SOCIAL SECURITY COORDINATION FOR MIGRANT WORKERS: A COMPARATIVE STUDY OF INDIA, THE EUROPEAN UNION, AND CHINA

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ABSTRACT

Labour migration has outpaced the legal architecture meant to protect it. This paper undertakes a comparative analysis of how India, the European Union, and China coordinate social security entitlements for migrant workers, spanning both internal and cross-border movement. It examines the legal instruments, institutional machinery, and portability mechanisms in each jurisdiction - the EU's supranational Regulation (EC) No 883/2004 framework, India's fragmented statutory and portal-based approach under the Code on Social Security, 2020, and China's hukou-linked social insurance system now undergoing reform to permit place-of-employment enrolment. The paper finds that the EU offers the most legally binding and rights-based coordination regime, built on the principles of single applicable legislation, equality of treatment, aggregation of insurance periods, and exportability of benefits; India offers the widest formal bilateral treaty network for outbound workers but the weakest protection for its overwhelmingly informal internal migrant majority; and China, despite lacking a comparable external framework, is undertaking the most significant recent structural reform to its internal portability regime through the 2025–2026 hukou-social insurance delinking policy. Drawing on these findings, the paper argues that India's forthcoming labour codes should combine EU-style aggregation principles with China's shift toward place-of-work enrolment, converting the e-Shram registry from a database into an enforceable portability instrument. The paper concludes with policy recommendations addressed to the Ministry of Labour and Employment, the Inter-State Council, and State Labour Departments.

Keywords: Social security coordination, Migrant workers, Labour law, Portability, EPFO, Regulation 883/2004, Hukou reform, Code on Social Security 2020

1. Introduction

1.1. Background and Rationale

Migration for work, whether across a state boundary within a single country or across an international frontier, routinely severs a worker's connection to the social security system in which contributions were made or entitlements accrued. A construction worker who moves from Bihar to Kerala may lose access to subsidised food and health entitlements tied to her home-state ration card. A software engineer posted from Frankfurt to Lisbon carries her pension rights with her almost seamlessly. A factory worker who migrates from rural Sichuan to Shenzhen has historically been excluded from the very urban social insurance schemes his labour helps finance, because of a household-registration (hukou) status assigned at birth. These three vignettes illustrate that "social security coordination" is not a single legal technique but a spectrum of regulatory responses to the same structural problem: entitlements built on a place-based logic collide with a labour force that is increasingly mobile.

This paper compares three jurisdictions that sit at very different points on that spectrum. India and China each confront a migration crisis that is overwhelmingly domestic in character, involving hundreds of millions of workers moving between administrative units of the same sovereign state, while the European Union confronts a migration reality that is overwhelmingly cross-border but internal to a supranational legal order that has, since 1958, treated the portability of social security as a precondition for a common market in labour.

1.2. Research Problem

India's migrant workforce remains largely outside the formal social security net despite two decades of legislative reform culminating in the Code on Social Security, 2020. The central research problem this paper addresses is whether India's current legal and institutional architecture for coordinating social security entitlements, both for its internal migrants and for Indian nationals working abroad is adequate, and what lessons can be drawn from the EU's mature supranational coordination regime and from China's recent, structurally similar reform of hukou-linked social insurance restrictions.

1.3. Objectives of the Study

- To examine the conceptual and doctrinal foundations of social security coordination for migrant workers, including the relevant standards set by the International Labour

Organisation (ILO).

- To analyse the legal and institutional framework governing social security portability for migrant workers in India, the European Union, and China.
- To compare the three regimes across defined analytical dimensions: coverage, portability mechanism, institutional coordination, and enforcement.
- To identify the principal gaps in the Indian framework in light of the comparative findings.
- To propose specific, implementable recommendations for Indian policymakers and appropriate labour authorities.

1.4. Research Methodology

This is a doctrinal and comparative legal study. It relies on primary legal materials (statutes, regulations, and official government guidance) and secondary sources (policy reports, peer-reviewed literature, and contemporaneous government and institutional publications current to 2026) to reconstruct the operative legal position in each jurisdiction. Because India's Code on Social Security, 2020 and China's hukou-social insurance reforms are both undergoing active implementation, the paper draws on the most recent available official statements and credible secondary reporting, flagged accordingly where the position remains provisional.

1.5. Scope and Limitations

The study is confined to statutory social insurance-type benefits such as pensions/provident fund, health insurance, unemployment protection, and comparable schemes, rather than the full universe of labour rights (wages, working conditions, or freedom of association). It does not undertake primary empirical fieldwork; its comparative claims are drawn from documentary and secondary sources. Given that all three jurisdictions are mid-reform, some figures and provisions cited should be read as reflecting the position as of 2026 and are subject to change.

