) states that the hospital authorities regularly report women to the immigration authorities so that they risk arrest when their health allows. The Network (2011:16; 25) also reports Government assurance that treatment for TB and HIV is free regardless of immigration status (see Regulation 6 *peri Kyvernitikon Iatrikon Idrimatou kai Ypiresion Genikoi Kanonismoi* on public health system of 2000 as amended; and Regulation 3(3)) but say this is not normally reflected in practice, full payment being required.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|---------|-------------------|--|--------------------------------------|---|---|
| Cyprus | | ✓ ^c | | ✓ | Revision of Health Care Scheme in Public Hospitals 1.8.13; Ministerial Circular dated 2011 (Y.Y.11.11.09(4)); 2000 Refugee Law. |

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|---------|--------------------|----------------|----------|----------------|---------------------------|
| | Explicit | Implicit | No right | | |
| Cyprus | | ✓ ^e | | Yes | Constitution, Article 20. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|---|
| Cyprus | ✓ | | Aliens and Immigration Act, Art. 19 Chapter 105 (1959, last amended in 2013). |

^c The law grants access only to free emergency care and specific services such as for infectious diseases and includes vaccinations if attending school (Huma Network, 2011:28). The Circular of 2011 regulates access of undocumented children provides that they should have access to necessary treatment, without cost if unable to pay. While said to have the force of law (PICUM 2015:36) the Circular has not been officially published.

^dRefers to compulsory education.

^e A decision from the Cyprus Equality Body says that children of irregular migrants are entitled to education and that teachers should not have to report them, however this was rejected by the Council of Ministers. Thus access to education for children of irregular migrants remains ambiguous.

6. Czech Republic

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|----------------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Czech Republic | ✓ ^a | ✓ | ✓ | ✓ ^b | ✓ | | Act No. 372/2011 Collection of Laws on health services and the conditions of their provision. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|----------------|----------------|-----------|-----------|---------------------------|-----------|---|
| | | Screening | Treatment | Screening | Treatment | |
| Czech republic | ✓ | | | | | Act No. 372/2011 Collection of Laws on health services and the conditions of their provision. |

^a Those holding a Czech Republic toleration visa are entitled to primary health care services: Act No.325/1999 Coll. on Asylum, Article 88. Access to health care is granted to both adults and children whose removal has been suspended or postponed: Act No.326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic, Article 48.

^b Can in principle access primary and secondary care for payment of full cost.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|----------------|-------------------|--|--------------------------------------|---|---|
| Czech Republic | | | ✓ | ✓ | Act No. 372/2011 Collection of Laws on health services and the conditions of their provision. |

Right to school education

| Country | Right ^c | | | Duty to report | Law |
|----------------|--------------------|----------|----------|----------------|---|
| | Explicit | Implicit | No right | | |
| Czech republic | ✓ ^d | | | No | Constitution, Article 33(1); Amendment of the Act on School Education, No 343/2007 (Zákon č 343/2007 Sb, kterým se mění školský zákon). |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|----------------|-----|----------------|---|
| Czech republic | | ✓ ^e | Foreigners Act No. 326/1999, Coll. (as amended), Criminal Code No. 40/2009. |

^c Refers to compulsory education.

^d Requires proof of address for enrolment.

^e According to Paragraph 156 of the Foreigners Act irregular stay is an administrative offence attracting a fine. However, obstruction with an administrative decision is a crime punishable with imprisonment, according to Paragraph 337 of the Criminal Code No. 40/2009, Coll.

7. Denmark

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--------------------------------|
| Denmark | ✓ ^a | | | ✓ | ✓ | ✓ | Health Act, Section 80 (2008). |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|--------------------|
| | | Screening | Treatment | Screening | Treatment | |
| Denmark | ✓ | | | | | Health Act (2008). |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|--------------------------------|
| Denmark | | ✓ ^b | | | Health Act, Section 80 (2008). |

^a Non-removed persons in Denmark are entitled to health care beyond emergency services if they are accommodated in alien or asylum centres: Aliens (Consolidation) Act, No.785 (2009), Article 14(1) b.

^b Also entitled to certain preventative treatments, examinations and dental check-ups.

Right to school education

| Country | Right ^c | | | Duty to report | Law |
|---------|--------------------|----------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Denmark | | ✓ | | No | Law on State Schools, Section 32, Act No. 1049 of 28 August 2007; Aliens Act, Section 42g. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|-----------------------------|
| Denmark | ✓ | | Aliens Act, Article 59 (1). |

^c Refers to compulsory education.

8. Estonia

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Estonia | ✓ | | | | ✓ | ✓ | Health Services Organisation Act (<i>Tervishoiuteenuse korraldamise seadus</i>), Article 6(1) (2001), RT I 2001, 50, 284. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Estonia | ✓ ^a | | | | | Health Services Organisation Act (2001). |

^a They have access but only against payment.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|---------|-------------------|--|--------------------------------------|---|--|
| Estonia | ✓ ^b | | | | Health Insurance Act (Ravikindlustuse seadus) §5(4), RT I 2002, 62, 377. |

Right to school education

| Country | Right ^c | | | Duty to report | Law |
|---------|--------------------|----------------|----------|----------------|---|
| | Explicit | Implicit | No right | | |
| Estonia | | ✓ ^d | | Encouraged | Education Act (<i>Eesti Vabariigi haridusseadus</i>) (10 April 1992), Riigi Teataja I, 12, 192. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|---|
| Estonia | ✓ | | Section 17 State Borders Act; Criminal Code (<i>Karistusseadustik</i>), § 258, 260 (2001), RT I 2001, 61, 364. Law on Foreigners (<i>Välismaalasteseadus</i>), Section 298 (2010), RT I 2010, 3, 4. |

^b The Act provides health care insurance for all children who attend school under the age of 19 and students up to 24.

^c Refers to compulsory education.

^d Children also receive a school diploma.

9. Finland

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Finland | ✓ | | | ✓ | | | Health Care Act (1326/2010) Section 50, Health Care Professionals Act (559/1994) Section 15, Act on Specialized Medical Care (1062/1989) Sections 3 and 30; and Act on the Implementation of Social Security Legislation (1573/1993) Sections 3, 3a and 3c. ^a |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|-------------------------|
| | | Screening | Treatment | Screening | Treatment | |
| Finland | | | | | | Health Care Act (2010). |

^a The reason they can only access emergency care is that they are not registered as legal residents in any city or commune.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|---|
| Finland | | | ✓ | | Health Care Act (1326/2010) Section 50, Health Care Professionals Act (559/1994) Section 15, Act on Specialized Medical Care (1062/1994) Sections 3 and 30; and Act on the Implementation of Social Security Legislation (1573/1993) Sections 3, 3a and 3c. |

Right to school education

| Country | Rights ^b | | | Duty to report | Law |
|---------|---------------------|----------|----------------|----------------|---|
| | Explicit | Implicit | No right | | |
| Finland | | | ✓ ^c | No | Constitution, Section 16, Basic Education Act (628/1998). |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|---|
| Finland | ✓ | | Section 185 Aliens Act (301/2004), and s17 Criminal Code 39/1889, Chapter 16, Sections 3-5. |

^b Refers to compulsory education.

