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Welfare dependency of foreign nationals during the pandemic: insights from Switzerland

8 avril 2021, 19:31 CEST



Bern, October 27, 2020. Stefan Wermuth/AFP

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Langues

- English
- Français

Welfare expenditures are a contested field, not just politically but also in public discourse. This hotly debated theme includes expressions of support for those in need, discussions on attempts to control social benefits, as well as endorsing the preexisting images of those believed to be receiving benefits without “deserving” them.

While these debates can be found in many countries, this contribution will deal with the Swiss context and discuss social assistance, which is at the intersection of migration law and the current pandemic. This analysis is necessary in order to elaborate on the consequences that foreign-national welfare receivers face, the most extreme case being deportation.

Social assistance is understood as the last resort, providing financial assistance only after other forms of support have been ruled out (e.g., unemployment benefits, retirement and survivor’s insurance,

and invalidity pensions, or even private financial means). Yet in Switzerland there is no federal law regarding social assistance. Instead, it is either the cantons or municipalities (or a mixture) that take care of expenditures, financed via the state and municipality taxes. This puts pressure on municipalities with a higher number of people in need, and this in turn can give rise to attempts to reduce basic needs or increase the sanctioning mechanisms that are at hand.

Basic needs and sanctioning mechanisms are generally suggested by the Swiss Conference for Social Assistance, of which all cantons and some municipalities as well as many national ministries are members. Despite their aim to create a “fair and effective social assistance”, political motions and the reactions of certain members have an effect on the decisions made. Thus, influencing the generosity of assistance provided and the means taken to sanction individuals seen as “recalcitrant”.

(Un)deserving welfare recipients

Public debates have circled around images of supposed “welfare abusers” depicted as undeservingly receiving social assistance and other benefits without “contributing”. Such characterisations can target the socially and financially marginalised, individuals who often face difficulty in reentering the job market due to limited education, social difficulties or health issues that are not considered “severe enough” to allow them support via disability insurance.

Restrictive policies also target individuals who are working, yet despite their employment are unable to fully support themselves or their families. These are the so-called “working poor”, who often have jobs that do not pay a minimum wage and don’t offer regular hours. They are at risk of being exploited by employers while at the same depending on social assistance.

Research has discussed the increasingly harsh measures taken against those falling into the “last security net” in context of neoliberal policies. It has also addressed how disadvantaged populations are socio-economically marginalized, especially when unable to participate in everyday life, and criticised the [welfare-to-workfare] approach.

There has been a further step into the limitation of rights through “welfare chauvinism”, which proposes that assistance should be restricted to certain groups, often at the exclusion of foreign nationals.

Intertwining of migration law and social policies

Over the last few years in Switzerland we have witnessed an intertwining of migration and social policies. Cantonal/municipal social services have had the obligation to report social aid dependency since 2009, the 2019 revision of the Foreign Nationals and Integration Act (FNIA) states that social assistance dependencies of foreign nationals must be reported “unrequested”. In addition, any claim for supplementary or unemployment benefits must be reported to the respective cantonal migration authorities (art. 97 FNIA).

The transferred and shared information by the social services includes the sum of benefits received, as well as a brief report on the overall behaviour of foreign nationals commenting on their level of cooperation and efforts taken to reenter the labour market.

Other agencies and institutions may share information on social networks and linguistic skills that will be considered by migration offices when they assess the feasibility of a (non)prolongation or the withdrawal of a (permanent) residence permit. Also introduced in 2019, migration authorities might decide to downgrade the permanent residence permit to a temporary one in case of social-aid dependency (art. 63 FNIA). The assessment of the integration of a foreign national is done for both, third country nationals and EU/EFTA citizens residing in Switzerland.

Insecurities, no rights claiming and destabilization of legal stay

With the current pandemic and given the number of foreign nationals working in the Swiss labour market, current discussions circle around the consequences of short-time work and an increase in unemployment. A study from Zurich's University of Applied Sciences states that during the state lockdown, foreign nationals were afraid to claim social benefits due to the risk of losing their residence permit.

At the same time, according to the Swiss Conference of Welfare, foreign nationals are among the persons whose social-welfare dependency will rise due to the pandemic. According to the organisation Isa Bern, a cantonal integration program provider, foreign nationals avoid not only welfare support, including direct social assistance, but also supplementary benefits, reductions for health insurance and childcare support. This is due to the fact that in some cantons these services are understood to be social assistance. If we look at former *sans-papiers* who were recently regularised by a Geneva program called Papyrus, they too avoided social assistance due to their fears of losing their newly recognised legal status.

The fears to claim their rights in one sector (welfare policies), due to circumstances in another sector (migration law) have severe consequences, from extreme cases of homelessness, loss of health insurance and hunger. The pandemic has increased the anxiety of many foreign nationals that their residence permit could be withdrawn. Yet there are only minimal responses from public administration.

The State Secretariat of Migration (SEM) has recommended taking into account the current situation when evaluating cases, yet there were only two migration office so far (to the best knowledge of the authors), Bern-City and the canton of Geneva, that have publicly announced that they will strongly take into account the sanitary situation when assessing social assistance dependencies. Some nongovernmental organisations and political parties have criticised this practice, arguing that calling into question the legal stay of disadvantaged foreign nationals should not be deemed a crime.

With this contribution, we wish to highlight how restrictive migration laws undermine social-policy goals and does not take into account the harsh realities that disadvantaged populations face. We argue that the objective of social policies today increasingly emerges from neoliberal state practices, which not only function to control citizens, but also aim to exclude foreign nationals in the quest to reduce state expenditures. Especially in times of a worldwide pandemic, the attempt to circumscribe rights calls into question the very functioning and intentions of welfare states.