

Restricting access to social protection for immigrants in the Danish welfare state

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Universal welfare states provide good social protection for immigrants, but are also economically vulnerable to large-scale immigration. Unlike Sweden and Norway, the Danish welfare state has not only introduced strong restrictions on immigration, but also introduced a number of measures that, in principle or in practice, apply differently to Danish citizens and to immigrants. These could be described as welfare state chauvinism – or regarded as necessary measures to protect universalism. However, there are also countervailing tendencies that afford greater inclusion for immigrants in childcare provision, and radical new measures towards making work pay (that have particular salience for immigrants) should probably be seen more as a culmination than as the beginning of more far-reaching institutional change.

Introduction

The Scandinavian countries have traditionally had liberal immigration rules and generous social rights for immigrants, both in principle (*de jure*) and in actual practice (*de facto*). This has largely been maintained in Sweden and, to a lesser extent, in Norway. Denmark, on the other hand, has not only introduced strong restrictions on immigration, but has also made significant cutbacks on the social rights of immigrants, both directly and as a side effect of ‘make work pay’ initiatives. One might speak of a tendency towards ‘welfare for Danes only’, or ‘welfare chauvinism’: the universal welfare state has been preserved for Danes, but accompanied by tight restrictions against immigration, and a certain tendency towards dualism in social policy.

How far-reaching are these changes? Has immigration led to a transformation of the universal welfare state? Our point of departure is the assumption that universal welfare states should, in principle, be the most inclusive *vis-à-vis* immigrants (Banting, 2000), because welfare rights are generous and typically based on citizenship (which in practice normally means residence), rather than on employment and contribution record. This means that even *de facto* unequal treatment between immigrants and nationals can nearly be avoided. However, findings by Morissens and Sainsbury (2005) indicate that there are great differences in outcomes between Denmark and Sweden, at least in terms of poverty; on this account, Denmark does not seem to fit the assumptions about inclusive universalism.

One could even speculate whether the high costs of immigration might actually give universal welfare states the strongest economic incentives to impose restrictions, both on immigration and on social rights. As demonstrated by Wadensjö and Orrje (2002), immigration has been a costly affair for the Danish welfare state, and it is remarkable that a Danish Welfare Commission, charged with formulating proposals to alleviate the costs of an ageing population, explicitly rejected immigration as a possible solution (Welfare Commission, 2004). Is there a paradox of universalism whereby

efforts to protect universalism for Danes lead to a creeping exclusion – de jure or de facto – of immigrants from the welfare state? The first limitations to protect the welfare state against immigration were introduced in 1973, when Denmark entered the European Union (EU) and restricted full entitlement to pensions to people who had been residing in Denmark for at least 40 years. A similar rule is found in Sweden regarding the lowest guarantee pension.

In order to give a balanced account, we have to analyse de jure and de facto social rights, as well as take-up by immigrants in the main fields of welfare: pensions, elderly care, healthcare and childcare, alongside labour market policies and unemployment protection. From this analysis, we conclude that creeping dualism is *not* after all a very likely scenario. There are unusually strong restrictions on immigration, and there are strong efforts to force people into employment which de facto affect immigrants mostly. But in most other respects, the Danish welfare state remains highly inclusive to immigrants, and there is little reason to believe that this will change.

Restrictions on immigration

Restrictions on immigration, however, have become very strong. In particular, rules on family reunification have been tightened to the borderline of what is compatible with Denmark's international obligations. The most important changes, introduced in July 2002, included:

- Abolition of access to family reunification with parents.
- Twenty-four-year requirement: no family reunification for spouses aged less than 24 years.
- Attachment requirement: the combined attachment of the couple to Denmark must be greater than to any other country (to be decided by the immigration authorities).
- Support requirement: the person already residing in Denmark must be able to provide for his or her spouse/partner; this requires that the person in Denmark must not have received social assistance for the last year before application nor during the application process.
- Collateral requirement: the person already residing in Denmark must provide a bank guarantee to cover future public expenses to support the spouse/partner (about €7,500 by 2007).
- Housing requirement: the person already residing in Denmark must provide accommodation of reasonable size (no more than two persons per room, or at least 20 square metres per person)
- A residence permit is usually granted only for two years, after which it can be prolonged by two and subsequently three years; a permanent residence permit can normally first be applied for after seven years, and after completion of an integration programme and a language test.¹