2. Conceptual Framework: Social Security Coordination and the Migrant Worker

2.1. Why "Coordination" and Not Mere "Portability"

The literature on migrant social security distinguishes "coordination" - a structured legal

relationship between two or more social security systems, from mere "portability," which describes only the outcome of being able to carry an entitlement across a border. Coordination regimes typically rest on four classical principles, most fully developed in European Union law but traceable to earlier ILO standard-setting: (i) determination of a single applicable legislation, so that a worker is subject to only one social security system at a time and does not face double contribution; (ii) equality of treatment, so that a migrant worker is treated no less favourably than a national of the host system; (iii) aggregation (or totalisation) of insurance periods, so that periods of contribution or residence completed in different systems are added together where necessary to establish entitlement to a benefit; and (iv) exportability of acquired benefits, so that a cash benefit, once due, may be paid to a beneficiary residing in a different territory.

2.2. International Labour Organisation Standards

The ILO has long treated the social protection of migrant workers as a distinct standard-setting concern. The Social Security (Minimum Standards) Convention, 1952 (No. 102) establishes baseline benchmarks for nine branches of social security. The Equality of Treatment (Social Security) Convention, 1962 (No. 118) requires ratifying states to accord to the nationals of any other ratifying state equality of treatment with their own nationals under social security legislation. The Maintenance of Social Security Rights Convention, 1982 (No. 157), together with its accompanying Recommendation, provides an international framework specifically for the conservation of acquired rights and rights in the course of acquisition, and for aggregation of insurance periods, intended as a model for bilateral and multilateral agreements between states with differing levels of economic development.[1] None of the three jurisdictions studied has ratified the full package of these instruments uniformly, but each has incorporated elements of their underlying logic into domestic or regional law.

2.3. Internal Versus Cross-Border Coordination

A recurring theme of this paper is that "migrant worker" coordination problems are not confined to international borders. Within a single sovereign state that devolves administration of welfare entitlements to sub-national units - Indian states, or Chinese municipalities and provinces under the hukou system, a worker who crosses an internal administrative boundary

[1]International Labour Organisation, Social Security (Minimum Standards) Convention, 1952 (No. 102); Equality of Treatment (Social Security) Convention, 1962 (No. 118); Maintenance of Social Security Rights Convention, 1982 (No. 157).

can face barriers to social protection that are functionally identical to those faced by a cross-border migrant, even though no international law question arises. India and China are compared in this paper precisely because both illustrate this internal dimension of the coordination problem, in contrast to the EU's genuinely cross-border model.

3. India: A Fragmented Architecture for a Predominantly Internal Migration

3.1. The Scale of the Problem

India's internal migrant population is estimated in the hundreds of millions. The 2011 Census recorded roughly 450 million internal migrants, a figure widely understood to understate the true scale because it captures migration status at a single point in time and undercounts circular and seasonal migrants concentrated in the informal sector.[2] Subsequent estimates, including those referenced in the Economic Survey 2023–24 and by independent researchers, place the number closer to 600 million.[3] The COVID-19 lockdown of March–May 2020, during which large numbers of inter-state migrant workers were stranded without income, food entitlements, or transport, exposed in stark terms the absence of a real-time migrant database and the non-portability of welfare benefits such as the public distribution system, pensions, and healthcare across state lines. The Supreme Court's suo motu proceedings, *In Re: Problems and Miseries of Migrant Labourers*, issued a series of directions in this period, including a census of stranded workers, implementation of extant labour welfare laws, and acceleration of a national migrant worker registry.[4]

3.2. Statutory Framework

The primary pre-existing statute governing inter-state migrant labour, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, has been subsumed into two of India's four consolidated labour codes: the Occupational Safety, Health and Working Conditions Code, 2020 (OSHWC Code), which regulates registration, journey allowances, and working conditions for inter-state migrant workers, and the Code on Social Security, 2020 (CSS), which extends social security coverage — in principle — to unorganised,

[2]Rural India Online / Tata Trusts Migration Initiative, Vulnerable Internal Migrants in India and Portability of Social Security and Entitlements (n.d.), https://ruralindiaonline.org/en/library/resource/vulnerable-internal-migrants-in-india-and-portability-of-social-security-and-entitlements/.
[3]Anantam IAS, Migrants in India — Internal Migration, Interstate Workers and the e-Shram Framework (2026), https://anantamias.com/migrants/.
[4]Anantam IAS, Migrants in India — Internal Migration, supra note 3.

gig, and platform workers alongside inter-state migrants.[5] Under the CSS, an inter-state migrant worker is defined broadly to include not only workers recruited by an employer or contractor for work in another state but also self-initiated migrants who move independently and secure employment in the destination state, provided they earn no more than a wage ceiling notified by the Central Government (₹18,000 per month, or a higher amount as later notified).[6] The CSS provides for portability of Public Distribution System (PDS) entitlements between the native and destination states, extends benefits under the Building and Other Construction Workers welfare framework, and establishes a Social Security Fund financed in part through penalties collected under the Code.[7]

