

STOCKHOLMS STADSMISSION

Jobseeker status linked to access to rights and information on EU citizens who work but are unable to obtain the social security number in Sweden.

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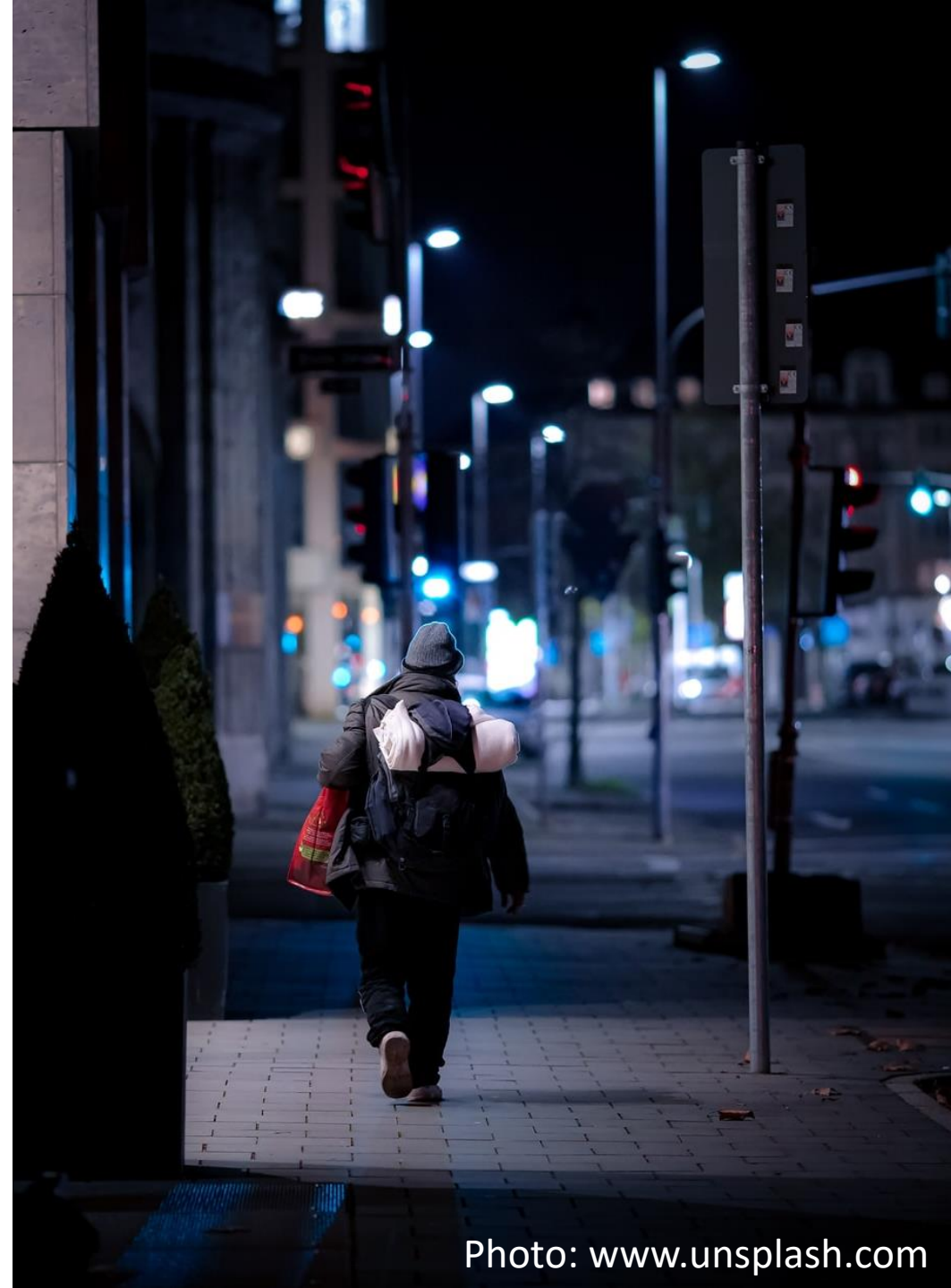
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The right of residence and the social security number

According to the European law, an EU citizen has the right to legally reside in Sweden if he/she has the **right of residence**.

To access many public and private services in Sweden, it is necessary to obtain a **social security number** that issued to those who register as residents with the Swedish Tax Agency.

The Swedish Population Registration Act rules that an applicant can be registered if he or she will stay in Sweden for **at least one year**.



The right of residence and the social security number

To be registered as resident according to the Swedish Population Registration Act:

- 1) an **EU citizen** has to prove to have the right of residence for at least one year.
- 2) a **Swedish citizen** returning home after living abroad does not need to prove the right of residence.

The EU citizens are **discriminated** compared to the Swedish citizens in violation of the **principle of equal treatment** (Directive 2004/38/EC — Article 24)





Jobseeker

The European Court ruled in the Case C-292/89 that a European citizen who moves to another Member State with the **aim to look for work** has the right of residence **for the first six months**.

If **after six months**, as stated by the Court, the citizen continues to search for work and “***provides evidence that he is continuing to seek employment and that he has genuine chances of being engaged***”, he or she will keep the right of residence.



Jobseeker

Contrarily, in the Swedish Aliens Act, it is ruled that a European jobseeker has the right of residence for six months if he or she has a real possibility of finding a job.

- **European Court:** the right of residence is **unconditional** for the first six months
- **Swedish Aliens Act:** conditions this right on the **real possibility** of finding work already **during the first six months**.