In addition, previously liberal conditions for obtaining Danish citizenship (seven years of residence and no major crime) were substantially tightened in 2002 and 2006 by language requirements, understanding of Danish society and stricter requirements about law abidance. Further, conditions for asylum seeking have been tightened on several occasions. From 2002, there has no longer been access to seek asylum at a Danish embassy or consulate abroad.

The rules above also apply to Danish citizens who bring a spouse to Denmark. However, EU citizens who can invoke EU regulations governing the free movement of labour are exempted from the requirements, and there are a number of exemptions for refugees and others due to international conventions. In addition, the rules are increasingly softened for students and for people employed in a field covered by the Danish green card arrangement (the job-card programme).

The package was originally adopted only with the votes of the Liberal–Conservative government and the supporting Danish People’s Party, but the Social Democrats have subsequently accepted the package except for the reduced level of benefits (to be described below).

The new rules have dramatically lowered the number of permits granted to refugees and to family reunification. In 2000–01, 10,129 refugees from non-Western countries were granted asylum, in 2005–06, the number was 1,691. Correspondingly, family reunifications dropped from 21,021 to 5,992.² However, the number of permits granted to non-Western citizens because of education, work or ‘other reasons’ increased from 11,063 to 26,911, and the number of work permits and EU permits to citizens from western countries increased from 15,233 to 41,548. Altogether, immigration has in fact increased substantially since 2002; but its composition has significantly changed towards the import of labour power.

Differences in pensions rights and take-up of elderly care, healthcare and childcare

As most welfare arrangements are tax financed, universal and unrelated to contribution record, immigrants generally enjoy the same right to social security as Danes. However, there are some formal restrictions alongside de facto limitations related to labour market position, resources and take-up. Statistics on these issues are rudimentary and scattered, but some key points are presented below.

Old-age pensions

The Danish pension system is a complicated, multipillar system (Green-Pedersen, 2007; Andersen, 2007), but with a high (increasingly means-tested) minimum which is not related to employment or contribution record. This minimum includes:

- a basic pension, the ‘people’s pension’ (one half is a ‘basic amount’, which is not means tested except for older people in employment; the half is a ‘pension supplement’, which is income tested);

- a minor supplementary pensions benefit (for pensioners with low incomes);
- individual supplements (for pensioners with low incomes and assets);
- a very generous housing benefit scheme for pensioners (means tested).

Together, these elements ensure a very high minimum by comparative standards. For a single *Danish* pensioner without other incomes, the combined support is roughly equivalent to maximum unemployment benefits (Andersen, 2007). *Refugees* basically have the same rights to pensions and supplementary benefits as Danes. However, *other immigrants* only receive full pension and supplements if they have stayed resided in the country for 40 years between the ages of 15 and 65. Otherwise, entitlements are proportional to the number of years stayed in the country, for instance people receive 25/40 of full pensions if they have stayed in the country for 25 years. There are no employment requirements.

So far, the number of immigrants who receive only a share of ordinary pensions is small. By 2002, it was estimated by the Ministry of Finance to be about 1,700 persons out of 8,500 immigrants.³ However, it is important to underline that immigrants have full access to a very generous housing benefit scheme for pensioners. Besides, they also have access to individual supplements that may partly compensate for the missing pension.⁴ Still, there will be a growing number with less than full entitlement.

Apart from individual pensions savings, the *funded* part of the pension system consists of the following elements:

- supplementary labour market pension (ATP);
- labour market pensions (as part of collective agreements).⁵

The ATP is employment-related, but has been extended to cover people receiving unemployment benefits or social assistance. The state even pays double contributions to compensate for the lack of savings on labour market pensions for those who are unemployed.