^c Section 16 of the Constitution states that everyone has the right to basic education free of charge. Provisions on the duty to receive education are laid down in the Basic Education Act (628/1998). However, only children permanently residing in Finland shall attend compulsory schooling and the local authorities do not have a duty to arrange education for other children. In practice, children effectively only have the right to attend school if registered as resident in the municipality, and to be registered their residence status has to be legal. Children who do attend can also receive a school diploma.

10. France

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|-----------------------|
| France | ✓ | ✓ | ✓ ^a | | ✓ | ✓ | Loi No 99-641 (1999). |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|-----------------------------|
| | | Screening | Treatment | Screening | Treatment | |
| France | ✓ | ✓ | ✓ | ✓ | ✓ | Loi n°98-657, 29 July 1998. |

^a Under express legal provisions, irregular migrants who have resided in France for more than three months are entitled to all basic services through the State Medical Aid (*Aide Médicale d'État*, AME; regulated by Social Action and Family Code, Article L.251-1: Loi No. 99-641 of 27 July 1999) if they have resources under €720.43/month since July 2014 (the AME threshold was raised by Decree No 2013-507 of 17 June 2013) and is valid for one year. Irregular migrants who cannot prove that they have been resident in France for more than three months are only entitled to hospital services for care that is deemed urgent. Minors are entitled to AME on arrival. There is also full access to free and confidential mental health treatment and e.g. methadone treatment.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|---|
| France | ✓ ^b | | | ✓ | Code on Social Action and Families (Code de l'action sociale et des familles – CASF) Loi No 99-641 of July 1999 and Decree of the Council of State of 7 June 2006 (Arrêt du Conseil d'Etat du 7 juin 2006). |

Right to school education

| Country | Right ^c | | | Duty to report | Law |
|---------|--------------------|----------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| France | ✓ ^d | | | No | Preamble of French Constitution; National Education Code, Article L131-1. ^e |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|----------------|----|---|
| France | ✓ ^f | | Code of the Entry and Stay of Foreigners and Asylum Law, Article L621-2. 2009 as amended. |

^b Explicit entitlement. Conditional (except in emergencies) on receiving *Aide Médicale d'État* AME (State Medical Aid) but otherwise the same entitlement as citizen children.

^c Refers to compulsory education.

^d Compulsory education between 6 and 16.

^e Also a circular of the Ministry of National Education (20 March 2002).

^f Irregular stay is no longer a crime as Article L.621-1 was withdrawn in 2012 by Loi No. 2012-1560 of 31 December 2012.

11. Germany

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Germany | ✓ | ✓ | ✓ | ✓ ^a | ✓ | ✓ | Asylwerberleistungsgesetz (Asylum Seeker Benefit Act), BGBl. I S. 2022 (1997), Sections 1, 4; Aufenthaltsgesetz, BGBl. I S. 162, Sections 87(2) and 88(2). |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|----------------------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Germany ^b | ✓ | ✓ | | ✓ | ✓ | Asylbewerberleistungsgesetz, BGBl. I S. 2022 (1997), Section 4(2). |

^a Access to health care for irregular migrants is the same as for asylum seekers and goes beyond emergency care. An instruction by the Federal Assembly (2009) states that hospital administrative and medical personnel are bound by medical confidentiality (Allgemeine Verwaltungsvorschrift (AVV) zum Aufenthaltsgesetz Nr. 88.2.3. vom 26 Oktober 2009). However, for health care beyond emergency reimbursement needs to be sought from social welfare offices and ambiguity remains as they are not covered by that confidentiality requirement. Access to primary and secondary care is only for acute health care needs and not for chronic diseases (e.g. rheumatism). There is also a policy ('Duldung status') to provide maternal care and medical assistance for giving birth. Adults can receive medicines at reduced or at no cost.

^b Here again note that the entitlement is in effect nullified by the obligation on social services staff to report irregular migrants (Médécins du Monde, 2013a:34).

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|---------|-------------------|--|--------------------------------------|---|---|
| Germany | | ✓ ^c | | ✓ | §§ 1, 4 and 6 AsylbLG; and §§ 7, 19 Infektionsschutzgesetz. |

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|---------|--------------------|----------------|----------|-----------------|--|
| | Explicit | Implicit | No right | | |
| Germany | | ✓ ^e | | No ^f | Constitution, Article 7, paragraph 1 GG. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|---|
| Germany | ✓ | | Section 95 Residence Act, §§ 1 N. 2 and 3. 2004. ^g |

^c The entitlement is as for Asylum Seeker children. However, the requirement to seek reimbursement from social services who in turn have a duty to report irregular migrants to the authorities in effect means children do not have access to care, including vaccinations. For this reason, Médecins du Monde purchases and pays the costs of all vaccines it provides to the children of undocumented parents (2013:33).

^d Refers to compulsory education.

^e Some *Länder* (e.g. Hamburg and Bremen) positively codify the right to education also for irregular migrant children. Proof of address and birth certificate are required for enrolment. In some regions identity documents are also needed.

^f The duty to report existed until 2011 when it was abolished, § 87 Abs. 1 Aufenthaltsgesetz. Children also receive a school diploma.

^g Irregular stay is only punishable after the third country national has been issued with a return decision and has not left the country within the voluntary return period. There is currently a debate on this question in Germany based on case law of the ECJ (C-61/11, C-329/11 and C-430/11).

12. Greece

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Greece | ✓ ^a | | | ✓ | ✓ | ✓ | Law no. 2910/2011. Directive 2 May 2012 amending law on 'Entry, residence and social integration of third-country nationals in the Hellenic Territory', No. 3386/2005, Article 84(1). |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|----------------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Greece | Birth only | ✓ | ✓ ^b | ✓ | | Law no. 2910/2001. Directive 2 May 2012 amending law 3386/2005, S84. |

^a In May 2012 the Greek Health Ministry urged public hospitals to cut free medical care to irregular migrants beyond the required emergency care. Although pregnancy constitutes a reason to be awarded temporary suspension of removal, it does not extend to entitlements for maternal care during this period. A Circular (18 August 2011) states that patients should be examined by doctors who decide whether or not the state of health constitutes an emergency.