3.3. The e-Shram Registry and One Nation One Ration Card

Operationally, the government's principal portability instrument is the e-Shram portal, launched in August 2021 to create a national database of unorganised workers, each assigned a Universal Account Number (UAN) on the basis of self-declaration and Aadhaar-linked verification.[8] As of recent reporting, more than 30 crore (300 million) workers have registered on the platform, making it the largest unorganised-worker database in the world.[9] e-Shram has since been integrated with a growing number of central schemes, including the Pradhan Mantri Awas Yojana and MGNREGA, and links to EPFO and ESIC for workers transitioning into the organised sector.[10] The complementary One Nation One Ration Card (ONORC) scheme allows PDS beneficiaries to draw food grain entitlements from any Fair Price Shop in the country rather than only in the state of original registration. However, as the Supreme Court has continued to observe in follow-up hearings in the migrant labourers matter, significant gaps remain: registered e-Shram workers are frequently missing from state-level PDS databases, undermining the practical value of ONORC, and inter-state data integration between labour departments remains a work in progress rather than an accomplished fact.[11]

[5]Anantam IAS, Migrants in India — Internal Migration, supra note 3.
[6]PRS Legislative Research, The Code on Social Security, 2020 (2026), https://prsindia.org/billtrack/the-code-on-social-security-2020.
[7]PRS Legislative Research, The Code on Social Security, supra note 6.
[8]Anantam IAS, Migrants in India — Internal Migration, supra note 3.
[9]Keka HR, e-Shram Registration: Who Can Apply & How to Do It (2026), https://www.keka.com/compliance/forms/e-shram-registration.
[10]Keka HR, e-Shram Registration: Who Can Apply & How to Do It (2026), supra note 9.
[11]key4comply, Moving Across State Lines: The Real-World Guide to Migrant Worker Benefit Portability Under the New Labour Codes (Implementation Status 2026) (June 9, 2026), https://www.key4comply.com/blogposts/moving-across-state-lines-the-real-world-guide-to-migrant-worker-benefit-portability-under-the-new-labour-codes-implementation-status-2026/.

3.4. EPFO and the Bilateral Social Security Agreement (SSA) Network

For formal-sector Indian workers moving abroad, India has developed a comparatively extensive network of bilateral Social Security Agreements administered by the Employees' Provident Fund Organisation (EPFO). As of 2026, India has operational SSAs with over twenty countries, including Belgium, Germany, Switzerland, France, Denmark, the Republic of Korea, Luxembourg, the Netherlands, Hungary, Finland, Sweden, the Czech Republic, Norway, Austria, Canada, Australia, Japan, and Portugal.[12] Each SSA typically provides three protections: exemption from dual contribution where a worker on a Certificate of Coverage (CoC) continues to be covered under EPFO while on a short-term posting abroad; totalisation of contribution periods across both systems to help a worker meet minimum qualifying periods for a pension; and exportability, allowing an accrued pension to be paid to a beneficiary residing outside India.[13] Negotiations with the United States and the United Kingdom are at an advanced stage — the India–UK Comprehensive Economic and Trade Agreement (CETA), signed in July 2025, commits both governments to concluding a parallel social security agreement.[14] But as of 2026, workers moving between India and the United States, the United Kingdom, China, Singapore, or the United Arab Emirates have no exemption mechanism and remain exposed to dual social security contribution.[15] Indian courts have confirmed the resulting position is not accidental: a 2025 Delhi High Court ruling dismissed challenges by multinational employers seeking to exempt International Workers (a defined EPFO category encompassing both outbound Indians and inbound foreign nationals from non-SSA countries) from full-salary contribution obligations, holding that India's social security law applies without a contribution ceiling to International Workers regardless of parallel coverage in their home country.[16]

3.5. Structural Gaps

- Coverage: An estimated 90% or more of India's workforce remains in the informal

[12]India Briefing, India Pursues Social Security Agreement with the United States (Sept. 8, 2025), https://www.india-briefing.com/news/india-to-push-for-social-security-agreement-with-the-us-at-trade-policy-forum-meeting-30739.html/.
[13]EPFO International: Your Complete Guide to Global Social Security, EPFO Portal (2026), https://epfoportall.net/epfo-international-your-complete-guide-to-global-social-security/.
[14]Karma Management, India–UK Social Security Agreement 2026: EPF Double Contribution Relief Explained (2026), https://karmamgmt.com/blog/india-uk-social-security-agreement-epf-2026.
[15]Beacon Filing, India PF Rules for International Workers: SSA Exemptions, Contributions, and the 2025 Delhi High Court Ruling (2026), https://beaconfiling.com/blog/india-pf-rules-international-workers.
[16]Beacon Filing, India PF Rules for International Workers: SSA Exemptions, supra note 15.

sector, largely outside EPFO and ESIC; e-Shram registration by itself confers database visibility, not a legally enforceable benefit entitlement.[17]

- Portability is administrative, not a codified legal right: unlike the EU's aggregation principle, an Indian inter-state migrant's continued access to a scheme depends on the practical interoperability of state-level databases rather than on a statutory aggregation rule.

