

Social Rights of Refugees in European Union Law

***Dr. Constanze Janda**

ABSTRACT

Persons who have been forced to leave their country of origin due of urgent threats to life and limb have a right to protection by their country of residence. This protection necessarily has to include social benefits ensuring an adequate standard of living. This article shows how the social rights of refugees and other forced migrants are regulated in European Union law.

1. Introduction

Ever since the formation of nation states in the 19th century, they are responsible for the social protection of their citizens. Belonging to the nation constitutes a right to solidarity by the other members of the nation: “Who says welfare state, says nation state” (Giddens 1994:136). Yet, this assumption leads to social exclusion of all those who are not part of the “nation” – a concept that is in itself complex and difficult to determine. In mobile societies with transnational work biographies it is almost impossible to clearly assign “insiders” and “outsiders”. The shortcomings of the concept of “welfare state as nation state” are particularly evident in the case of refugees. When seeking protection outside their country of origin, they are likely to be classified as “outsiders”, thus being deprived of protection against the vicissitudes of life. Therefore, social security and social assistance rights cannot be understood as an exclusive matter of national law.

In the European Union (EU), all citizens of the member states enjoy far reaching mobility rights. But also third country nationals may enter the EU, e.g. for reasons of employment. European secondary law provides for their (partial) inclusion in the social security systems of the member state they reside in. Hence, workers are not reduced to being a mere labour force, like an ordinary commodity. The directives on highly skilled workers, seasonal workers, researchers or intra-corporate transferees are complemented by provisions on the social protection of persons who were forced to leave their country of origin and who enter the EU as refugees. Distinguishing between forced and voluntary migration does not only refer to the

* German University of Administrative Sciences, Speyer (Germany)

motives for migration, but also to the heterogeneous need for social protection of the two groups. Forced migration is characterised by an emergency situation: Leaving the country of origin is essential to protect life and individual freedom. Voluntary migration, on the other hand, is based on a conscious decision, possibly planned for a long time, e.g. for the purpose of study or training, gainful employment or family reunification. While forced migration is about securing existential needs (also) by means of social law, voluntary migration is oriented towards longer-term integration into the society of the host state and thus requires integration into the social security system for reasons of equal participation.

Asylum and refugee law are largely determined by EU law. Article 78 (2) TFEU¹ empowers the European Council and the European Parliament to adopt regulations.

- on a uniform status for asylum or subsidiary protection for third-country nationals, including the procedures,
- on temporary protection for displaced persons in the event of a massive inflow,
- on the determination of the Member State responsible,
- on reception conditions and
- on partnership and cooperation with third countries to manage the influx of persons seeking protection.

Social rights to be granted during and after the asylum procedure are set out in various directives, depending on the stage of the procedure.

2. Reception Conditions Directive 2013/33/EU

The Reception Conditions Directive 2013/33/EU² provides for the minimum conditions to be guaranteed for the reception of persons seeking international protection. Member states are free to adopt more favourable rules, as the directive establishes minimum standards only.

2.1.1 Personal Scope of Application

The Reception Conditions Directive applies to third-country nationals and stateless persons who have lodged an application for international protection in the territory, at the border, in territorial waters or in transit zones of an EU member state. This includes the family members – spouses, minor children or parents of minor children – of these persons if their pledge for asylum comprises the protection of them. An application for international protection is defined as a request by a

¹ Treaty on the Functioning of the European Union.

² Directive 2013/33/EU of the European Parliament and of the Council of 26.6.2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, 29.6.2013, p. 96.

third-country national or stateless person for protection from a member state, who can be understood to seek refugee status or subsidiary protection status. The Reception Conditions Directive applies until the decision on awarding international protection has been taken. Once the refugee or subsidiary protection status has been granted, the person falls within the scope of the Qualification Directive 2011/95/EC³; if it has been rejected, the Return Directive 2008/115/EC⁴ applies. In the event of a so-called mass influx of displaced persons, specific provisions are made in the Temporary Protection Directive 2001/55/EC⁵.