^b Serious infectious diseases are covered because considered emergencies. This was limited by the Directive of 2 May 2012 so that HIV treatment for irregular migrants is only accessible until the patient's health has been "stabilised".

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|---------|-------------------|--|--------------------------------------|---|--|
| Greece | ✓ ^c | | | | Codification of Legislation on the Entry, Residence and Social Integration of Third-Country Nationals on Greek Territory, Law 3386/2005 (Government Gazette-GG A 212), Article 84 (1), amended by Directive of 2 May 2012. |

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|---------|--------------------|----------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Greece | ✓ ^e | | | No | Article 21 Law No 4251 Immigration and Social Integration Code and other provisions, Government Gaz 80A, 1.April 2014 updating Article 72 Codification of Legislation on the Entry, Residence and Social Integration of Third-country nationals on Greek territory, Law 3386/2005. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|---|
| Greece | ✓ | | Immigration Law 3386/2005, Article 83 §1 and 2 ^f . Only entry, not stay. FEK A 212 23 August 2005. |

^c The 2012 Directive on Article 84.1 Law No. 3386/2005 is explicit that health care should be provided to minors whether unaccompanied or not, in an emergency or not, regardless of status.

^d Refers to compulsory education.

^e The law (2014 Act) is explicit that migrant children shall be subject to mandatory schooling and have unrestricted access to the activities of the school and may enrol with insufficient documentation when 'They are third-country nationals residing in Greece, even if their legal residence therein has not been regulated' (Art 21(3)).

^f Art. 83 §3 specifies that the public prosecutor may abstain from prosecution.

13. Hungary

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Hungary | ✓ | | | ✓ ^a | | ✓ | Act on Health, Act CLIV of 1997, Articles 94(1) and 142(2) and Regulation 52/2006. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|---------------------|
| | | Screening | Treatment | Screening | Treatment | |
| Hungary | ✓ ^b | ✓ | | ✓ | | Regulation 52/2006. |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|---------|-------------------|--|--------------------------------------|---|--|
| Hungary | | | ✓ | | Act on Health, Act CLIV of 1997, Articles 94(1) and 142(2) and Regulation 52/2006. |

^a If a patient cannot pay then the treatment is qualified as non-returnable and the health care provider can be reimbursed by the state. Non-removed persons are entitled to health care beyond emergency services if they are accommodated in alien or asylum centres: Government Decree 114/2007 (V.24) on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, Article 139. Irregular migrants have to pay for the full cost of medicines. Decree 87/2004 (X.4.) ESZCSM lists categories of persons entitled to compulsory insurance, which is needed to receive health care free of charge. May also access primary care with private practitioners at patient's full cost.

^b It is unclear whether irregular migrants have to pay for maternal services or not: Regulation 52/2006.

Right to school education

| Country | Right ^c | | | Duty to report | Law |
|---------|--------------------|----------|----------------|----------------|-------------------------------------|
| | Explicit | Implicit | No right | | |
| Hungary | | | ✓ ^d | No | Public Education Act No. CXC, 2011. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----------------|--|
| Hungary | | ✓ ^e | Sections 204 and 208 of the Petty Offences Act 2012. |

^cRefers to compulsory education.

^d Access only upon payment; proof of address and reportedly also proof of residence status required for enrolment.

^eIt is considered as a petty (administrative) offence under section 204 of Act II of 2012 on Petty Offences:

204 § (1) Anyone crossing the borders of Hungary irregularly or in an illegal manner or attempts to do so, commits a petty offence.

(2) Anyone violating the rules on travel documents commits a petty offence.

(3) The procedure concerning the above paragraphs (1) and (2) fall under the competence of the police.

Section 11 (1) of the Petty Offence Act foresees that the lowest amount of the fine is 5 000 HUF – unless the law prescribes otherwise – and the highest amount is 150 00 HUF.

Section 12 (1) In case the fine is not paid by the offender, the court may change the fine into confinement for petty offences. When changing the fine into confinement 5 000 HUF may count as one day of confinement.

14. Ireland

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Ireland | ✓ | ✓ | ✓ | ✓ ^a | | ✓ | Health Act 1970 (as amended 1991), Sections 45(1) and 47A. This introduced an “ordinarily residence” rule. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|------------------------------------|
| | | Screening | Treatment | Screening | Treatment | |
| Ireland | ✓ ^b | ✓ | | ✓ | | Health Act 1070 (as amended 1991). |

^a Irregular migrants are not granted the medical card which entitles the holder to cost-free medical services. In practice the level of health care is decided by hospitals on a case by case basis for payment. In some instances irregular migrants may be able to access secondary care which, if urgent and necessary, may be at reduced charge or without charge if charging the full economic cost would cause undue hardship (Department of Health Circular 13/92, 7 July 1992). In practice this excludes many, including children, from accessing any health care beyond emergency care (http://www.immigrantcouncil.ie/images/stories/publications_-_special_rapporteur_sub_310110.pdf). For guidance on ‘ordinarily resident’ see: http://www.flac.ie/download/pdf/habitual_residence_condition_guide_final.pdf

^b According to the Health Services Executive ‘Every women who is pregnant and ordinarily resident in Ireland is entitled to maternity care under the Maternity and Infant Scheme. Ordinarily resident means you are living here, or you intend to remain living here for at least one year.’: <http://www.hse.ie/eng/services/list/3/maternity/combinedcare.html>. While the definition of ‘ordinarily resident’ does not include legal residence it is reportedly interpreted to do so. It is therefore unclear whether maternity care is in fact available.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|---------|-------------------|--|--------------------------------------|---|--|
| Ireland | | | ✓ ^c | | Health Act 1970 (as amended 1991), Sections 45(1) and 47A. |

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|---------|--------------------|----------------|----------|----------------|---|
| | Explicit | Implicit | No right | | |
| Ireland | | ✓ ^e | | No | Constitution, Article 42; Education Act 1998. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|----------------------------------|
| Ireland | ✓ | | Immigration Act 2003, Section 4. |

^c The Health (General Practitioner Service) Act 2014 (s5) provides an entitlement for children aged 5 and younger to have access to a free GP service if 'ordinarily resident'. Parents must provide information to establish that entitlement. 'Ordinarily resident' does not formally require legal status but immigration status has in practice been used as a criteria to deny eligibility, eg to asylum seekers who cannot be deemed ordinarily residents. See:

http://www.flac.ie/download/pdf/habitual_residence_condition_guide_final.pdf. In Parliamentary debates on the 2014 Act Ministers refer to 'all' children benefiting from the new entitlement. It remains to be seen how it is interpreted when it comes into force (Oireachtas Second Stage debate, 2 July 2014).

