

# Access to Employment

for Beneficiaries of International Protection in Bulgaria, Poland, Romania and Slovakia



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Protection in Bulgaria, Poland,  
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This Project is co-financed by  
the European Refugee Fund



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## Acknowledgments

This report was commissioned and funded by the Office of the United Nations High Commissioner for Refugees, Regional Representation for Central Europe. The research was carried out by a team of international researchers:

- Neda Deneva, researcher for the Bulgaria report and co-author of the cross-country analysis;
- Dumitrita Holdis, researcher for the Romania report and co-author of the cross-country analysis;
- Aleksandra Lis and Alena Kachanovich, researchers for the Poland report;
- Martina Sekulova, researcher for the Slovakia report.

The report is part of the wider “Refugee Integration: Capacity and Evaluation” project, co-funded by the European Union through the European Refugee Fund - Community Actions 2011 and UNHCR. The project began on 1 August 2012 and has been implemented by the UNHCR Regional Representation for Central Europe. The project was carried out in Bulgaria, Poland, Romania, and Slovakia in partnership with the following organizations: Migration Policy Group (MPG, Belgium); State Agency for Refugees/the Integration Centre for Refugees (Bulgaria); Ministry of Labour and Social Policy (Poland); General Inspectorate of Immigration (Romania); Ministry of Labour, Family and Social Affairs (Slovakia).

UNHCR is thankful to Jonathan N.S. Moore, John Nadler, and Tom Popper for their thorough language editing and proofreading work.

# Table of Contents

1/ Executive Summary.....	8
Legal and policy framework.....	8
Institutional framework.....	9
Active programmes .....	9
Barriers to employment .....	9
Conclusions .....	10
2/ Introduction.....	11
3/ Bulgaria Report.....	13
Introduction .....	13
II. Analysis of Data on Asylum and the Labour Markets .....	13
Asylum trends – with a focus on beneficiaries of international protection.....	13
Labour market impact.....	14
III. Labour Market Integration Policies – Overview of Policy, Practices and Gaps.....	17
Institutional and legal framework for employment of beneficiaries of international protection .....	17
Main institutions and actors .....	17
Legal documents and definitions.....	18
Funding .....	19
Policy framework for integration of beneficiaries of international protection ..	20
IV. Active Programmes for Beneficiaries of International Protection to Secure Employment.....	21
SAR Integration Centre .....	21
National Employment Agency .....	22
Complementary programmes by partners.....	23
Labour fairs.....	23
Professional training.....	23

Social mediation and counselling .....	24
Additional language courses .....	24
<b>V. Discrimination in Employment and Other Barriers to Employment for Beneficiaries of International Protection .....</b>	<b>24</b>
<b>Discrimination and racism .....</b>	<b>24</b>
Socio-economic status .....	25
Language .....	25
Professional training, job applications and links with employers .....	25
Information on rights, administrative procedures and institutions .....	26
Diplomas and certificates .....	26
Gender .....	27
Self-employment and entrepreneurship .....	27
Irregular employment .....	27
Integration Programme provisions and regulations .....	28
<b>VI. Recommendations .....</b>	<b>29</b>
<b>Sources and References .....</b>	<b>31</b>
<b>4/ Poland Report .....</b>	<b>33</b>
<b>Introduction .....</b>	<b>33</b>
<b>II. Data on Asylum and Unemployment .....</b>	<b>34</b>
<b>III. Legal and Institutional Bases for Labour Market Integration of Beneficiaries of International Protection in Poland .....</b>	<b>37</b>
Types of protection in Poland .....	37
Programme documents for societal and labour market integration of beneficiaries of international protection .....	39
Legal framework for labour market integration of foreigners .....	40
Relevant actors: An institutional map .....	41
<b>IV. Active Programmes for Beneficiaries of International Protection to Secure Employment .....</b>	<b>44</b>
Access to unemployment benefits and state-run employment programmes ...	44