Labour market pensions are based on collective agreements. By 2002, they were estimated (Finansministeriet et al, 2005) to cover 95% of people in full-time employment (aged 35–55), 86% of people in part-time employment and 60% of those who are self-employed (including voluntary arrangements). However, it is likely that these figures are lower for immigrants as some occupations have lower coverage. For instance, most taxi drivers were not included until 2007. With lower employment rates, overrepresentation in occupations with lower coverage and lower incomes immigrants lag a long way behind, so far as labour market pensions are concerned. No doubt, this applies also to individual pension savings.

For the majority of immigrants who have status as refugees, or who have stayed in the country for 40 years, however, the Danish system is highly inclusive, because minimum pensions (including housing benefit and supplements) are unusually high and not related to employment. Still, there will be a small, but growing minority of people with less than 40 years of residence who will experience rather poor living conditions.

Disability pension

Like the old-age pension, a disability pension is granted on the basis of citizenship/residence, not on the basis of labour market or contribution record. However, labour market pensions usually include supplementary entitlements for those who are disabled. Refugees are eligible for disability pensions almost on the same conditions as Danish citizens (10 years of residence required, five preceding disability), whereas full disability pensions for other immigrants require that people have stayed in the country 80% of the time from the age of 15 to when the disability occurred. By 1999, 8.1% of Danes between 18 and 66 years received disability pension (Pedersen, 2000, p 165). Among immigrants, the corresponding rate was 6.1%, but if figures are standardised for different age (and gender) composition, the figure for non-Western immigrants would be 10.7%, that is 2.6 percentage points above Danes. At least, immigrants do not seem to suffer from low take-up or a high number of refusals.

Elderly care

Elderly care in Denmark is provided free of charge and regardless of citizenship. People have to apply to the municipality for care; people above 75 years will, however, be visited by a representative from the municipality. At this point, the tax-financed Danish welfare system is highly inclusive for immigrants.

Healthcare

Healthcare in Denmark is generally provided completely free of user charges, with the exception of medicine where there are rather high user payments and dental care where the user payments are exceptionally high.⁶ There are a handful of studies profiling the health of immigrants, most of which are summarised in Schläger et al (2005). There are big variations between different nationalities, and across different diseases, but overall, health conditions are worse among immigrants (Ingerslev, 2000a). Use of the healthcare system, however, is correspondingly higher among immigrants, both among men and women (Schläger et al, 2005 pp 75-95). Hospitalisation is higher, and so are contacts with GPs (Ingerslev, 2000b) and use of medicine (Schläger et al, 2005, p 81). An exception is dental care where immigrants' use is about 50% below Danes' (Ingerslev, 2000b, p 216).

Differences in health are partially explainable in terms of status-related differences in life-styles, occasionally culture. Dental care is also very unevenly distributed among Danes, partly because of high charges and user payments. With the exception of dental care, however, Danish healthcare seems highly inclusive to immigrants.

Childcare

Childcare in Denmark is strongly subsidised, and user charges have recently been lowered from a maximum of one third of the costs to a maximum of a quarter, with

rebates for siblings (50%). For low-income families, childcare is provided completely free of charge. However, provision of public childcare was insufficient until the mid-1990s when a very significant expansion began. Until the 1990s, childcare had been rationed, with priority given to double-earner families; it was regarded as 'natural' that people without employment, including a large share of the immigrant population, should take care of their children themselves. This was also in accordance with municipalities' short-term economic incentives. However, an increasing focus on language problems among children, increasing consciousness about childcare as social investment, and increasing concern for social cohesion contributed to convince decision makers that previous priorities were wrong.

Since the 1990s, public childcare has expanded rapidly among immigrants. As revealed by Table 1, percentage point differences between Danes' and immigrants' were approximately halved in only four years from 1999 to 2003, and they are likely to become almost eliminated in a few years.

To conclude: with a few exceptions regarding pension rights, the Danish welfare state with its tax-financed, comprehensive services and high minima has, generally speaking, been highly inclusive towards immigrants. Take-up seems to be high, and if anything, the welfare state has become even more inclusive in recent years. However, changes in labour market policies since 2000 have pulled in the opposite direction.