^dRefers to compulsory education.

^e Children also receive a school diploma, though practical obstacles may prevent this. May need Personal Public Service Number (PPSN) to enrol. Significant discretion is given to individual schools.

15. Italy

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Italy | ✓ ^a | ✓ | ✓ ^b | | ✓ | ✓ | Art. 35 National Immigration Law (Legislative Decree No. 286/1998), as amended, Article 35(3). ^c |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Italy | ✓ | ✓ | ✓ | ✓ | ✓ | Legislative Decree 1998/286 (Decreto Legislativo 25 luglio 1998, n. 286), as amended, Article 35(3). |

^a In order to access care free of charge irregular migrants must state in written form that they cannot afford to pay for treatment.

^b This also covers specialist and inpatient treatment. Adults can receive medicines at reduced or no cost. Access can in practice be impeded by the lack of an entitlement to register with a GP.

^c Preventative, urgent and essential treatment is provided. See also Art. 32 Italian Constitution and Regulation of the Ministry of Health of March 24th, 2000 (Administrative Circular No. 5/2000) and affirmed by Italian Constitutional Court, judgement 252/2001. The State-Regions Permanent Conference agreed "Guidelines for the correct application of legislation on health care to the foreign population by the Italian Regions and Autonomous Provinces" on 20 December 2012 aiming to ensure that legislation on access to health care is applied equally throughout Italy. The provision of health services is delegated to the regional authorities (Article 43 of the Decree of the President of the Republic (DPR) 394/99) and some regions may apply a more restrictive or generous interpretation of the national law.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|--|
| Italy | ✓ ^d | | | | Art. 35 National Immigration Law (Legislative Decree No. 286/1998), as amended, Article 35(3). Italian State-Regions Permanent Conference, Agreement No.255/CSR of 20 December 2012. |

Right to school education

| Country | Right ^e | | | Duty to report | Law |
|---------|--------------------|----------|----------|-----------------|--|
| | Explicit | Implicit | No right | | |
| Italy | ✓ ^f | | | No ^g | Italian Constitution, Art 34; Article 6 and 38 National Immigration Law. |

^d In October 2012 Minister of Health Renato Balduzzi put forward measures to ensure that irregular children will be guaranteed a home paediatrician on the same basis as children with Italian nationality.

^e Refers to compulsory education.

^f Italian Constitution (Art 34) states 'School is open to everybody' and it is explicit that 'foreign minors staying in Italy have the right to education irrespective of their regular status' (Art.38 Legislative Decree No.286 of 1998 and Art.45, par. 1, D.P.R.No.394 of 1998). Education is compulsory for those age 6 – 16 years and a right until 18 years (Art.1, par.3, Legislative Decree No.76 of 2005). Formally no documents are required for registration and children can receive a school diploma. The right to education includes access to educational services and to support measures. Access may extend beyond compulsory school age. Eg in 2012 Milan removed the requirement (Administrative Circular of the Municipality of Milan No. 20/2007) for a residence permit to register children in kindergarten, allowing access to irregular migrant children (PICUM Bulletin 29 May 2012): Administrative Circular of the Municipality of Milan (No. 4/2012) following a judgement by the Tribunal of Milan on 11th February 2008.

^g An Italian Ministry of Education circular states 'there is no obligation on school staff to report the irregular stay of pupils who are attending the school and who are thus exercising a right established by law' (Italian Ministry of Education, University and Research, *Linee guida per l'accoglienza e l'integrazione degli alunni stranieri del febbraio 2011*; Circular letter No. 28 of 10 January 2014).

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|--------------------|-----|----|---|
| Italy ^h | | ✓ | Amendment to Law N. 925/2014. Fine only, no imprisonment. |

^h Imprisonment for crimes of irregular entry or stay was the subject of a 2011 judgement by the CJEU which found criminal detention of a migrant who does not comply with an order to leave the national territory to be incompatible with the Return Directive. Detention of irregular migrants should be under administrative measures (CJEU, C-61/11, El Dridi, 28 April 2011). Italy subsequently changed the law (Law of Decree of 23 June 2011, No. 89, as modified by Law 129 of 2 August 2011). The Italian parliament decided in April 2014 to abolish the crime of irregular entry and irregular stay (Delvino and Spencer 2014). 'irregular entry and irregular stay will, from now on, be considered administrative infringements and punished with removal.' Repubblica (online) 2 April 2014.

http://www.repubblica.it/politica/2014/04/02/news/ddl_carceri_oggi_voto_alla_camera_lega_cerca_slittamento-82530799/

16. Latvia

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Latvia | ✓ | | | ✓ ^a | | ✓ | Medical Treatment Act, Sections 16, 17 and 18 (1998, as amended). |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Latvia | ✓ | | | TB | TB | Medical Treatment Act (1998 as amended). |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|---|
| Latvia | | | ✓ | | Medical Treatment Act, Sections 16, 17 and 18 (1998, as amended). |

^a Except for detained persons, including children. The Ministry of Interior bears the costs for foreigners detained according to the Immigration Law, Organization and Financing of Health Care (No. 1046, 19 December 2006).

Right to school education

| Country | Right ^b | | | Duty to report | Law |
|---------|--------------------|----------|----------------|----------------|---|
| | Explicit | Implicit | No right | | |
| Latvia | | | ✓ ^c | No | Law on Education, Section 3(3) and 4, as amended on 4 March 2010. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|----------------|----|--|
| Latvia | ✓ ^d | | Latvian Criminal Code Sections 284 and 285 of 01 April 1999, as amended and Art 190 of Administrative Violations Code. |

^b Refers to compulsory education.

^c Children only have the right to acquire basic education when in the return procedure or with a valid residence permit. (Section 3 (3). Section 11 of the same Act also specified that everyone educated in Latvia should receive the relevant documentation.

^d Only if committed repeatedly within one year.

17. Lithuania

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|-----------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Lithuania | ✓ ^a | | | | ✓ | ✓ | Law on Health Insurance (2008, as amended in 2012), Article 8. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|-----------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Lithuania | | | | | | Law on Health Insurance (2008, as amended 1012). |

^a Persons who are not covered by the obligatory health insurance are exempted from payment for emergency care. Non-removed persons are entitled to health care beyond emergency services if they are accommodated in foreigners' or asylum centres: Order of the Minister of Interior No. IV-340, 4 October 2007.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|-----------|-------------------|--|--------------------------------------|--|--|
| Lithuania | | | ✓ | ✓ | Law on Health Insurance (2008, as amended in 2012), Article 8. |

Right to school education

| Country | Right ^b | | | Duty to report | Law |
|-----------|--------------------|----------|----------------|----------------|--|
| | Explicit | Implicit | No right | | |
| Lithuania | | | ✓ ^c | No | 2011 Law on Education, Article 22(2); Order of the Minister of Interior No. 1V-340 of 4 October 2007 §17.16. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|-----------|-----|----|--|
| Lithuania | ✓ | | Criminal Code, Article 291. As amended on 13 July 2013. Article 206 in relation to irregular stay. |

^bRefers to compulsory education.