<b>Integration activities run by NGOs .....</b>	<b>45</b>
<b>Examples of NGO projects that seek to provide beneficiaries of international protection access to the labour market .....</b>	<b>46</b>
<b>V. Identification of Barriers on the Labour Market in Poland .....</b>	<b>49</b>
<b>VI. Recommendations .....</b>	<b>54</b>
<b>Sources and References .....</b>	<b>56</b>
<b>5/ Romania Report .....</b>	<b>58</b>
<b>Introduction .....</b>	<b>58</b>
<b>II. Analysis of Data on Asylum and the Labour Markets .....</b>	<b>59</b>
Asylum trends – with a focus on beneficiaries of international protection .....	59
Labour market impact .....	59
A note on data collection .....	60
<b>III. Labour Market Integration Policies – Overview of Policy, Practices and Gaps .....</b>	<b>61</b>
<b>Institutional and Policy Framework for Integration of Beneficiaries of International Protection .....</b>	<b>61</b>
Main points .....	61
<b>Institutional and Legal Framework for Employment of Beneficiaries of International Protection .....</b>	<b>62</b>
Asylum-seekers .....	62
Refugee and Subsidiary Protection .....	63
Tolerated Status .....	63
<b>Relevant Actors: Institutional Map and Implications .....</b>	<b>63</b>
General Inspectorate for Immigration .....	63
Ministries and local authorities .....	64
Non-Governmental Organizations/Partners .....	64
<b>Coordination and Responsibility .....</b>	<b>65</b>
The European Refugee Fund .....	65

IV. Active Programmes for Beneficiaries of International Protection to Secure Employment.....	65	Financial framework for integration activities .....	81
National Employment Agency programmes .....	66	Employment of Beneficiaries of International Protection (Practice) .....	81
GII Integration Programme .....	66	IV. Active Programmes to Secure Employment for Beneficiaries of International Protection.....	82
Complementary Programmes offered by Partners .....	68	Integration activities .....	83
Project Examples.....	68	Training .....	84
V. Discrimination in Employment for Beneficiaries of International Protection .....	69	Counselling .....	84
Socio-economic Status .....	69	Accommodation .....	85
Gender and age .....	69	Active Labour Market measures .....	85
Employers .....	70	V. Discrimination in Employment for Beneficiaries of International Protection.....	86
Self-Employment.....	70	VI. Other Barriers to Employment for Beneficiaries of International Protection.....	86
VI. Other Barriers to Employment for Beneficiaries of International Protection .....	71	Recognition of educational credentials.....	86
VII. Recommendations.....	72	Lack of information and awareness.....	87
Institutions.....	72	VII. Conclusions and Recommendations .....	87
Programmes .....	72	Sources and References.....	89
Community Oriented .....	73		
Sources and References.....	73		
6/ Slovakia Report.....	75	7/ Cross-country Analysis.....	91
Introduction .....	75	Legal framework.....	91
II. Analysis of Data on Asylum and the Labour Markets .....	75	Protection status .....	91
Asylum trends – with a focus on beneficiaries of international protection.....	75	Disadvantaged group status.....	92
Labour market impact.....	77	Asylum-seekers .....	92
III. Labour Market Integration Policies – Overview of Policy, Practices and Gaps.....	78	II. Institutional Framework .....	93
Institutional and Legal Framework for the Employment and Integration of Beneficiaries of International Protection .....	79	III. Policy Framework.....	94
Institutional framework.....	79	Policy strategies and programmes .....	94
		Funding.....	94

IV. Active Programmes for Beneficiaries of International Protection to Secure Employment.....	95
<b>Asylum-seekers</b> .....	<b>95</b>
State Integration measures.....	95
Complementary programmes.....	95
<b>Beneficiaries of International Protection</b> .....	<b>95</b>
State managed integration programmes.....	95
Active support.....	96
Partner NGOs.....	97
Good practices.....	97
<b>Discrimination</b> .....	<b>98</b>
<b>Groups with increased exposure to discrimination</b> .....	<b>98</b>
<b>Other barriers to employment</b> .....	<b>98</b>
VI. Conclusions and Recommendations.....	99
8/ Annex 1 – Analytical Matrix.....	101
9/ Annex 2 – Methodology.....	109