2.1.2 Material Reception Conditions

Member States of the European Union have to ensure that applicants for international protection may claim material benefits as soon as they have lodged their application. According to the European Court of Justice (ECJ), this obligation always falls on the state where the person is de-facto staying, even if it is not responsible for the asylum procedure.⁶

The benefits have to secure an adequate standard of living. To this end, not only subsistence but also the physical and mental health of asylum seekers must be guaranteed, including the health of persons who are in detention. The directive explicitly refers to a “dignified standard of living”. Merely ensuring survival – food, shelter, clothing – does not meet this standard, rather the socio-cultural minimum has to be guaranteed, which has to allow for participating in the society of the state of residence, e.g. by maintaining social contacts or by participating in cultural activities (Haedrich 2010:231). Even if it falls in the exclusive competence of the EU member states to determine the nature and scope of the material benefits, these minimum standards of human dignity must not be fallen short of.⁷ However, benefits may be linked to a means test, so that they have to be made available only to those who do not have sufficient resources. Moreover, it is possible to require applicants to (partially) contribute to the costs of the material reception conditions, for example if they have sufficient income from gainful employment. Benefits can be provided in cash or in kind or in the form of vouchers.

The specific situation of vulnerable persons – (unaccompanied) minors, persons with disabilities, older persons, pregnant women, single parents with minor children, victims of human trafficking, persons with serious physical illnesses or mental disorders, and persons who have suffered torture, rape or other serious forms of psychological, physical

³ Cf. Part 4.

⁴ Cf. Part 5.

⁵ Cf. Part 3.

⁶ ECJ, 27.09.2021, C-179/11 (Cimade und Gisti), ECLI:EU:C:2012:594, para 39 f.; ECJ, 27.02.2014, C-79/13 (Saciri), ECLI:EU:C:2014:103, para 33. In short, the state to which an asylum seeker has entered the European Union is responsible for the asylum procedures. If a person lodges an application for asylum outside the competent state, he or she will be transferred to this state.

⁷ ECJ, 27.02.2014, C-79/13 (Saciri), ECLI:EU:C:2014:103, para 40.

or sexual violence (European Council 2010:9) – has to be considered regarding both material benefits and accommodation.

As for the amount of benefits, the directive stipulates equal treatment with nationals, but allows for exceptions at the same time. In particular, less favourable treatment may be granted if the material support is (partially) provided in kind, or if the level of benefits for nationals is higher than the standard prescribed by the Reception Conditions Directive. Hence, “adequacy” of protection is the key standard – yet this undefined legal concept leaves a broad margin of discretion to the member states when implementing the directive. Therefore, the European Union’s aim of standardising reception conditions among all member states has not been achieved (Janda 2014:436).

2.1.3 Accommodation

Accommodation has to be provided for the entire duration of the asylum procedures. Member states are free to organise accommodation centres, private houses, flats, hotels or other premises that are suitable for housing applicants and that guarantee an adequate standard of living, which comprises the protection of family life. Asylum seekers must be able to interact and communicate with their relatives, but also with legal advisors, counsellors or NGOs. The access of these persons or organisations to the premises may be restricted for reasons of security only – be it the security of the accommodation as such or of the persons living there. Member States are obliged to consider gender- and age-specific needs as well as the specific situation of vulnerable persons. In particular, they have to take appropriate measures to prevent violent attacks and gender-based violence including sexual harassment in accommodation centres or other premises. This includes an obligation to adequate training for persons working in accommodation centres. Adults with specific needs who are dependent on assistance have to be accommodated together with members of their family members who may care for them. However, this presupposes that these family members are already in the country; the Reception Conditions Directive does not confer a right to family unification to this end (Janda 2021:941). Member States may involve applicants in the management of accommodation centres, either through advisory boards or representative councils. Their participation may extend to both the material and non-material aspects of their housing.

