

Table 4 Right to school education for irregular migrants across EU28ⁱ

Country	Right ⁱⁱ			Duty to report	Law
	Explicit	Implicit	No right		
Austria		✓		No	Law on Compulsory Education, Articles 1 and 17, BGBl. 76/1985, last amended by BGBl. 77/2013 (23 May 2013).
Belgium	✓			No	Constitution, Article 24, paragraph 3; Law on obligatory education (29 June 1983).
Bulgaria			✓ ⁱⁱⁱ	No	Public Education Act, as amended 2009 Article 4(2), 4(3).
Croatia	✓			No	Act on Amendments to the Act on Upbringing and Education in Primary and Secondary Schools, 13.07.2013.
Cyprus		✓		Yes	Constitution, Article 20.
Czech republic	✓			No	Constitution, Article 33(1); Amendment of the Act on School Education, No 343/2007 (Zákon č 343/2007 Sb, kterým se mění školský zákon).
Denmark		✓		No	Law on State Schools, Section 32, Act No. 1049 of 28 August 2007; Aliens Act, Section 42g.
Estonia		✓		Encouraged	Education Act (<i>Eesti Vabariigi haridusseadus</i>) (10 April 1992), Riigi Teataja I, 12, 192.
Finland			✓ ^{iv}	No	Constitution, section 16, Basic Education Act (628/1998).
France	✓			No	Preamble of French Constitution; National Education Code, Article L131-1. Circular of the Ministry of National Education (20 March 2002).
Germany		✓		No ^v	Constitution, Article 7, paragraph 1 GG.
Greece	✓			No	Article 21 Law No 4251 Immigration and Social Integration Code and other provisions, Government Gaz 80A, 1.April 2014 updating Article 72 Codification of Legislation on the Entry, Residence and Social Integration of Third-country nationals on Greek territory, Law 3386/2005.
Hungary			✓ ^{vi}	No	Public Education Act No. CXC, 2011.
Ireland		✓		No	Constitution, Article 42, Education Act 1998.

Country	Right ⁱⁱ			Duty to report	Law
	Explicit	Implicit	No right		
Italy	✓			No	Italian Constitution, Art 34; Article 38 National Immigration Law; Article 6 National Immigration Law.
Latvia			✓ ^{vii}	No	Law on Education, Section 3 (3) and 4, as amended on 4 March 2010.
Lithuania			✓ ^{viii}	No	2011 Law on Education, Article 22 (2); Order of the Minister of Interior No. 1V-340 of 4 October 2007 §17.16.
Luxembourg		✓		No	<i>Loi du 9 février 2009 relative à l'obligation scolaire</i> , Memorial A-N° 20 (16 February 2009), Articles 2 and 7.
Malta		✓		No	Constitution, Article 10; laws of Malta, Act XX of 2000, as amended. The Refugees Act; Legal notice 259/2002 entitled migrant workers (Child Education) regulations.
Netherlands	✓			No	Law of Primary Education (2 July 1981), Article 41; Law of Secondary Education (14 February 1963); Article 3 and 4 Compulsory Education Act 1969; Article 10 Immigration Act 2000.
Poland		✓ ^{ix}		No	Constitution, Article 70; Article 94 of the Act on the Education System 1991, as amended 2000.
Portugal		✓ ^x		No	Constitution, Articles 13, 15, 73 and 74.
Romania	✓			No	Law on Foreigners, Article 132 (5 June 2008).
Slovakia		✓		Yes ^{xi}	Constitution, Chapter 2, Section V, Article 42 (1).
Slovenia		✓		No	Aliens Act (ZTuj-2) Uradni list RS (Official Gazette of the Republic of Slovenia), No. 50/2011 of 27 June 2011).

Country	Right			Duty to report	Law
	Explicit	Implicit	No right		
Spain	✓			No	Immigration Law 2011, Chapter 29, Section 4; Point 3 of Article 10 of the Organic Law 1/1996 of 15 January. Constitutional Court ruling <i>Sentencia del Tribunal Constitucional – STC 236/2007</i> , 7 November 2007
Sweden	✓			No	Bill 2012/13:58, Education Act (2010:800).
UK		✓		No	Education Act 1996; Education and Inspections Act 2006.

ⁱ An earlier version of this table with additional explanatory footnotes is available on line at https://www.compas.ox.ac.uk/fileadmin/files/Publications/Reports/PR-2015-Outside_In_Mapping.pdf. P39.

ⁱⁱ Generally refers to schooling at least throughout the years of compulsory education.

ⁱⁱⁱ **Bulgaria:** Despite a constitutional guarantee of primary and secondary education (Article 53) because in practice a residence permit is required.

^{iv} **Finland:** Section 16 of the Constitution states that everyone has the right to basic education free of charge. Provisions on the duty to receive education are laid down in the Basic Education Act (628/1998). However, only children permanently residing in Finland shall attend compulsory schooling and the local authorities do not have a duty to arrange education for other children. Children effectively only have the right to attend school if registered as resident in the municipality. To be registered their residence status has to be legal..

^v **Germany:** The duty to report existed until 2011 when it was abolished, § 87 Abs. 1 Aufenthaltsgesetz.

^{vi} **Hungary:** Access only upon payment; proof of address and reportedly also proof of residence status required for enrolment.

^{vii} **Latvia:** Children only have the right to acquire basic education when in the return procedure or with a valid residence permit.

^{viii} **Lithuania:** Only for children staying in centres. Art 41 Constitution nevertheless makes education compulsory up to the age of 16.

^{ix} **Poland:** Guarantees the right to primary education, not secondary education.

^x **Portugal:** Law 23/07, Article 122 (1)(b) states that attending preschool, primary school, secondary or professional education is grounds for the regularisation of minors born in Portugal.

^{xi} **Slovakia:** Act on Stay of Aliens Article 53 (3): School administrations are required to report foreigners attending or leaving school.