- State-level fragmentation: labour and welfare administration is substantially a state subject, and the absence of a uniform inter-state data-sharing protocol means implementation quality varies sharply across states.[18]

- Asymmetric external coverage: the SSA network protects a relatively small population of high-formality outbound migrants while offering nothing to India's much larger low-wage informal emigrant population, such as workers in the Gulf Cooperation Council states, most of which lack SSAs with India.[19]

4. The European Union: A Supranational Model of Binding Coordination

4.1 Historical Development

The European Union's social security coordination regime is the oldest and most institutionally mature of the three studied here. Its origins lie in Regulations No. 3 and No. 4 of 1958, among the first measures adopted by the European Economic Community, reflecting the Treaty of Rome's foundational commitment to free movement of workers.[20] These were replaced in 1971 by Regulation (EEC) No 1408/71 and its Implementing Regulation (EEC) No 574/72, which governed the field for nearly four decades before being replaced, effective 1 May 2010, by the current framework: Regulation (EC) No 883/2004 on the coordination of social security systems and its Implementing Regulation (EC) No 987/2009.[21] The regime extends by treaty arrangement to Iceland, Liechtenstein, and Norway through the European Economic Area

[17]Anantam IAS, Migrants in India - Internal Migration, supra note 3.
[18]key4comply, Moving Across State Lines: The Real-World Guide to Migrant Worker Benefit Portability Under the New Labour Codes (Implementation Status 2026) (June 9, supra note 11.
[19]Beacon Filing, India PF Rules for International Workers: SSA Exemptions, supra note 15.
[20]European Commission, Network of Legal Experts on Free Movement of Workers, A-Z on Social Security Coordination (FAQs) (n.d.), https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/network-legal-experts-moves/z-social-security-coordination-faqs_en.
[21]European Commission, Network of Legal Experts on Free Movement of Workers, supra note 20.

Agreement, to Switzerland through the EU-Swiss Agreement, and, following Brexit, to the United Kingdom through the Protocol on Social Security Coordination annexed to the EU–UK Trade and Cooperation Agreement of December 2020.[22]

4.2 Core Legal Principles

Regulation 883/2004 does not harmonise the substantive content of national social security systems, each Member State remains free to determine who is insured, what benefits are provided, and at what level. What the Regulation coordinates is the relationship between systems. It applies to nationals of Member States, and to stateless persons and refugees, who reside in a Member State and are or have been subject to the legislation of one or more Member States.[23] Article 3 brings within its material scope essentially all classical branches of statutory social security - sickness, maternity and paternity, invalidity, old-age, survivors', accident and occupational disease, death grants, unemployment, pre-retirement, and family benefits, while expressly excluding social assistance and non-contributory special benefits listed in an annex, which remain non-exportable.[24] A worker is, as a rule, subject to the legislation of only one Member State at a time (typically the state of employment), preventing both double contribution and gaps in coverage; workers posted temporarily to another Member State may remain insured in the home state, subject (under 2026 revisions) to a requirement of prior insurance in the home country for at least three months before posting.[25]

4.3. Pensions, Aggregation, and Exportability in Practice

The aggregation principle operates with particular force in the field of old-age pensions: a worker who has completed insurance periods in several Member States does not lose those periods on moving; instead, each competent institution calculates a pro-rata pension corresponding to periods completed under its own legislation, and the sum of the pro-rata pensions constitutes the worker's total entitlement.[26] The exportability principle ensures that a

[22]OpenAccountants, EU Social Security Coordination EU/EEA/CH/UK 2025 (2025), https://www.openaccountants.com/skills/eu-social-security-coordination.
[23]European Commission, Directorate-General for Employment, Social Affairs and Inclusion, EU Social Security Coordination (2026), https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/eu-social-security-coordination_en.
[24]OpenAccountants, EU Social Security Coordination - EU/EEA/CH/UK 2025 (2025), supra note 22.
[25]European Commission, Directorate-General for Employment, supra note 23.
[26]European Commission, A-Z on Social Security Coordination (FAQs) — P, https://employment-social-affairs.ec.europa.eu/policies-and-activities/moving-working-europe/network-legal-experts-moves/z-social-security-coordination-faqs/z-social-security-coordination-faqs-p_en.