Labour market policies

Ever since the 1980s, unemployment rates among non-Western immigrants have typically been three times as high as among Danes.⁷ As late as 1995, (registered)

Table 1: Public child care for non-western immigrants and Danes, by child's age, 1999 and 2003 (%)

	Non-western immigrants and descendants			Danes			Difference: immigrants minus Danes
	1999	2003		1999	2003	change	2003
0 years	10	8	-2	35	24	-11	-16
1 year	35	52	+17	77	81	+4	-29
2 years	51	68	+17	84	87	+3	-19
3 years	68	82	+14	91	94	+3	-12
4 years	77	86	+9	93	95	+2	-9
5 years	75	85	+10	93	95	+2	-10
6 years	62	65	+3	82	82	0	-17
0-6 years total	53	64	+11	80	80	0	-16

Source: Tænketanken (2006, p 123)

unemployment figures were above 32%. Between 2000 and 2005, figures oscillated between 12.7% and 16.9%, compared with a range from 4.8% to 6.0% among Danes. Differences in employment rates, in particular among women, are even larger. By far the largest share of immigrants did receive transfer income (unemployment benefits, social assistance, disability pensions and so on), but people receiving social assistance were often not registered as unemployed. Among some ethnic groups, employment rates were as low as 10–20% (Schultz-Nielsen, 2000).

Refugees and immigrants have typically received social assistance rather than unemployment benefits, but as social assistance is comparatively generous, both as regards basic levels and compensation for family obligations, it has not by definition been less advantageous than unemployment benefits for couples where both spouses were unemployed (Pedersen, 2000). From 2000, however, this changed significantly. In most respects, since 2001 labour market policies under the Liberal–Conservative government have been a continuation of the Social Democratic policies of the 1990s: the changes may be summarised as stricter ‘conditionality’ (Clasen, 2005, p 16), but little retrenchment (Andersen and Pedersen, 2007). However, integration policy has become an integral part of labour market policies and vice versa, and this has involved significant changes for people on social assistance, in particular for immigrants.

2002 Law on immigration

The most dramatic change was the 2002 law on immigration, which not only restricted immigration as described above, but also replaced social assistance with a much lower benefit, called *start assistance*, for immigrants who had not stayed in the country for seven out of the last eight years (Figure 1). The law also applies to Danish citizens returning from abroad. Reductions typically varied from 35% to 50%, depending on household composition (largest reduction for people with children) (Hansen and Hansen, 2004; Blauenfeldt et al, 2006). The Social Democrats had also experimented with an ‘introduction allowance’ in 1999, but this was less comprehensive and was abolished after only one year.

Whereas Danish social assistance is among the most generous in the world, ‘start assistance’ (and ‘introduction allowance’, which is the same amount but linked to a mandatory introduction course) is about the *least* generous scheme to be found in north-western Europe (Nielsen, 2004; Hansen, 2006). Officially, it should improve work incentives, but undoubtedly its main purpose was to prevent immigrants from going to Denmark in the first place. Subsequent evaluations have disagreed about the impacts, but the most comprehensive study estimates that it has raised employment rates after 16 months from 9% to 14% – quite significant in relative terms, but at the same time clearly disproving claims that it is an efficient means to bring people to employment (Huyhn et al, 2007).

More People to Work (2002)

Whereas the Social Democrats had promised to abolish the start assistance scheme, the reform entitled More People to Work was adopted as a big compromise between all parties (except two left wing parties) in December 2002, and was put into force from July 2003 to January 2004. Apart from stricter conditionality, the reform reduced social assistance in a number of situations in order to ensure that people would always have an incentive to take a minimum-wage job. In practice, the majority of those affected were immigrants. Families where both spouses received social assistance had their monthly payment reduced by some €135 after six months; in return, means testing against working income was softened a bit (see Figure 1). Further, a ceiling on social assistance was imposed for families with additional support – a reduction of up to €350 per month for some families. Finally, if a wife was considered a homemaker unavailable for the labour market, social assistance was replaced by a homemaker supplement (which was eventually abolished in the welfare reform of June 2006). Clearly, there are instances where the efforts to avoid ‘entrapment’ in unemployment inevitably involves the dangers of poverty for those who do not manage to find a job – and it has turned out that there are no statistically significant effects on job chances (Ministry of Employment, 2006, p 93). The Ministry suggests that this near-absence of effects may be attributable to complexity and misperceptions of incentives (2006, p 76).