Disregarding these minimum standards is permitted in exceptional cases only. If regular accommodation capacities are exhausted, asylum seekers may be accommodated within the framework of the general social assistance system,⁸ though for a limited period of time, which should be as short as possible. Nevertheless, all basic needs of asylum seekers have to be met. This does not only refer to the proverbial “roof over one’s head”. Human dignity, the protection of family life and the

⁸ ECJ, 27.02.2014, C-79/13 (Saciri), ECLI:EU:C:2014:103, para 44.

protection of physical and mental health and the specific needs of vulnerable persons have to be safeguarded at any time (Janda 2014:437). This is also the case if member states provide cash benefits for renting accommodation on the housing market. However, the Reception Conditions Directive does not comprise an individual right of asylum seekers of freely choosing their accommodation according to their personal preferences.⁹

2.1.4 Health Care

EU member states have to ensure that asylum seekers receive necessary medical care, though their entitlement may be limited to emergency care and “essential treatment” of illnesses and serious mental disorders. Hence, the directive does not establish an obligation to full equal treatment with nationals of the member state concerned. The terms “necessary” or “essential” have to be interpreted in the light of the other provisions of the Reception Conditions Directive. Therefore, health care benefits have to meet an adequate humanitarian standard and guarantee the protection of both physical and mental health. This, however, does not mean that asylum seekers may claim a state of complete health and well-being, since the directive itself provides for basic care only. In contrast, vulnerable persons with specific needs must receive all necessary medical or other assistance. This includes psychotherapy as well as the provision of specific social services (Haedrich 2010:232). Insofar the directive does not leave any discretion to the Member States, hence vulnerable persons are entitled to all necessary health care just like nationals.

2.1.5 Reduction or withdrawal of benefits

Member States may restrict or withdraw material benefits under certain conditions, for example if an asylum seeker leaves his determined place of residence without authorisation, fails to comply with his obligations to provide information or to attend personal interviews and other appointments during the asylum procedure. If he voluntarily reports to the competent authority, a decision on the renewed granting of the withdrawn benefits has to be taken. In doing so, the competent authority has to consider the applicant's motives for violating his obligations. Furthermore, benefit restrictions may be considered in the case of

- subsequent asylum applications of the same person,
- persons who, without good reason, do not apply for international protection as soon as reasonably practicable after arrival in that Member State,
- persons who have concealed income or assets and have therefore unduly received benefits, or

⁹ ECJ, 27.2.2014, C-79/13 (Saciri), ECLI:EU:C:2014:103, para 46.

- persons who have seriously violated the rules of the accommodation centre or otherwise committed seriously violent behaviour.

The decision to restrict or withdraw benefits has to be taken on a case-by-case basis by an objective and impartial body; reasons must be given. Unless such an individual decision has been taken, the full regular amount of benefits shall continue to be granted. As for particularly vulnerable persons, the Reception Conditions Directive requires a specific proportionality test. In any case, access to medical care and a dignified standard of living have to be safeguarded; this minimum level must not be undercut even in the case of sanctions.¹⁰

3. Temporary Protection Directive 2001/55/EC

The Temporary Protection Directive 2001/55/EG¹¹ contains specific rules that deviate from the Reception Conditions Directive in the event of a so-called mass influx. It aims at equal distribution of the burdens associated with the reception of a large number of displaced persons among all member states.

A “mass influx” is characterised by the arrival of a large number of displaced persons in the European Union, who come from a specific country or geographical area, irrespective of whether their flight was spontaneous or aided through evacuation programmes. The notion of “displaced persons” refers to third-country nationals or stateless persons who have had to leave their country or region of origin, or have been evacuated. Due to the situation in their country of origin - for example, an armed conflict, endemic violence or serious risks of systematic or widespread human rights violations - they cannot return there safely and permanently for the time being. The persons concerned may also fulfil the conditions of the refugee status according to the Geneva Refugee Convention; however, this is no precondition for being recognised as a displaced person. A decision of the European Council has to determine whether there is a large number of persons seeking protection to meet the criteria of a mass influx. 21 years after the coming into force of the directive, this decision has been taken for the first time in 2022 after the Russian attack on Ukraine.

In the event of a mass influx, the EU member states are obliged to implement a specific procedure for granting temporary protection. Unlike in asylum procedures, only the identity of the person and her former residence in the country of origin are examined. The individual need for protection is not subject of the procedures for it been recognised by the Council decision in a general manner.