# 1/ Executive Summary

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The aim of this report is to offer a detailed account on the access to employment for beneficiaries of international protection in Bulgaria, Poland, Romania, and Slovakia. The study was commissioned by the United Nations High Commissioner for Refugees Regional Representation for Central Europe. The research was carried out between February and April 2013, and it was concluded through a mixture of desk, quantitative, qualitative and field research. For the fieldwork, researchers conducted at least six semi-structured interviews per country with stakeholders and experts, and interviews with at least ten beneficiaries of international protection per country. The final report presents and analyses the barriers to employment for beneficiaries of international protection. It offers a cross-country analysis of legislative frameworks and practices, and advances recommendations and good practices applicable across the region.

## Legal and policy framework

The legal framework regulating the conditions of asylum-seekers and beneficiaries of international protection consists of a series of norms and general laws. These regulations define asylum procedures, asylum-seekers reception conditions and decision procedures, types of protection, and the rights and obligations of beneficiaries of international protection and asylum-seekers. All four countries effectively began accepting asylum-seekers in the early 1990s, after ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Each country grants several types of protection, which provide different sets of rights. In three out of the four countries researched, refugees and subsidiary protection status holders are not considered a disadvantaged or special target group for positive-action measures (except when in integration programmes). However, in all countries they benefit by law from the same rights as nationals and are governed by a series of general laws, which define their access to healthcare, social assistance, employment services, and citizenship. Despite this, the present research has identified a number of barriers, which place many refugees and subsidiary-protection holders in a disadvantaged position in comparison to the local population. Specifically, at the legal and policy level, the main obstacles identified by this study in all the countries involve employment restrictions for asylum-seekers and holders of tolerated status and a failure to enforce legal provisions.



## Institutional framework

The main institutions responsible for beneficiaries of international protection include ministries, directorates and agencies, international organizations, and NGOs. In Bulgaria the state institution responsible for the major part of the integration of beneficiaries of international protection is the State Agency for Refugees. In Romania it is the General Inspectorate for Immigration, and in Slovakia it is the Migration Office. These offices also manage asylum-seekers' registration, reception and access to the asylum process, as well as the social integration of refugees. However, integration generally receives little support, and few resources. The current situation in all three countries reveals that these institutions primarily view migration as an issue of national security when overseeing status determination procedures and the various stages of asylum-seekers' reception. In Poland, the Ministry of Labour and Social Policy administers refugee integration, while asylum management remains under the Ministry of Interior. International organizations such as UNHCR support integration by mediating between the different institutions involved, promoting refugee rights, and funding the projects and studies of non-governmental organizations (NGOs). Financed mainly by the European Refugee Fund (ERF), NGOs play a complementary but important role in the integration process by providing necessary services that other institutions are not offering. For example, NGOs are responsible for many of the core services surrounding integration. Additional services are provided by employment agencies, directorates for education and diploma recognition, and regional healthcare units. Based on this research, it is recommended that the integration process be headed by an institution specialized in social support and employment, such as the ministries of labour and social policies, rather than an institution which is focused on matters of national security.

## Active programmes

A beneficiary of international protection's first steps towards integration begins before he or she is granted protection. Asylum procedures may take months and even years to complete depending on the complexity of the case. Furthermore, reception measures aimed at facilitating the integration of successful asylum-seekers are still sparse, short-term, and generally focused on providing counselling. Early integration measures are insufficiently developed, setting the stage for larger problems after

protection has been granted. While integration programmes offer opportunities such as professional training and counselling, they do not provide beneficiaries of international protection with an equal chance to access the labour market.