A New Chance for All (2005)

The increasing efforts to get social assistance claimants to work means that general policy measures such as More People to Work have become de facto targeted at immigrants. Conversely, the most important parts of the 2005 package on immigration policy are *general* social policy elements that formally affect all citizens, regardless of citizenship. Apart from a number of measures to improve education and employment opportunities for immigrants, the integration package contained forced education for young people and the duty of activation for people having ‘other problems than unemployment’.

However, the most controversial element was the requirement that a spouse receiving social assistance should work for at least 300 hours in a two-year period in order to maintain his or her social assistance. Recipients are divided into five ‘matching’ groups (classified by the extent to which recipients’ skills and qualifications matched those required in the labour market) of which four are obliged to work for welfare or lose their social assistance (Figure 1). Matching group 4 is the most controversial. It accounted for 41% of all social assistance recipients by mid-2005 (*Arbejdsmarkedspolitisk Agenda* no 17, 2005) and is described as a low-matching group where ‘only very limited job functions are possible’. Originally, the Social Democrats supported the package, but a quarrel over matching group 4 made the party leave the negotiations over the implementation.

The 300-hour rule was implemented by April 2007, but as a requirement of 150

Figure 1: Changes in labour market policy de facto targeted at immigrants since 2001

Unemployment policy	Immigration/integration policy
<p><i>2002: More People to Work</i></p> <ul style="list-style-type: none"> • Lower social assistance (SA) after six months for families where both spouses receive SA (about DKK 1,000 less per month for about 21,000 persons) • Lower ceiling to social assistance for families with high expenses (reduction of up to DKK 2,580 per month for about 13,000 families) • Social assistance replaced by spouse supplement if spouse is not considered available for the labour market (but higher income for one spouse before reduction in social assistance of the other) 	<p><i>2002: New law on immigration</i></p> <ul style="list-style-type: none"> • Strongly reduced ‘start support’ for people who have not stayed in the country for seven years (including Danish citizens returning from abroad) • From DKK 7,919 to DKK 5,103 for a single person • From DKK 11,400 to DKK 8200 for a family with two children
<p><i>2006: Welfare reform</i></p> <ul style="list-style-type: none"> • Spouse supplement abolished 	<p><i>2005: A New Chance for All</i></p> <ul style="list-style-type: none"> • Child benefits for 15- to 17-year-old children contingent on child’s education or job relevant for education • Duty for young social assistance claimants <25 years to start an education – or they lose SA • Integration contract with a job plan • A minimum requirement of 300 hours’ work in two years (2006-07: 150 hours in one year) for a spouse receiving SA. Otherwise not eligible <p>SA recipients divided into five ‘matching groups’, according to their ability to work (as judged from skills, personal qualifications, health, abuse problems etc). Applies to ‘matching’ groups 1-4:</p> <ul style="list-style-type: none"> gp 1: good match gp 2: good match: a few qualifications missing for fulfilling a normal job gp 3: partial match: some relevant qualifications gp 4: low match: only very limited job functions are possible gp 5: no match: no job functions possible at all <ul style="list-style-type: none"> • Repeated activation for SA recipients even if they have problems other than unemployment

Source: Andersen and Pedersen (2007)

hours of work within the last year. At first glance, the reform appeared successful as few people were excluded, but ongoing research suggests that many municipalities have found temporary solutions or have failed to implement the new rules. As a kind of ‘shock therapy’, it has seemingly forced both those who are unemployed and (not least) the municipal job centres to do something extraordinary, but in spite of

enormous demand even for unskilled labour by 2007, it remains to be seen to what extent this will get people into work (Ankestyrelsen, 2007; Christensen, 2007). So far, unambiguous success stories seem to be relatively few.