¹⁰ ECJ, 12.11.2019, C-233-18 (Haqbin), ECLI:EU:C:2019:956.

¹¹ Council Directive 2001/55/EC of 20.7.2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ, 7.8.2001, L 212 p. 12.

The Temporary Protection Directive provides for a range of social rights of displaced persons. For the duration of their protection status, they must be allowed to engage in gainful employment and have access to education, vocational training or internships. During work, they must be included in the social security system of their country of residence under the same conditions as nationals. Furthermore, EU member states have to ensure adequate accommodation in kind or provide cash benefits for housing, and they have to safeguard social assistance to ensure an adequate standard of living as well as sufficient health care. Social assistance benefits may be limited to those who do not have sufficient income or other resources. Health care must include at least emergency care and essential treatment of illnesses. As under the Reception Conditions Directive, member states are obliged to provide necessary medical or other assistance to vulnerable persons with specific needs like unaccompanied minors and victims of torture, rape or other serious forms of psychological, physical or sexual violence.

4. Qualification Directive 2011/95/EU

As soon as the refugee status is granted, the so-called Qualification Directive 2011/95/EU¹² applies. It does not only determine the refugee status – in line with the criteria laid down in the Geneva Refugee Convention – but also establishes a broad set of rights for persons who qualify for international protection. As for refugees' social rights, the directive sets minimum standards only, hence member states are free to enact more favourable regulations.

4.1.1 Refugee and subsidiary protection status

A refugee is a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, unwilling to avail himself or herself of the protection of that country. The same applies to stateless persons who are outside the country of their previous habitual residence and who cannot or do not wish to return there due to the abovementioned threats. However, the Qualification Directive goes beyond the Geneva Refugee Convention and covers persons with a so-called subsidiary protection status as well. This status is granted to third-country nationals or stateless persons who do not qualify as a refugee, but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his country of origin, or country of former habitual residence, would face a real risk of suffering serious harm and who are therefore unable or unwilling to avail themselves of the protection of that country. Such serious harm may consist of the death penalty or its execution, torture

¹² Directive 2011/95/EU of the European Parliament and of the Council of 13.12.2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337, 20.12.2011, p. 9.

or other inhuman or degrading treatment or punishment in the country of origin, or of a serious and individual threat to life or physical integrity as a result of an armed conflict. In contrast to refugee status, the subsidiary protection status does not require individual and targeted persecution based on race, religion, nationality, political opinion or membership of a particular social group, but refers to threats to life and freedom from inhuman forms of punishment or the general danger of becoming a victim of an armed conflict as a civilian.

4.1.2 Social Welfare

EU member states are obliged to award the necessary social assistance benefits to all persons who they have been granted the refugee or subsidiary protection status. The directive requires equal treatment with nationals of that member state, not least in order to comply with the equal treatment rules under the Geneva Refugee Convention. Exceptions are legitimate for beneficiaries of subsidiary protection only: According to the Qualification Directive, member states may limit social assistance to “core benefits”, which however have to be provided at the same level and under the same eligibility conditions as for their own nationals. The notion of “core benefits” is specified insofar as they shall include “at least minimum income support” as well as assistance in case of sickness or pregnancy and parental assistance, provided that those are granted to the member state’s own nationals under national law. The exception applies to beneficiaries of subsidiary protection only and does not allow for any legal distinction between refugees who have been awarded different residence statuses. The ECJ therefore declared a provision in the Austrian Minimum Income Protection Act to be contrary to EU law, according to which refugees with a temporary residence permit received a basic benefit only, whereas refugees with a permanent residence permission were awarded the same benefits as Austrian nationals.¹³ The court held that reducing the level of benefits depending on the duration of the residence permit may lead to a situation in which the specific needs of persons who had only recently arrived in the member states would not be met (Goldbach 2019:18).