Refugee integration programmes offered by national authorities include services such as counselling sessions, job-search advice, material support, accommodation, and tuition for language classes. However, the ERF-funded projects of NGOs are making the greatest contribution to refugee integration in the region. NGOs are implementing active and constructive measures to help refugees enter the job market, such as sponsoring language classes, facilitating contact with employers, arranging vocational training, launching work clubs for job seekers, and arranging internships and job placements.

## Barriers to employment

**Racial and ethnic discrimination** is a major obstacle to the integration of beneficiaries of international protection in the four countries that were studied. Public servants and employers who are unaware of, or refuse to enforce, the rights of beneficiaries of international protection are actively discriminating against this group. Furthermore, the insecure legal status of asylum-seekers, tolerated-status holders, and temporary-protection holders makes them less attractive to employers. Some have job skills that are not in demand in the local labour market. Many do not speak the local language at an appropriately advanced level. All of these conditions breed inequality if proper support from institutions and society is not forthcoming.

**Data collection and sharing** advances the understanding of the targeted population and their living conditions and is essential for policy development. Data sharing is crucial when assessing the success or failure of refugee integration measures and when monitoring the enforcement of laws. However, data collection is done sporadically in the region, and is carried out by institutions that are not specialists in data collection and processing.

**The economic crisis** in Central and Eastern Europe has had a significant effect on the services and material aid that beneficiaries of international protection receive from the state. Budgetary cuts in social welfare have affected the elderly, single

mothers and their children, the unemployed and other vulnerable groups. Moreover, the ailing economy has affected job creation, purchasing power, and the financial stability of these countries.

## Conclusions

The main findings of the research are reported according to country, followed by a comparative section on trends and practices throughout the region. Overall, the report shows that, although the legal framework for the successful integration of beneficiaries of international protection is largely in place, the enforcement of these laws is lagging. The integration process draws on resources at both the national and regional levels. Focus and monitoring must be maintained to ensure that the institutions involved fulfil their obligations, that policy remains faithful to the programmes they are supporting, and that the needs of the target population are understood. Subsequently, the main recommendations proposed by this report include taking action to establish autonomous compliance mechanisms, which would help refugees and asylum-seekers gain better access to justice and information. Moreover, laws, institutions, and programmes should be revised to ensure that people facing poverty and social isolation are better cared for, and that there is greater interaction between the host community and beneficiaries of international protection.

## 2/ Introduction

Bulgaria, Poland, Romania and Slovakia have all become European Union (EU) members over the last decade, which has significantly affected their migration policies. Three of these countries have external EU borders, and enforce EU policy on migration control. Moreover, they all conform to the Dublin II Regulation.<sup>1</sup> All four countries – Poland and Slovakia in 2004, and Bulgaria and Romania in 2007 – have made additional changes to their laws and policies to bring them in line with EU standards. Heightened attention has been paid to policies regulating asylum procedures and the integration of beneficiaries of international protection; actions which were complemented by additional European funds. In addition, freedom of movement within the EU, and Poland and Slovakia's inclusion in the Schengen area has had a great effect on the mobility of beneficiaries of international protection. Although total recognition rates for asylum claims in these countries tend to be low in comparison to Western European countries like Germany or the UK, this data does not provide an adequate picture of the number of refugees living in each country.<sup>2</sup> Beneficiaries of international protection in the EU have the right to travel freely within the Union and some migrate to other EU countries and engage in irregular employment. This tendency has been noted in all four countries studied, and further complicates efforts to assess the actual number of beneficiaries of international protection living in each country.

The countries of origin of asylum-seekers vary across the four countries. Bulgaria and Romania receive a high share of asylum-seekers from Iraq, Afghanistan, Somalia, Syria, Algeria, Morocco and Pakistan. Slovakia receives the fewest asylum-seekers (albeit from a wide array of countries including Afghanistan and Somalia), and has the lowest recognition rate of the four countries. Poland receives a steady flow of asylum-seekers from Chechnya in the Russian Federation and Belarus, and, to a lesser extent, from Somalia. In all four countries, most asylum-seekers are men between 20 and 45 years old, reaching to eighty-two per cent in Slovakia.