pension, once awarded, is payable to the beneficiary wherever within the coordinated area they choose to reside, without reduction, modification, or suspension on residence grounds.[27] Coordination is administered through a network of institutions - the European Commission, the Administrative Commission for the Coordination of Social Security Systems, and national liaison bodies - supported by the Electronic Exchange of Social Security Information (EESSI) system, which digitises cross-border case handling between national social security institutions.[28]

4.4. The 2026 Revision

The coordination framework has itself been the subject of a lengthy revision process. The European Commission's initial proposal to amend Regulations 883/2004 and 987/2009 dates to December 2016; after roughly a decade, twelve rotating Council presidencies, and eighteen rounds of interinstitutional trilogue negotiations, EU Member States approved a revised set of rules in April 2026.[29] The revision responds to labour-market changes since 2010, including the growth of teleworking following the COVID-19 pandemic and more complex multi-country working patterns, and is intended to simplify coordination for workers, businesses, and national administrations; strengthen protection in areas such as long-term care and family benefits; clarify the circumstances in which Member States may limit benefit access for economically inactive persons; and tighten anti-fraud safeguards, including the new minimum home-country insurance period for posted workers noted above.[30]

4.5. Residual Limitations

- Territorial limits: coordination operates only within the EU/EEA/Switzerland/UK bloc; a worker moving between an EU state and a third country (e.g., the United States or India) falls outside Regulation 883/2004 and depends instead on whatever bilateral

[27]European Commission, A-Z on Social Security Coordination (FAQs) — P, supra note 26.
[28]International Labour Organisation, Decent Work Technical Support Team and Country Office for Central and Eastern Europe, Coordination of Social Security Systems in the European Union: An Explanatory Report on EC Regulation No. 883/2004 and Its Implementing Regulation No. 987/2009 (2010), https://www.ilo.org/media/334696/download.
[29]EuroCommerce, Revision of Regulation 883/2004 on the Coordination of Social Security Systems: Prior Notification and the Need for Digitalisation (Mar. 13, 2025), https://www.eurocommerce.eu/2025/03/revision-of-regulation-883-2004-on-the-coordination-of-social-security-systems-prior-notification-and-the-need-for-digitalisation/.
[30]European Commission, Directorate-General for Employment, supra note 23.

totalisation agreement, if any, exists between the two states.[31]

- Exclusion of social assistance: means-tested social assistance and the non-contributory special benefits listed in Annex X to the Regulation remain outside the coordination regime and are non-exportable, leaving a category of low-income and economically inactive migrants comparatively exposed.[32]

- Persisting national disparities: coordination guarantees procedural fairness across systems but does not equalise the substantive generosity of national schemes, so a move between Member States can still be financially advantageous or disadvantageous depending on the specific benefit and the systems involved.[33]

5. China: From Hukou-Linked Exclusion Toward Place-of-Employment Enrolment

5.1 The Hukou System and Historical Exclusion

China's household registration, or hukou, system assigns every citizen an urban or rural registration status tied to a specific locality at birth. For decades this status determined access to a bundle of public services - housing, education, healthcare, and, centrally for this paper, social insurance - in the locality of registration, and that entitlement did not travel with the worker.[34] A rural-hukou migrant who spent decades working in Shanghai or Shenzhen could remain formally entitled to social insurance benefits only in a distant home locality where they no longer resided, or could be relegated to a lower-benefit resident scheme rather than the urban employee scheme enjoyed by locally registered co-workers.[35] China's internal migrant population, overwhelmingly rural-to-urban, was recorded at 493 million people living outside their place of registration in the Seventh National Population Census (2020), more recent 2026 census sample data places the migrant population above 357 million using a narrower definition.[36] [37] Migrant workers, disproportionately concentrated in construction,

[31]OpenAccountants, EU Social Security Coordination — EU/EEA/CH/UK 2025 (2025), supra note 22.
[32]European Commission, Network of Legal Experts on Free Movement of Workers, supra note 20.
[33]European Commission, A-Z on Social Security Coordination (FAQs) - P, supra note 26.
[34]From Socialism to Stratification: The Unfinished Reform of China's Hukou System, UTS Synergy Journal (Apr. 10, 2025), https://utsynergyjournal.org/2025/04/09/from-socialism-to-stratification-the-unfinished-reform-of-chinas-hukou-system/.
[35]Hua Ying, China Removes Hukou Barriers to Enrolling in Social Insurance Where People Work, Friedrich-Ebert-Stiftung (2026), https://www.fes.de/en/news/china-removes-hukou-barriers-to-enrolling-in-social-insurance-where-people-work.
[36]Hua Ying, China Removes Hukou Barriers to Enrolling in Social Insurance Where People Work, supra note 35.
[37]South China Morning Post, China Removes Hukou Hurdle for Migrant Workers in Social Insurance Shake-Up

manufacturing, and domestic work, have consistently been found to face a wage gap relative to urban-hukou workers even after controlling for education and experience, a gap linked in the literature to labour-market discrimination associated with hukou status itself.[38]