4.1.3 Reduction or withdrawal of benefits

The strict application of the equal treatment principle also touches upon the reduction or withdrawal of social assistance benefits. This issue has been under discussion since the national law of some member states provides for the cutting of benefits if refugees and beneficiaries of subsidiary protection are subject to residence clauses and leave their assigned place of residence. The ECJ had to rule on this question in the *Alo and Osso* case, referring to the situation in Germany. According to the German Residence Act, the competent authorities may impose residence obligations and therefore determine the place of residence in order to equally distribute the financial burden of

¹³ ECJ, 21.11.2018, C-713/17 (Ayubi), ECLI:EU:C:2018:929.

social assistance benefits among all regions. Such obligations do not only affect refugees' freedom of movement under the Qualification Directive 2011/95/EU. Moreover, if the person leaves the assigned place of residence, social assistance benefits will be cut. The ECJ held that this violates the equal treatment principle for no corresponding provisions existed for German nationals (Goldbach 2019:18).¹⁴

However, residence obligations that serve the purpose of integrating persons with a subsidiary protection status into the society of the country of residence, and of preventing segregation, are still considered compatible with EU law (Schmahl/Jung 2018:7; Thym 2016:248). According to the jurisprudence of the ECJ, beneficiaries of subsidiary protection and other third-country nationals are not in a comparable situation to nationals of the country of residence in this respect, hence the equal treatment clause in respect of social welfare was not touched.¹⁵ This reflects the principle that equal treatment always refers to persons under the same circumstances, while persons under unequal circumstances shall be treated unequally (Pelzer 2019:449). However, distinctions between refugees and beneficiaries of subsidiary protection with regard to their need for integration or their risk of segregation are not legitimate – this risk usually relates, among others, to language skills, literacy or education of a person, but not to their residence status (Pelzer 2019:449). Moreover, the reduction or withdrawal of necessary social assistance benefits, be it in the case of disregarding residence obligations or not, may violate Art. 11 ICCPR (Hathaway 2005:488).

4.1.4 Health Care

The principle of equal treatment of refugees, persons with subsidiary protection status and nationals extends to adequate health care. The Qualification Directive does not specify the notion of “adequacy” of medical treatment; however, the required level of protection can be determined in referring to other provisions of the Qualification Directive and the Geneva Refugee Convention. Health care benefits therefore have to be designed in a way that safeguards human dignity and protects both physical and mental health. In contrast to the Reception Conditions Directive 2013/33/EU, the Qualification Directive 2011/95/EU does not merely provide for emergency care. Hence, refugees and persons benefitting from subsidiary protections have to be treated equally with nationals.

If indicated, health care must include treatment for mental disorders of vulnerable persons like persons with disabilities, victims of torture, rape or other forms of psychological, physical or sexual violence, and minors who have suffered any form of abuse, exploitation, torture, cruel and degrading treatment.

¹⁴ ECJ, C-443/14 and C-444/14 (Alo und Osso), ECLI:EU:C:2016:127, para 55 et seq.

¹⁵ ECJ, C-443/14 und C-444/14 (Alo und Osso), ECLI:EU:C:2016:127, para 59.

5. Return Directive 2008/115/EC

The Return Directive 2008/115/EC¹⁶ applies to third-country nationals illegally staying in a member state of the European Union. This is, for example, the case if a person's application for international protection is rejected and national law does not foresee the issuing of a residence permit for other reasons. The directive specifies the procedure for terminating the illegal stay as well as the prerequisites of detention for the purpose of removal. At the same time, it aims at enforcing fundamental human rights of persons obliged to leave the country. To this end, the Return Directive contains a range of rights that are to be ensured until they return to their country of origin. Member States shall ensure that emergency health care and essential treatment of illnesses is taken into account "as far as possible". This means that any health emergencies have to be treated adequately both during the period determined for voluntary return and during periods in which the enforcement of the obligation to return is suspended. Furthermore, the directive stipulates that the specific needs of vulnerable persons are considered at any time. Yet, there are no further rules according to which the EU member states would have to provide access to other social benefits for persons obliged to leave the country.

6. Family Reunification Directive 2003/86/EC

The Family Reunification Directive 2003/86/EC¹⁷ determines the conditions of access to education and employment for family members of third-country nationals lawfully residing in an EU member state (Walter 2021:885). It does not provide for any other social rights beyond these. Moreover, the right to attain education or to engage in gainful employment does not comprise a corresponding right to the granting of training allowances or comparable social benefits (Hailbronner/Thym 2016:C II, art. 9 para 9).