^c Only for children staying in centres. Art 41 Constitution nevertheless makes education compulsory up to the age of 16.

18. Luxembourg

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|------------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Luxembourg | ✓ ^a | | | ✓ ^b | ✓ | | No specific legal provision. ^c |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|------------|----------------|-----------|-----------|---------------------------|-----------|-----|
| | | Screening | Treatment | Screening | Treatment | |
| Luxembourg | | | | | | |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|------------|-------------------|--|--------------------------------------|--|---------------------------------------|
| Luxembourg | | | ✓ | ✓ | Code of Social Insurance, Article 32. |

^a Non-removed persons registered with immigration authorities may be registered with health insurance and access encompassed health care services. Adults whose removal has been postponed or suspended are also granted access to health care, but children may receive a wider range of treatments.

^b Migrants may apply for post-treatment costs reimbursement from a fund dedicated to covering treatment costs for uninsured patients, which explicitly includes migrants in an irregular situation.

^c "However, there is an informal agreement between the Ministry of Health and the Ministry of Immigration, in terms of which the Ministry of Health draws up a list of names of persons (patients) who are undocumented migrants and submits the list to the Ministry of Immigration every six months [...]. The purchasing of insurance does not require legal residency. In terms of an informal government agreement from 2007, undocumented migrants may purchase social insurance if they can demonstrate that they are resident in the territory identified in, for example, a contract of accommodation or utility bill." (Cuadra, 2010p:9).

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|------------|--------------------|----------------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Luxembourg | | ✓ ^e | | No | <i>Loi du 9 février 2009 relative à l'obligation scolaire</i> , Memorial A-N° 20 (16 February 2009), Articles 2 and 7. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|------------|-----|----|-------------------------------|
| Luxembourg | ✓ | | Immigration Law, Article 140. |

^d Refers to compulsory education.

^e Children also receive a school diploma.

19. Malta

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|----------------------------------|
| Malta | ✓ ^a | | | | ✓ | ✓ | Refugees Act 13(2). ^b |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|---------------------------------------|
| | | Screening | Treatment | Screening | Treatment | |
| Malta | ✓ | ✓ | ✓ | ✓ | ✓ | Refugees Act 13(2). 2001, as amended. |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|---------|-------------------|--|--------------------------------------|---|---------------------|
| Malta | | | ✓ | ✓ | Refugees Act 13(2). |

^a Irregular migrants in detention are entitled to health care services. The law is silent about health care rights once released from detention.

^b There is also a policy document which states that irregular migrants are entitled to “free state medical care and services”. Ministry for Justice and Home Affairs and Ministry for the Family and Social Solidarity, *Irregular Immigrants, Refugees and Integration – Policy Document*, 2005, p. 12.

Right to school education

| Country | Right ^c | | | Duty to report | Law |
|---------|--------------------|----------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Malta | | ✓ | | No | Constitution, Article 10; laws of Malta, Act XX of 2000, as amended. The Refugees Act; Legal notice 259/2002 entitled migrant workers (Child Education) regulations. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|-------------------------|
| Malta | | ✓ | Immigration Act Art. 5. |

^cRefers to compulsory education.

20. Netherlands

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional specific services (see table below) | Law |
|-------------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Netherlands | ✓ | ✓ | ✓ ^a | | | ✓ | Art 10, S2 Foreigners Act 2000; Amendment to the Health Insurance Act 31249 (2008) Article 122. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|-------------|----------------|-----------|-----------|---------------------------|----------------|---|
| | | Screening | Treatment | Screening | Treatment | |
| Netherlands | ✓ | ✓ | ✓ | ✓ | ✓ ^b | Amendment to the Health Insurance Act (2008). |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|-------------|-------------------|--|--------------------------------------|--|---|
| Netherlands | | | ✓ ^c | | Amendment to the Health Insurance Act 31249 (2008) Article 122. |

^a Care is free of charge if the patient can prove he/she is unable to pay. Secondary care also covers specialist and inpatient treatment. Medical professionals must assess and certify the 'necessity' of care prior to treatment. It is the health providers' duty to produce evidence that a patient cannot cover treatment expenses: Law on the Reimbursement of Costs of Care to Illegal Foreigners.

^b This is for hepatitis.

^c All children are granted free access to certain preventive treatment, examinations and dental check-ups, otherwise children have the same access as parents.

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|-------------|--------------------|----------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Netherlands | ✓ ^e | | | No | Law of Primary Education (2 July 1981), Article 41; Law of Secondary Education (14 February 1963); Article 3 and 4 Compulsory Education Act 1969; Article 10 Immigration Act 2000. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|-------------|-----|----------------|--|
| Netherlands | | ✓ ^f | Art.108 Aliens Act and Art. 1970 of Criminal Code. |

^dRefers to compulsory education.

^e Children in an irregular situation, like all other children, are entitled to funds for school materials (Articles 10, 18 of the Decree on Funding WPO and Articles 14a, 3 of the Decree on Funding WVO); and Children receive a school diploma. From 1 July 2013 students with irregular status are also able to take up an apprenticeship.

^f Only exceptionally a criminal offence if declared an 'undesired alien' (Article 1970f of the Criminal Code) for which punishment can be imprisonment or a fine. A proposal in 2012 to criminalise irregular stay was dropped in 2014 [<http://www.nisnews.nl/criminalisation-of-illegal-stay-dropped.html>]

21. Poland

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Poland | ✓ | | | ✓ ^a | | ✓ | Law on Health Care Services Financed by Public Funds, 2004. ^b |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------------------|----------------|-----------|-----------|---------------------------|-----------|---|
| | | Screening | Treatment | Screening | Treatment | |
| Poland ^c | | ✓ | | ✓ | ✓ | Act on Preventing and Combating Human Infections and Communicable Diseases of 5 December 2008, Dz. U. (Journal of Laws) No. 234 of 2008, item 1570, as amended and Act on Mental Health Protection of 19 August 1994, Dz. U. (Journal of Laws) No. 111 of 1994, item 535, as amended; Act on Alcohol Abuse Prevention and Treatment of 26 October 1982, Dz. U. (Journal of Laws) No. 35 of 1982, item 230, as amended, and Act on Drug Abuse Prevention of 29 July 2005, Dz. U. (Journal of Laws) No. 179 of 2005, item 1485, as amended. |

^a The situation regarding payment remains unclear, but medicines are not cost-free.

