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Editor

The Lighthouse Function of Social Law

Proceedings of the ISLSSL XIV European
Regional Congress Ghent 2023

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ISBN 978-3-031-32821-3 ISBN 978-3-031-32822-0 (eBook)
<https://doi.org/10.1007/978-3-031-32822-0>

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Preface

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Chapter 19 The Legal Status of EU National Jobseekers: Their Right to Free Movement and to Social Protection

Dolores Carrascosa Bermejo

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Abstract The legal status of EU national jobseekers in another Member State (MS) and their entitlement to residence, social assistance or social security rights are key for labour mobility in the single market. However, this legal status is far from clear, as it has been constructed by the EU Court of Justice (CJEU) with judgements issued at very different political moments, from Antonissen and Grzelczyk to Alimanovic, García Nieto, G.M.A or Jobcenter Krefeld. In principle, the right to free movement and residence of EU national jobseekers derives from Article 45 of the TFEU, but in practice is a kind of *tertium genus* between workers and inactive EU citizens. Moreover, there are different types of jobseekers: a person seeking employment in another MS for the first time does not have the same rights as a person who becomes unemployed after having worked in the host MS. The jobseekers can also export their unemployment benefits to the host MS as it is envisaged under coordination Regulations, but this is a right underused and subjected to significant restrictions. The Directive on free movement only refers to jobseekers to prevent their expulsion

This work is part of the results of the research project PID2021-122254OB-100, "La incidencia del derecho de la Unión Europea en las futuras reformas laborales", granted and financed by the Ministerio de Ciencia e Innovación and the Fondo Europeo de Desarrollo Regional (FEDER).

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