<sup>1</sup> Council Regulation (EC) No. 343/2003, February 18, 2003, establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, retrieved from [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/l33153\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33153_en.htm)

<sup>2</sup> The four country cases differ substantially in terms of numbers of asylum applications and recognition rates. Refer to individual country reports for more detailed numbers.

The region was hit hard by the 2008 financial crisis. In all four countries, GDP dropped, the labour market declined, job security weakened and poverty, particularly among the lowest economic strata of the population, increased. The crisis has had a profound effect on employment in all four countries. While there is no official data available on unemployment among beneficiaries of international protection, experts estimate that the unemployment rate within this group is significantly higher than the rest of the population, and that their ability to adjust to fluctuations in the labour market is lower. The individual country reports of this study conclude that beneficiaries of international protection have very little effect on the local labour markets, and generally do not compete with the host population for jobs. However, their modest numbers, low profile, and insignificant impact in the job market and society have resulted in authorities and policy makers neglecting them. The aim of this report is to highlight the consequences of this neglect vis-à-vis the ability of beneficiaries of international protection to access the labour markets and integrate into the societies where they live.

The report is divided into five parts. There are four individual country reports and a final cross-country comparative analysis. Each country report follows a similar structure, starting with a description of asylum trends and labour-market impacts, then moving to an analysis of the legal framework and funding schemes, including a profile of the main institutions and stakeholders involved in the asylum process. This is followed by an examination of the policy framework. The main part of the reports is devoted to descriptions and analyses of active labour-market programmes, and is divided into two sections: state integration programmes and the supplementary work of partner NGOs. In each report, this is followed by a section on discrimination and barriers to employment. The country reports conclude with recommendations. The cross-country report follows the same structure. It discusses common points and problems, and identifies good practices. Using a cross-country analytical matrix, a comparative table has been provided in the annex, which lists the main points discussed in the country reports. The annex also includes the methodological framework and a list of interviews with individuals and focus groups along with their details.

# 3/ Bulgaria Report

Neda Deneva

## Introduction

Bulgaria's accession to the European Union in 2007 resulted in a series of legislative and policy changes with regard to the way the country handles asylum-seekers and beneficiaries of international protection. Beneficiaries of international protection are now legally guaranteed the same rights as Bulgarian citizens in accessing the labour market, social services, health care and education. In the initial period after having their official status recognized beneficiaries of international protection are also legally entitled to access a special integration programme. In 2008, the worldwide financial crisis led to a drop in Bulgaria's GDP, inflation of the local currency and higher unemployment. The government reacted with austerity measures that severely affect the most disadvantaged groups in society and have recently stirred public demonstrations. Economic troubles had particularly dire effects on asylum-seekers and recently recognized beneficiaries of international protection, two groups who tend to live in uncertain financial conditions, have little access to the labour market, and face discrimination and a series of other barriers to full integration. Although there may be sound policies to protect these groups, the ability or will to carry out these policies is limited. This report aims to analyse the discrepancies between Bulgaria's legislative and policy framework and to assess the actual implementation of integration measures with respect to access to the labour market for beneficiaries of international protection.