^b Also Foreigners Act of 13 June, Dz. U. (Journal of Laws) No. 128 of 2003, item 1175, as amended; Act on Providing Protection to Foreigners in the Territory of the Republic of Poland of 13 June 2003, Dz. U. (Journal of Laws) No. 128 of 2003, item 1176, as amended and Act on the Card of the Pole of 7 September 2007, Dz. U. (Journal of Laws) No. 180 of 2007, item 1280, as amended. All care has to be paid for except emergency and infectious diseases.

^c Irregular migrants are also entitled to substance abuse treatment in the case of drug or alcohol addiction and psychiatric treatment if mentally ill or impaired.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------------------|-------------------|--|--------------------------------------|--|---|
| Poland ^d | | | ✓ ^e | | Law on education system (7 September 1991), Articles 92 (1) and (2) and Regulation of the Minister of Health on the organisation of the prophylactic health care for children and youths of 28 August 2009. |

Right to school education

| Country | Right ^f | | | Duty to report | Law |
|---------|--------------------|----------------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Poland | | ✓ ^g | | No | Constitution, Article 70; Article 94 of the Act on the Education System 1991, as amended 2000. |

^d Irregular migrants are also entitled to substance abuse treatment in the case of drug or alcohol addiction and psychiatric treatment if mentally ill or impaired. Act on Preventing and Combating Human Infections and Communicable Diseases of 5 December 2008, Dz. U. (Journal of Laws) No. 234 of 2008, item 1570, as amended and Act on Mental Health Protection of 19 August 1994, Dz. U. (Journal of Laws) No. 111 of 1994, item 535, as amended; Act on Alcohol Abuse Prevention and Treatment of 26 October 1982, Dz. U. (Journal of Laws) No. 35 of 1982, item 230, as amended, and Act on Drug Abuse Prevention of 29 July 2005, Dz. U. (Journal of Laws) No. 179 of 2005, item 1485, as amended.

^e In addition children receive free of charge medical and dental prophylactics, mandatory vaccinations, medical check-ups and screening tests if they attend public school. Articles 92 (1)(2) of the Law on education system of 7 September 1991 and Regulation of the Minister of Health on the organization of the prophylactic health care for children and youths of 28 August 2009.

^f Refers to compulsory education.

^g This only guarantees the right to primary education, not secondary education. Formally no documents are required for registration and children can receive a school diploma. Children need a personal identification number to sit exams. It is possible to use various ID numbers for this, and a temporary PESEL number can be also be issued for this purpose.

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|----------------|------------|----------------|---|
| Poland | | ✓ ^h | Art.49a Petty Offences Code and Art.148 Aliens Act. |

^h According to Polish Criminal Code (Art. 244 par. 2) however a person who, in violation of regulation, crosses the border of the Polish Republic, using violence, threat, deceit or in cooperation with others, shall be punishable by imprisonment up to 3 years. According to Act of 13 June 2003 a migrant who stays on Polish territory, without having to this legal title shall be punishable by a fine.

22. Portugal

Right to healthcare

Right to healthcare for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|----------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Portugal | ✓ | ✓ | ✓ | ✓ ^a | ✓ | ✓ | Despach do Ministério da Saúde No. 25/360/2001; Decreto Lei No. 135/99 (1999), Art.34. No.2 Basic Law on Health XXXIII. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|----------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Portugal | ✓ | ✓ | ✓ | ✓ | ✓ | Despach do Ministério da Saúde No. 25 360/2001; Decreto Lei No. 135/99 (1999); and Decreto-Lei No 70/2000. |

^a Irregular migrants are granted access to the national health system provided that they have lived in Portugal for more than 90 days, obtain confirmation of residence from the district administration and register as a temporary patient at a local health centre. Those who have been resident for fewer than three months may only access emergency health care, maternal care and care for communicable diseases. Circular Informativa no. 12/DQS/DMD/07.05.09. Payment of standard fees is expected except for those unable to pay or pose a public health risk.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|----------|-------------------|--|--------------------------------------|--|--|
| Portugal | ✓ ^b | | | | Despach do Ministério da Saúde No. 25/360/2001; Decreto Lei No. 135/99 (1999). Decreto-Lei nº 67/2004 de 25-03-2004. Circular Informativa no. 65/DSPCS. |

Right to school education

| Country | Right ^c | | | Duty to report | Law |
|----------|--------------------|----------------|----------|----------------|---|
| | Explicit | Implicit | No right | | |
| Portugal | | ✓ ^d | | No | Constitution, Articles 13, 15, 73 and 74. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|----------|-----|----|-------------------------|
| Portugal | | ✓ | Art.138 Foreigners Law. |

^b Decreto-Lei nº 67/2004 (25-03-2004) reiterates the equal right to health care for children until 16 years. A specific register is established for them.

^c Refers to compulsory education.

^d Children can also receive a school diploma. Law 23/07, Article 122 (1)(b) states that attending preschool, primary school, secondary or professional education is grounds for the regularisation of minors born in Portugal. Order 25360/2001 gives educational responsibility to the Ministry of Education in partnership with the High Commission for Immigration and Intercultural Dialogue.

23. Romania

Right to healthcare

Right to healthcare for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Romania | ✓ ^a | | | | ✓ | ✓ | Health Reform Law, 95/2006, Article 211. |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|---|
| | | Screening | Treatment | Screening | Treatment | |
| Romania | ✓ ^b | | | | | Law 95/2006, Art.213 and Article 213 Law 95/2006. |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|--|
| Romania | ✓ ^c | | | | Law 95/2006 on healthcare reform, Article 213. Romanian Law on the protection and promotion of the rights of the child/272/2004, Article 43. |

^a Emergency care, anti- and post-natal care and infectious diseases are to be provided free of charge to every patient by law. Payment of full cost is necessary for further treatment.

^b Pregnant women and women who have just given birth (6-8 weeks after birth) are eligible for health care insurance regardless of immigration status based on low income.

^c Free (through an inclusive system of health insurance) to all children under the age of 18 regardless of their citizenship or their parents' insurance status.

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|---------|--------------------|----------|----------|----------------|---|
| | Explicit | Implicit | No right | | |
| Romania | ✓ | | | No | Law on Foreigners, Article 132 (5 June 2008). |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|--|
| Romania | ✓ | | Art.70 Government Emergency Ordinance 105/2001 concerning the state border of Romania and Art.134 Government Emergency Ordinance 194/2002. |

^d Refers to compulsory education.