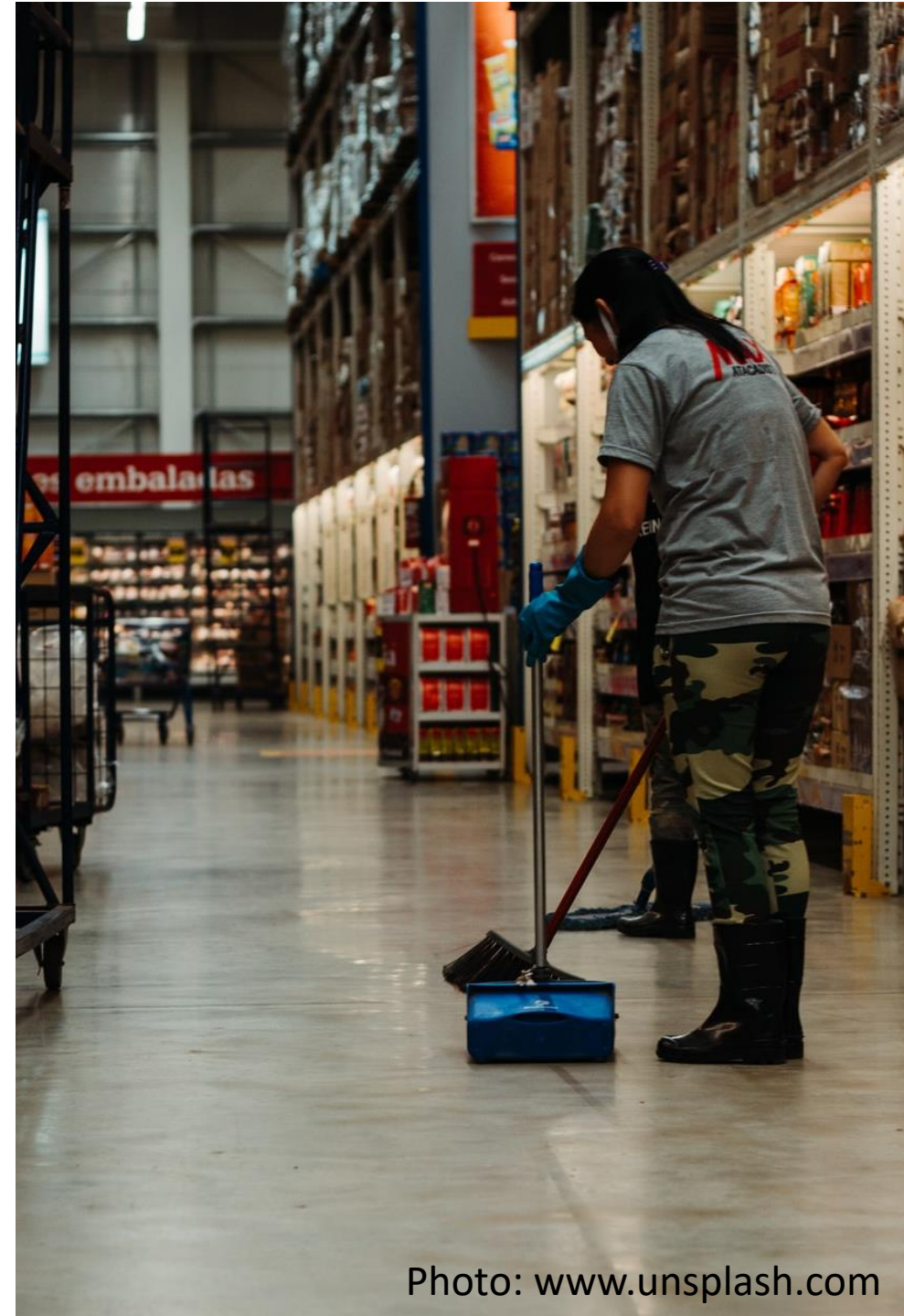
It is extremely difficult for destitute EU citizens to demonstrate to have a real possibility of finding a job already during the first six months in Sweden.

Worker

Even European citizens who work could face obstacles to obtain the social security number.

The **duration of a work contract** is crucial to provide proof to have the **right of residence for at least one year**. Having the right of residence for at least one year, a European worker can be registered in Sweden and obtain the social security number.

Destitute mobile EU citizens face **specific difficulties** when trying to access the Swedish labor market (due to lack of specific professional skills and/or the necessary language skills).



Worker

Destitute mobile EU citizens can, during the first contact with the labor market, often obtain only **zero-hours contracts**.

A zero-hours contract is a type of contract that normally makes it **virtually impossible to prove the right of residence** for at least one year.

This contract is normally used by employers to cope with sudden and temporary increases in work or to cover a temporary shortage of staff on unqualified positions.

This type of contract does **not guarantee a minimum salary**, as the working hours vary according to the needs of the employer.



Conclusions

1. According to Articles 3 and 4 of the Swedish Population Registration Act, an applicant can be **registered as resident in Sweden** if he or she will stay in Sweden for at least one year (**the one-year rule**). If the applicant is an EU citizen, he/she has to prove to have the **right of residence** for at least one year.
2. The result is that the combined provisions of the rules referred to in the **Aliens Act** and the **Swedish Population Registration Act** make it **virtually impossible** for a European “**jobseeker**” to secure their status in Sweden.
3. Even destitute mobile **EU citizens who work with a zero-hours contract** are **not able to fulfill the condition** to secure their status in Sweden.
4. In order to continue **promoting the European integration** process and the links between the Member States, it would be desirable for **Sweden** to take the **necessary steps to fully implement the European law**.



Thank you!

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Photo: www.unsplash.com

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