5.2 The Social Insurance Law, 2011 and Earlier Reform Efforts

China's Social Insurance Law, effective 2011, established the basic statutory architecture for pension, medical, unemployment, work-injury, and maternity insurance, administered on a heavily localised basis through provincial and municipal social insurance bureaus with historically limited inter-jurisdictional pooling.[39] Reform of the hukou system predates the 2025–2026 changes discussed below: the New Urbanization Plan (2014–2020) set a target of converting 100 million rural migrants to urban hukou status, and government figures indicate over 40 million rural migrants obtained urban hukou status between 2021 and 2023.[40] Pilot programmes, such as a World Bank-supported project in Guangdong province, sought specifically to enhance the portability of social security data and beneficiary entitlements for rural-hukou workers ahead of the more recent national-level reform.[41]

5.3 The 2025 - 2026 Reform: Delinking Social Insurance From Hukou

In June 2025, China's central authorities issued guidelines on further improving public well-being that called for fully removing hukou-based restrictions on enrolling in social insurance at the place of employment, addressing what has been described as a structural mismatch between a highly mobile labour force and eligibility rules still anchored to place of household registration.[42] This was followed, on 22 May 2026, by a State Council announcement giving formal effect to the policy - migrant workers may now enrol in social insurance programmes in the cities where they work, regardless of where their household is registered, and authorities have committed to refining the mechanisms for transferring and continuing social insurance

(May 22, 2026), https://www.scmp.com/news/article/3354575/china-removes-hukou-hurdle-migrant-workers-social-insurance-shake.

[38]From Socialism to Stratification: The Unfinished Reform of China's Hukou System, UTS Synergy Journal (Apr. 10, supra note 34.

[39]Institutional Design and Incentives for Migrant Workers to Participate in Social Insurance in China: Evidence From a Policy Experiment in Chengdu City, PMC (n.d.), https://pmc.ncbi.nlm.nih.gov/articles/PMC8566806/.

[40]The State Council of the People's Republic of China, Reform Makes It Easier for Migrants to Gain City Hukou (Aug. 3, 2024), https://english.www.gov.cn/news/202408/03/content_WS66ad8b4fc6d0868f4e8e9b67.html.

[41]World Bank, China: Guangdong Social Security Integration and Rural Worker Training Project — Implementation Completion and Results Report (2021), https://documents1.worldbank.org/curated/en/287301620309329507/pdf/China-Guangdong-Social-Security-Integration-and-Rural-Worker-Training-Project.pdf.

[42]Hua Ying, China Removes Hukou Barriers to Enrolling in Social Insurance Where People Work, supra note 35.

relationships as workers move between regions.[43] The reform is explicitly framed around the principle of renhu fenli - the "separation of place of residence and household registration" - and its coverage extends to gig-economy and platform-based workers, including ride-hailing drivers and delivery couriers, who had previously fallen outside both the urban employee scheme (tied to formal local employment) and, often in practice, any resident scheme either.[44]

5.4 Strategic and Economic Context

Commentary on the reform situates it within China's broader economic strategy rather than purely as a social protection measure: easing hukou-linked restrictions is expected to facilitate greater internal labour mobility and support the competitiveness of Chinese manufacturing, alongside complementary measures, such as State Council rules encouraging employer partnerships with vocational-training institutes and a post-training competence evaluation system tied to remuneration, intended to upgrade the skills base of the migrant workforce.[45] Unlike India's EPFO framework, China has not developed an extensive network of outbound bilateral social security agreements comparable in scope to India's SSA network; the current reform agenda is directed overwhelmingly at the domestic portability problem rather than at coordinating with foreign social security systems for Chinese nationals working abroad.

5.5 Remaining Constraints

- Fragmented pooling: contribution pooling for pensions has historically been organised at the provincial or even municipal level; national-level or even fully province-wide pooling, which would materially ease inter-provincial transfer of accrued rights, remains only partially achieved.[46]

- Implementation lag: as with India's e-Shram-PDS integration gap, the practical value of the 2025–2026 reform depends on the pace at which "mechanisms for transferring and continuing social insurance relationships across regions" are actually built out, a

[43]South China Morning Post, China Removes Hukou Hurdle for Migrant Workers in Social Insurance Shake-Up (May 22, supra note 37.
[44]Friends of Socialist China, China Takes Important Step Towards Hukou Reform (May 25, 2026), https://socialistchina.org/2026/05/25/china-takes-important-step-towards-hukou-reform/.
[45]Observer Research Foundation, Beyond Welfare: The Economic Logic of China's Hukou Reform (2026), https://www.orfonline.org/expert-speak/beyond-welfare-the-economic-logic-of-china-s-hukou-reform.
[46]World Bank, China: Guangdong Social Security Integration and Rural Worker Training Project — Implementation Completion and Results Report (2021), supra note 41.