24. Slovakia

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|----------|----------------|--------------|----------------|--------------------------------|---|--|---|
| Slovakia | ✓ ^a | | | ✓ ^b | | | Act No. 576/2004 Coll. on Health Care, Health Care Related Services and on amendments and supplementation of certain Acts. ^c |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|----------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Slovakia | | | | | | Act No. 576/2004 Coll. on Health Care, Health Care Related Services and on amendments and supplementation of certain Acts. |

^a Emergency care is to be provided free of charge to every patient by law. There are no specific regulations for non-removed persons or for children in an irregular situation.

^b If a migrant does not have commercial insurance, then direct payments are necessary, only foreigners with permanent residence and employed migrants with temporary residence can (must) have a public insurance.

^c *Zákon 576/2004 Z.z. o zdravotnej starostlivosti, službách súvisiacich s poskytovaním zdravotnej starostlivosti a o zmene a doplnení niektorých zákonov*, Section 11 and Act No. 580/2004 Coll. on Health Insurance as amended (*Zákon č. 580/2004 Z.z. o zdravotnom poistení*). Emergency care, ante- and post-natal care and infectious diseases are to be provided free of charge to every patient by law.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/tolerated status | Law |
|----------|-------------------|--|--------------------------------------|---|--|
| Slovakia | | | ✓ | | Act No. 576/2004 Coll. On Health Care, Health Care Related Services and on amendments and supplementation of certain Acts. |

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|----------|--------------------|----------|----------|------------------|---|
| | Explicit | Implicit | No right | | |
| Slovakia | | ✓ | | Yes ^e | Constitution, Chapter 2, Section V, Article 42 (1). |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|----------|-----|----------------|--|
| Slovakia | | ✓ ^f | Art 116 and 118 Act on Residence of Aliens 2011. |

^dRefers to compulsory education.

^e Act on Stay of Aliens Article 53(3): School administrations are required to report foreigners attending or leaving school.

^f According to the 2011 Act, irregular entry/stay is considered a misdemeanour.

25. Slovenia

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|----------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Slovenia | ✓ | | | | | ✓ | Care and Health Insurance Act, Article 7 (1992, as amended), Aliens Act (ZTuj-2). ^a |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|----------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Slovenia | Birth | | | | | Aliens Act (ZTuj-2) Uradni list RS (Official Gazette of the Republic of Slovenia), No. 50/2011 of 27 June 2011). |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|----------|-------------------|--|--------------------------------------|--|---|
| Slovenia | | | ✓ | | Care and Health Insurance Act, Article 7 (1992, as amended), Aliens Act (ZTuj-2). |

^a Health Uradni list RS (Official Gazette of the Republic of Slovenia), No. 50/2011 of 27 June 2011).

Right to school education

| Country | Right ^b | | | Duty to report | Law |
|----------|--------------------|----------------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Slovenia | | ✓ ^c | | No | Aliens Act (ZTuj-2) Uradni list RS (Official Gazette of the Republic of Slovenia), No. 50/2011 of 27 June 2011). |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|----------|-----|----------------|--|
| Slovenia | | ✓ ^d | Aliens Act (ZTuj-2) Art.145 Uradni list RS (Official Gazette of the Republic of Slovenia), No. 50/2011 of 27 June 2011); Art. 308 Criminal Code. |

^b Refers to compulsory education.

^cThe entitlement to primary education (up to the age of 14) is explicitly provided by Article 75 of the Aliens Act (ZTuj-2) Uradni list RS (Official Gazette of the Republic of Slovenia), No. 50/2011 of 27 June 2011).

^dAccording to the Criminal Code Art. 308 violent entry and providing forged documents to others is considered a criminal offence. Entry with a forged passport is covered under Article 251. Other illegal entry is considered a misdemeanour punished with a fine.

26. Spain

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Spain | ✓ ^a | | | | ✓ | ✓ | Royal Decree Act 16/2012. ^b |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Spain | ✓ | ✓ | ✓ | ✓ | ✓ | Ley 33/2011, de 4 Octubre, General de Salud Pública. |

^a Since May 2012 access to health care services at the same level as nationals has been restricted to emergency, serious disease, accident, maternity and child care. Proof of identity (e.g. a passport) and of factual residence is required. Adult migrants can receive medicines at reduced or no cost. The ambiguity of the concept of “emergency” and ‘serious disease’ gives considerable discretionary power to health professionals. The level of access to health care varies considerably between the autonomous regions of Spain. In a ruling relating to the Basque Country on 13 December 2012 the Constitutional Court upheld universal health care access, ruling that it prevails over the financial benefit linked to savings made by excluding certain groups. It further stated that health protection cannot be dismissed due to human rights enshrined in the Spanish Constitution (article 43) and the European Court of Human Rights. Catalan law guarantees access to public services, especially health care, for all persons registered in the regions: National Immigration Pact (Resolution 742/IX of the Parliament of Catalonia).

^b Amending the Foreigners Act; Art. 3 of the Law 16/2003; Ley Organica 4/2000 sobre derechos y libertades de los extranjeros en Espana y su integracion social (2000). Prior to this decree entitlement to health care was universal through registration in the local municipality which is accessible to irregular migrants.

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|---|
| Spain | ✓ ^c | | | | Ley 33/2011, de 4 Octubre, General de Salud Pública; Royal Decree Act 16/2012 (introducing Art 3ter.al.4 of Law 16/2003). |

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|---------|--------------------|----------|----------|----------------|---|
| | Explicit | Implicit | No right | | |
| Spain | ✓ ^e | | | No | Immigration Law 2011, Chapter 29, Section 4; Point 3 of Article 10 of the Organic Law 1/1996 of 15 January. |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|--|
| Spain | | ✓ | Art. 53 §1 Organic Law 4/2000 of 11 January on Rights and Freedoms of Aliens in Spain and their Social Integration. ^f |

^c Article 3ter.al.4 of Law 16/2003, introduced by Art 1 Royal Decree Act 16/2012 specifically provides that foreigners under 18 are entitled to health care under the same conditions as Spanish citizens in all cases.

^d Refers to compulsory education.

^e Spanish Constitutional Court ruling *Sentencia del Tribunal Constitucional – STC 236/2007*, 7 November 2007: irregular children up to the age of 18 have the right to non-compulsory education and financial support should be provided. Children are eligible to apply for scholarships or social aid and receive a school diploma. The right also entitles irregular migrant children to obtain qualifications and access grants and financial assistance the same as Spanish nationals. They can also access work experience placements or internships.

^f Irregular presence on Spanish territory is an administrative infraction.