7. Outlook and Prospects

European Union law clearly states that social rights may not be restricted to the nationals of the member states. However, it does not give a uniform answer to the conflict rules of social security law, but rather determines whether and to what extent different groups of persons are entitled to social benefits, following a strikingly differentiated approach. The admission of third-country nationals to the labour markets essentially remains within the exclusive competence of the member states, while the granting of humanitarian residence permits follows common European approach – not least due to the paramount provisions in international law like the Geneva Convention on Refugees. Therefore, one cannot speak of a

¹⁶ Directive 2008/115/EC of the European Parliament and of the Council of 16.12.2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98.

¹⁷ Council Directive 2003/86/EC of 22.9.2003 on the right to family reunification, OJ L 251, 3.10.2003, p. 12.

common European immigration policy (Groenendijk 2014:313; Verschueren 2018:102; Janda 2017:152).

The “legislative patchwork” (Groenendijk 2014) does not only testify to the fragmented approach of European labour migration policy, but also leads to contradictions. While some labour migrants, which have not been dealt with in this article, enjoy far-reaching equal treatment rights, especially in social security law, others have restricted access to the social benefits in their country of employment. Generally speaking, the distinction is made according to the professional qualification of the labour migrant, awarding advanced rights to highly skilled workers and core rights for seasonal workers (Verschueren 2018:108). Although the principle of equal treatment is generally recognised in social law, European Union law allows for unequal treatment in a variety of contexts. Contribution-based benefits usually are awarded irrespective of the nationality and residence status of a third-country national. In contrast, social assistance benefits that shall secure a dignified standard of living and which are financed from general taxes, are closely linked to nationality (Hohnerlein 2016:49; Becker 2017:103). Social rights are granted generously where member states benefit from immigration, which is considered to be the case with highly skilled workers (Janda 2017:162; Verschueren 2018:104). However, member states also benefit from the immigration of low-skilled workers. Nevertheless, they enjoy a much less comprehensive set of rights (Janda 2021:964).

As for refugees and other persons who were forced to leave their country of origin, one can observe a certain degree of stratification in respect of their social rights as well. Persons who have been granted the refugee status enjoy equal treatment with nationals, which is clearly driven by the Geneva Refugee Convention. At the same time, the entitlements of persons with a subsidiary protection status may be limited to core benefits. Persons who enjoy temporary protection in an event of mass influx have access to all necessary benefits to ensure a dignified standard of living; the same is the case for asylum seekers during the asylum procedures. As far as temporary protection is concerned, the distinction from the social status of refugees can be considered as being the price to be paid for the swift granting of their protection status without an individual assessment of the need for protection.

Unequal treatment may be justified by the relative nature of solidarity (Hailbronner/Thym 2016:C III, Art. 11 para 5), but this approach negates the principle of the universality of social rights under international law. Following the logic of European Union law, which focuses on controlling migration and on setting incentives for labour migration, this may seem reasonable. However, it is doubtful whether such utilitarian considerations may constitute a legitimate reason to justify unequal treatment in respect of social rights. The granting of social rights is an essential component of citizenship status (Marshall 1950).¹⁸ This concept, however,

¹⁸ *Marshall* Citizenship and Social Class, Cambridge 1950.

must not be misunderstood to mean that social rights are to be restricted to nationals (Janda 2021:964). Rather, lawful stay and / or lawful employment should be sufficient categories for access to adequate social benefits. Excluding certain groups of migrants from social rights will impair social cohesion of a society: it does not only prevent third-country nationals from identifying with their country of residence, but may also promote mistrust among nationals, such as the fear of “social tourism” (Hohnerlein 2016:65).

However, despite all the inconsistencies, the importance of European Union law for harmonising third-country nationals' access to social rights should not be underestimated. It obliges EU member states to at least partially open their national social security systems and to set minimum standards (Janda 2017:152), even if this legal matter falls within their exclusive legislative competence.