process authorities themselves describe as ongoing rather than complete.[47]

- Selective benefit of earlier reforms: prior rounds of hukou liberalisation are documented in the literature as disproportionately benefiting higher-skilled migrants who could more easily satisfy point-based urban hukou qualification systems, raising the question of whether the 2025–2026 social-insurance-specific reform will reach lower-skilled and informally employed migrants as effectively as it reaches the formally employed.[48]

6. Comparative Analysis

The three regimes examined above differ sharply in legal form - a binding supranational regulation directly applicable across 27+ Member States in the EU, a domestic statutory code combined with a discretionary bilateral treaty network in India, and an evolving set of central administrative guidelines operating on a unitary state's own sub-national units in China, yet they respond to a common underlying tension between place-based entitlement design and worker mobility. Table 1 summarises the comparison across five analytical dimensions developed in Section 2.

Table 1: Comparative Overview of Social Security Coordination

Dimension	**India**	**European Union**	**China**
Dominant migration pattern	Overwhelmingly internal, inter-state migration (~450–600 million estimated internal migrants)	Intra-regional cross-border migration among 27+ Member States and EEA/Swiss/UK nationals	Overwhelmingly internal, rural-to-urban migration (over 357 million migrants by 2026 estimates)
Core legal instrument	Code on Social Security, 2020 and Occupational Safety, Health and Working Conditions Code, 2020 (replacing the Inter-State Migrant Workmen Act, 1979); Employees' Provident Funds and	Regulation (EC) No 883/2004 and Implementing Regulation (EC) No 987/2009, revised in 2026	State Council guidelines (2025–2026) on removing hukou-based restrictions on social insurance; Social Insurance Law, 2011

[47]South China Morning Post, China Removes Hukou Hurdle for Migrant Workers in Social Insurance Shake-Up (May 22, supra note 37.
[48]From Socialism to Stratification: The Unfinished Reform of China's Hukou System, UTS Synergy Journal (Apr. 10, supra note 34.

Dimension	India	European Union	China
	Miscellaneous Provisions Act, 1952 for outbound workers		
Coordinating principle	Fragmented — portability promised through registries (e-Shram, One Nation One Ration Card) rather than a unified legal right	Four classical principles: single applicable legislation, equality of treatment, aggregation of periods, exportability of benefits	Shift from hukou-linked entitlement to place-of-employment enrolment; provincial pooling gradually being consolidated
External/bilateral dimension	20+ bilateral Social Security Agreements (SSAs) covering totalisation and contribution exemption for outbound formal-sector workers (e.g., Germany, France, Japan, Korea, Canada, Australia); none yet with the US, UK (pending), China, UAE or Singapore	Coordination is supranational and automatic among Member States; separate bilateral totalisation agreements govern relations with non-EU states	No general bilateral social security framework for outbound Chinese migrant workers; domestic portability is the primary reform focus
Coverage gap	Vast informal/unorganised workforce (~90% of workforce) largely outside EPFO/ESIC; e-Shram registration does not by itself confer benefit entitlement	Persons in informal work, third-country nationals in some cases, and posted workers face residual gaps; benefits outside Regulation 883/2004 (social assistance) remain non-portable	Migrant workers historically excluded from urban pension and unemployment insurance pools; enrolment gap narrowing but participation rates remain uneven
Institutional machinery	EPFO, ESIC, e-Shram portal, State Labour Departments; enforcement fragmented across 28+ states with limited inter-state data sharing	European Commission, Administrative Commission for the Coordination of Social Security Systems, national liaison bodies, EESSI electronic data exchange system	Ministry of Human Resources and Social Security, provincial social insurance bureaus, National Council for Social Insurance Fund; unified national data platform under development.

6.1. Legal Form and Bindingness

The clearest structural distinction is between the EU's directly applicable, judicially enforceable Regulation, interpreted authoritatively by the Court of Justice of the European Union and binding on Member States without need for domestic transposition, and both India's and China's reliance on domestic administrative and statutory mechanisms that are considerably more discretionary in practice, however clear their drafting. An Indian inter-state migrant worker's PDS portability under the CSS, 2020 depends on functioning inter-state data systems that the Supreme Court itself has repeatedly found incomplete; a Chinese migrant's ability to transfer an accrued pension between provinces depends on administrative "mechanisms" that the 2026 State Council announcement itself describes as still being refined. Neither confers a directly enforceable individual legal right of the kind Regulation 883/2004 creates.