27. Sweden

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|--|
| Sweden | ✓ ^a | ✓ | ✓ | ✓ ^b | ✓ | ✓ | Law (2013:407): Health and Medical Care for Certain Foreigners Residing in Sweden without Proper Documentation Act. ^c |

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|-----------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| Sweden | ✓ | ✓ | ✓ | ✓ | ✓ | Law (2013: 407): Health and Medical Care for Certain Foreigners Residing in Sweden without Proper Documentation Act. |

^a Health care reforms came into effect 1 July 2013 granting access to subsidised health care to migrants without legal immigration status. This includes ordinary care to children under the age of 18, and for others care “that cannot be deferred” including dental care, maternity care, contraception and sexual and reproductive care.

^b Since 2013 the fees are the same as for asylum seekers. There are no charges for preventative infant and maternity care (public primary health care providers only), obstetric care and measures under the Communicable Diseases Act (2004: 168).

^c Changes in the health care laws, amending laws (1982:763) (1985:125), (2004:168) and (2008:344).

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|---|
| Sweden | ✓ | | | | Art. 6 Law (2013: 407): Health and Medical Care for Certain Foreigners Residing in Sweden without Proper Documentation Act. |

Right to school education

| Country | Right ^d | | | Duty to report | Law |
|---------|--------------------|----------|----------|----------------|--|
| | Explicit | Implicit | No right | | |
| Sweden | ✓ ^e | | | No | Bill 2012/13: 58, Education Act (2010: 800). |

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|---------|-----|----|---|
| Sweden | ✓ | | Aliens Act (2005: 716), Chapter 20, Sections 1, 2, and 4. |

^d Refers to compulsory education.

^e This means that children without regular migration status have the same right to education as regularly resident children for pre-school, elementary school and equivalent types, high school and special high school. They are also entitled to free school transportation.

28. UK

Right to health care

Right to health care for irregular migrants: Emergency, primary and secondary care

| Country | Emergency care | Primary care | Secondary care | Out of Pocket Payment for Care | Additional provision for children (see table below) | Any additional Specific services (see table below) | Law |
|---------|----------------|--------------|----------------|--------------------------------|---|--|---|
| UK | ✓ | ✓ | ✓ | ✓ ^a | ✓ | ✓ | Immigration Act 2014 (s39). National Health Service (Charges to Overseas Visitors) Regulations 2015. Guidance on Implementing the Overseas Visitors Hospital Charging Regulations, Department of Health, 2015. ^b |

^a **UK:** Detailed regulations (Department of Health, 2015) cover the services for which charging is required. The scope and process for reclaiming the costs from those ineligible for free NHS care have been under review including the potential extension to cover parts of primary care and secondary care services provided outside of hospitals. Further data sharing between the NHS and immigration authorities in this context is also planned. A two year timeline was set in July 2014 for a *Visitor and Migrant NHS Cost Recovery Programme: Implementation Plan 2014-2016*. In July 2014 the Department of Health announced that some non EEA patients would be charged 150% of the cost of treatment. Hospital trusts that fail to identify and bill chargeable patients would face financial sanctions. <https://www.gov.uk/government/news/plans-to-encourage-the-recovery-of-migrant-nhs-healthcare-costs>

^b Irregular migrants can currently register with a general practitioner (GP) or local health centre, free of charge. Secondary care can also be accessed, but only against payment for the full cost of treatment. That requirement includes the cost of giving birth unless this service was provided by midwives in community health centres. Access to free secondary care depends, with certain exceptions, on whether a person is *ordinarily resident* and (since 2014) has indefinite leave to remain whereas those who are not ('overseas visitors') are charged. Services that are free to everyone are accident and emergency services (but not subsequent inpatient/outpatient treatment), compulsory psychiatric treatment, family planning, treatment for a range of communicable diseases including HIV/Aids and viral hepatitis, and (from April 2015) treatment for victims of domestic and sexual violence. Vaccination is available for all children and adults residents through their GP and baby clinics. Treatment deemed 'immediately necessary' or 'urgent', including maternity services, cannot be withheld pending payment. Treatment which is 'immediately necessary' is defined as treatment which a patient needs to save their life, to prevent a condition from becoming immediately life threatening or to prevent permanent serious damage from occurring; and 'urgent treatment' as that which, although not immediately necessary, cannot wait until the person can reasonably be expected to return home (Guidance, 2015, paras 8.4-8.8). Payment is required but should not be delayed or withheld for the purposes of securing payment. The Guidance does not cover primary care which is not currently subject to charging but is under review.

Specific Health Services accessible to irregular migrants

| Country | Maternity care | HIV | | Other infectious diseases | | Law |
|---------|----------------|-----------|----------------|---------------------------|-----------|--|
| | | Screening | Treatment | Screening | Treatment | |
| UK | ✓ ^c | ✓ | ✓ ^d | ✓ | ✓ | National Health Service (Charges to Overseas Visitors) Regulations 2015. |

Medical care for migrant children with an irregular status

| Country | Same as nationals | Same as migrant children with legal status | Same as adults with irregular status | Additional rights if unaccompanied and/or known to the authorities/ tolerated status | Law |
|---------|-------------------|--|--------------------------------------|--|---|
| UK | | | ✓ | ✓ | National Health Services (Charges to Overseas Visitors) Regulations 2015. |

Right to school education

| Country | Right ^e | | | Duty to report | Law |
|---------|--------------------|----------|----------|----------------|---|
| | Explicit | Implicit | No right | | |
| UK | | ✓ | | No | Education Act 1996; Education and Inspections Act 2006. |

The scope and process for reclaiming the costs from those ineligible for free NHS care are, at the time of writing, under review including the potential extension to cover parts of primary care and secondary care services provided outside of hospitals. Further data sharing between the NHS and immigration authorities in this context is also planned. Some vulnerable groups such as victims of trafficking and children in care will remain exempt from charges. A two year timeline was set in July 2014 for a *Visitor and Migrant NHS Cost Recovery Programme: Implementation Plan 2014-2016*. In July 2014 the Department of Health announced that some non EEA patients would be charged 150% of the cost of treatment. Hospital trusts that fail to identify and bill chargeable patients would face financial sanctions. <https://www.gov.uk/government/news/plans-to-encourage-the-recovery-of-migrant-nhs-healthcare-costs>

^c Although these services are chargeable Department of Health guidance states that no woman must ever be denied, or have delayed, maternity services due to charging issues.

^d This was introduced on 1st October 2012.

^e Refers to compulsory education.

Is irregular entry/stay considered a criminal offence?

| Country | Yes | No | Law |
|----------------|------------|-----------|-----------------------------------|
| UK | ✓ | | Immigration Act 1971, Section 24. |

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