8. References

Becker, Ulrich (2017), Migration und soziale Rechte, Zeitschrift für Europäisches Arbeits- und Sozialrecht (ZESAR) 2017, 101.

European Council (2010), The Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens, Official Journal of the European Union, 04.05.2010, C115/1.

Giddens, Anthony (1994), Beyond Left and Right. The Future of Radical Politics, Stanford.

Goldbach, Nikolaus (2019), Gleichbehandlung von Flüchtlingen bei Sozialleistungen – Anmerkung zum EuGH-Urteil vom 21. November 2018 in der Rechtssache “Ayubi”, Asylmagazin 1–2/2019, 16.

Groenendijk, Kees (2014), Recent Developments in EU Law on Migration: The Legislative Patchwork and the Court's Approach, European Journal on Migration Law (EJML) 2014, 313.

Haedrich, Martina (2010), Das Asylbewerberleistungsgesetz, das Existenzminimum und die Standards der EU-Aufnahmerichtlinie, in: Zeitschrift für Ausländerrecht und Ausländerpolitik (ZAR) 2010, 227.

Hailbronner, Kay/Thym, Daniel (2016), EU Immigration and Asylum Law. A Commentary, 2nd edition, München.

Hathaway, James C. (2005), The Rights of Refugees under International Law, Cambridge.

Hohnerlein, Eva Maria (2016), Soziale Rechte für Drittstaatsangehörige: Zugang zu Sozialleistungen aus unions- und menschenrechtlicher Perspektive, Zeitschrift für Internationales Arbeits- und Sozialrecht (ZIAS) 2016, 47;.

Janda, Constanze (2014), Mindestnormen für die Aufnahme von Asylbewerbern. Anmerkung zu EuGH, 27.02.2014, C-79/13 (Saciri), in: Zeitschrift für Europäisches Sozial- und Arbeitsrecht (ZESAR) 2014, 434.

Janda, Constanze (2017), „We asked for workers...“ Legal Rules on Temporary Labor Migration in the European Union and in Germany, Comparative Labor Law & Policy Journal (CLLPJ) 2017, 101.

Janda, Constanze (2021), Zugang zu Sozialleistungen für Drittstaatsangehörige, in: Wollenschläger, Ferdinand, Enzyklopädie des Europarechts Band 10: Europäischer Freizügigkeitsraum – Unionsbürgerschaft und Migrationsrecht, Baden-Baden.

Marshall, Thomas Humphrey (1950), Citizenship and Social Class, Cambridge.

Pelzer, Marei (2016), Wohnsitzauflage gegenüber subsidiär Schutzberechtigten, Neue Zeitschrift für Verwaltungsrecht (NVwZ) 2016, 445.

Schmahl, Stefanie/Jung, Florian (2018), Die Genfer Flüchtlingskonvention. „Magna Charta“ des Flüchtlingsrechts, Neue Zeitschrift für Verwaltungsrecht (NVwZ) supplement 3/2018, 1.

Thym, Daniel (2016), Integration kraft Gesetzes? Grenzen und Inhalte des „Integrationsgesetzes“ des Bundes, Zeitschrift für Ausländerrecht und Ausländerpolitik (ZAR) 2016, 241.

Verschueren, Herwig (2018), Employment and social security rights of third-country nationals under the EU labor migration directives, European Journal of Social Security (EJSS) 2018, 100.

Walter, Anne (2021), Das Recht auf Familienzusammenführung, in: Wollenschläger, Ferdinand, Enzyklopädie des Europarechts Band 10: Europäischer Freizügigkeitsraum – Unionsbürgerschaft und Migrationsrecht, Baden-Baden.

HNLU JOURNAL OF LAW & SOCIAL SCIENCES

(HNLU JLSS)

An Annual Journal Published by

HNLU PRESS

(A Media Division of Hidayatullah National Law University)

(A Peer Reviewed Journal)



HIDAYATULLAH NATIONAL LAW UNIVERSITY

Raipur, Chhattisgarh

January – December, 2022 Volume: VIII

Mode of Citation: HNLU JLSS 2022 (VII)