A beginning or an end?

It would be tempting to see the reforms above as the beginning of a self-reinforcing development towards a residual workfare model with strong dualism between immigrants and Danes. However, by and large, this does not seem too likely. In the first place, a report by the Ministry of Labour (2006) evaluating the 2002 and 2005 reforms concludes that these have largely not been efficient, and in a press release the Minister of Employment declared that, even though the measures would be maintained, as the purpose simply was to remove *disincentives* to work, the government did not intend to go any further along this path.

Also, legitimacy of harsh policies towards immigrants has seemingly reached its limits. The restrictions on immigration in 2002 enjoyed very widespread support, but since then, the trend has reversed. In election surveys since 1994, an item has been included measuring attitudes to equal social rights for immigrants (which, taken literally, would imply a change of pension rules since 1973). In 1994, 65% were against the idea of equal access to social security; by 2005, the figure was only 49% (see Table 2).⁸ Further, an increasing minority of the population have found the tightening too far-reaching. And in May 2007, a new party called New Alliance was launched, which protested against the influence of the Danish People's Party on immigration policies. It immediately gained about 10% support in the opinion polls – about one half of which was recruited from the governing parties.

Table 2: Attitudes towards equal social rights, regardless of citizenship, 1994-2005 (%)

Refugees and immigrants should have the same right to social security as Danes even if they are not Danish citizens	Completely agree	Partly agree	Neutral/ don't know	Partly disagree	Completely disagree	Difference: 'agree' minus 'disagree'
1994	11	16	9	24	41	-38
1998	11	16	15	25	33	-31
2001	12	15	17	29	27	-29
2005	11	20	20	27	22	-18

Source: Danish Election Surveys (www.valg.aau.dk). Number of respondents (N) between 2,001 and 2,264

Taking a broader view, the Danish welfare state has adopted very radical measures to limit the number of immigrants and refugees coming to the country. This is controversial and, for some, it represents a kind of exclusive 'welfare chauvinism'. Others seek to describe it less pejoratively as 'protecting the universal welfare state'. However, by and large, the welfare state has remained inclusive, *de jure* and *de facto*, to those immigrants who are already in the country. Start assistance constitutes an exception, and *de facto*, this is also the case with the recent tightening of the conditions for those receiving social assistance. This could look like a new path towards increasing dualism in social rights. But because of disappointing results, and because of declining political legitimacy, it seems more likely to remain the exception to the rule.

Notes

¹ A thorough description can be found at the Ministry of Integration's home page (www.newtodenmark.dk). There are a number of exceptions for EU citizens, due to Community regulations, and there are exceptions for asylum seekers, children, seriously ill or disabled people and others, due to international conventions protecting the right to family life.

² www.statistikbanken.dk (table VAN6). All figures in this paragraph are available from this website.

³ www.folketinget.dk/Samling/20021/udvtilag/SOU/L50_bilag6.htm

⁴ <http://borger.dk/forside/udlaendinge-i-danmark/oekonomisk-stoette/pension-til-flygtninge-og-indvandrere>

⁵ In addition, a special pensions savings (SP) scheme was in operation 1998–2003, based on payment of 1% of all incomes. However, it was suspended from 2004–07, and its future is uncertain.

⁶ By 2007, charges are high up to a (low) limit but only 50% from €62, 2% from €150 and 15% from €350 annually (www.laegemiddelstyrelsen.dk).

⁷ www.statistikbanken.dk (table ABIE2D).

⁸ Correspondingly, there is no indication whatsoever that ethnic heterogeneity has affected the legitimacy of the welfare state negatively, as some might be inclined to infer from Alesina and Glaeser's much-debated book about ethnic homogeneity as a precondition for social solidarity and the building of a comprehensive welfare state (Andersen, 2006).

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