6.2. Internal Versus External Coordination Emphasis

India has invested comparatively more institutional effort in external coordination, the SSA network protecting a numerically small population of high-formality outbound emigrants, than in internal coordination for its far larger population of internal migrants, an imbalance that inverts the scale of the underlying problem. China presents close to the opposite profile: an almost exclusive focus on the internal hukou-social insurance link, with no external coordination architecture of comparable maturity to the EU model or even to India's SSA network. The EU, by the nature of its constitutional structure, does not draw this internal/external distinction at all: intra-EU movement is treated identically regardless of which two Member States are involved.

6.3. Aggregation as the Missing Link in India

The single most transferable EU concept absent from the Indian internal migration framework is aggregation of periods - the codified rule that periods of contribution, employment, or residence accrued in one part of the system count toward eligibility thresholds administered by another part of the system. China's 2025–2026 reform, though still developing its implementing mechanisms, is moving toward an aggregation-adjacent model by committing to "transferring and continuing social insurance relationships across regions." India's Code on Social Security, 2020, by contrast, addresses inter-state migrant welfare largely through database registration

(e-Shram) and PDS/ration portability rather than through a codified right to aggregate contributory periods across state-administered welfare schemes, because most of the affected workers are, in any event, outside contributory schemes altogether.

6.4. A Convergence Point: Informality

Despite their institutional differences, India and China converge on a common structural challenge that the EU model, designed for economies with high formal-sector coverage does not have to solve: bringing an overwhelmingly informal or semi-formal migrant workforce within any contributory social insurance system at all before questions of aggregation or exportability can even become relevant. China's extension of the 2025 - 2026 reform explicitly to gig and platform workers is instructive for India, whose own Code on Social Security, 2020 was among the first labour codes globally to define and extend social security coverage to "gig workers" and "platform workers" as distinct statutory categories, though implementation of scheme-level benefits for this category remains at an early stage.

7. Policy Recommendations for India

Drawing on the comparative findings above, the following recommendations are addressed to the Ministry of Labour and Employment, EPFO, State Labour Departments, and the Inter-State Council as the appropriate authorities for coordinated implementation.

- Codify an aggregation right for internal migrants: amend the rules under the Code on Social Security, 2020 to create an express, judicially enforceable right of aggregation of contribution and residence periods across state-administered unorganised-worker welfare schemes, rather than leaving portability to administrative discretion and database interoperability alone.

- Convert e-Shram from a registry into a benefit-linked instrument: mandate that e-Shram/UAN registration automatically trigger eligibility verification and transfer of specific entitlements (PDS, health insurance, maternity benefit) at the point a worker's location changes, on the model of China's 2025–2026 place-of-employment enrolment reform, rather than requiring separate state-level re-registration.

- Establish a national inter-state data-sharing protocol with binding timelines, addressing directly the ration-card mismatch and inter-state integration gaps flagged in the

Supreme Court's ongoing supervision of In Re: Problems and Miseries of Migrant Labourers.

- Extend the EPFO bilateral SSA strategy to labour-sending corridors, not only high-formality corridors: prioritise negotiation with Gulf Cooperation Council states and other major low-wage emigration destinations, alongside the pending UK and US agreements, so that SSA coverage reaches the demographic of outbound workers most exposed to loss of accrued rights.

- Pilot provincial-style pooling for unorganised-sector contributions, adapting China's move from municipal to broader pooling, so that a migrant worker's accumulated small contributions across multiple states of employment can be consolidated into a single portable account rather than fragmented across state-level funds.

- Build EESSI-equivalent digital infrastructure: invest in an inter-state electronic case-exchange system modelled on the EU's EESSI platform to allow real-time verification of a migrant worker's accrued entitlements between origin and destination state labour departments.

8. Conclusion

Social security coordination for migrant workers is ultimately a problem of matching legal design to the scale and character of mobility a jurisdiction actually experiences. The European Union's regime demonstrates what a fully codified, judicially enforceable, rights-based coordination framework can achieve once the underlying workforce is substantially formalised. China's 2025–2026 reform demonstrates that even a unitary state with a historically rigid, place-based entitlement architecture can move decisively toward portability once the political commitment exists, though its implementing mechanisms remain a work in progress. India sits between the two: it has built one of the world's most extensive bilateral SSA networks for a relatively small population of formal-sector emigrants, while its far larger population of internal migrants remains dependent on a registry-and-scheme-portability model that has not yet been converted into the kind of codified, enforceable aggregation right that gives the EU model its force. The comparative evidence assembled in this paper suggests that India's next generation of labour-code implementation should draw simultaneously on the EU's legal technique of aggregation and exportability and on China's administrative pivot to place-of-

employment enrolment — combining rights-based design with delivery-focused reform — if the promise of the Code on Social Security, 2020 is to be realised for the hundreds of millions of workers it was written to protect.

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