## II. Analysis of Data on Asylum and the Labour Markets

### Asylum trends – with a focus on beneficiaries of international protection

In comparison to other EU States, Bulgaria's volume of asylum-seekers and beneficiaries of international protection has been relatively small over the last 19 years. Bulgaria has been considered a transit country for asylum-seekers and the recent numbers have not shown much change in this tendency. After accession to

the EU in 2007, Bulgaria started implementing the Dublin II Regulation and joined a common policy of securitization of the external EU borders. In 2002, asylum applications had peaked near 2,900, but by 2012<sup>3</sup> the number had dropped to less than half that amount. Although there were fluctuations over the years, there has been a visible tendency toward a decrease in asylum-seekers in Bulgaria in recent years. As of December 2012, the total number of persons who have claimed asylum since 1993 was 21,267, which is in the low range of EU countries.<sup>4</sup>

**Table 1: Number of asylum applications for 2002-2012**

Year	2001	2002	2003	2004	2005	2006
<b>Asylum Applications</b>	2428	2888	1549	1127	822	639

  

Year	2007	2008	2009	2010	2011	2012
<b>Asylum Applications</b>	975	746	853	1025	890	1387

Source: State Agency for Refugees

The number of persons granted internationally protected status in Bulgaria in the period between January 1993 and December 2012 was 6,312.<sup>5</sup> Out of this total, 1,539 have refugee status and 4,773 have humanitarian status. The number of protected status applications granted has decreased significantly from the record high of 1,570 in 2001. In 2012, the State Agency for Refugees with the Council of Ministers (SAR) granted international protection to 177 persons, out of which 18 received refugee status and 159 received humanitarian status, while 445 were issued rejections. There is a clear tendency towards granting humanitarian status (75 per cent of the recognized applications) rather than refugee status (25 per cent of the recognized applications). Since 2006, the share of applicants for international protection who received refugee status dropped even further, reaching only 10 per cent in 2012.

<sup>3</sup> Due to the crisis in Syria the inflow of asylum-seekers has increased significantly in 2013. Between January and August 2013 the number of asylum requests amounted to 3,017, more than double the previous year.

<sup>4</sup> [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-QA-13-005/EN/KS-QA-13-005-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-13-005/EN/KS-QA-13-005-EN.PDF)

<sup>5</sup> The number of statuses granted in 2013 is much higher than the previous years because of the larger inflow of refugees from Syria. Between January and August 2013 a total of 651 people were granted a protection status, of which 641 received humanitarian status and 10 refugee status.

**Table 2: Number of recognition decisions for 2002-2012**

Year	2001	2002	2003	2004	2005	2006
<b>Refugee status</b>	385	75	19	17	8	12
<b>Humanitarian status</b>	1185	646	411	257	78	83
<b>Total</b>	1570	721	430	274	86	95

  

Year	2007	2008	2009	2010	2011	2012
<b>Refugee status</b>	13	27	39	20	10	18
<b>Humanitarian status</b>	322	267	228	118	182	159
<b>Total</b>	335	294	267	138	192	177

Source: State Agency for Refugees

The top countries of origin of asylum-seekers are Iraq, Afghanistan, Armenia, and Iran and, more recently, Somalia, Rwanda and Syria. In terms of gender, asylum-seekers and beneficiaries of international protection are predominantly male (70 per cent). Within Bulgaria's territory, the largest number of beneficiaries of international protection is concentrated in Sofia, and there are very few cases of people who settled in other regions. Asylum-seekers are housed in two registration and reception centres – in Sofia and in the village of Banya in Nova Zagora municipality – and one transit centre, two kilometres outside of the village of Pastrogor, near the Bulgarian-Turkish border.

### Labour market impact

The global economic crisis hit Bulgaria in 2009 and resulted in a decline in GDP and a downturn in the labour market that significantly affected the most vulnerable groups. Salaries decreased and job security weakened in many sectors. The country's GDP contracted by 5.5 per cent in 2009, after hitting a peak the previous year, but it has grown slowly since then, increasing 0.8 per cent from 2011 to 2012.<sup>6</sup>

<sup>6</sup> <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tec00115>

Employment growth<sup>7</sup> has been negative since 2008, reaching -4.3 per cent in 2012, with employment of males decreasing at twice the rate for females.<sup>8</sup> The employment rate rose to reach 70.7 per cent in 2008, but has steadily dropped since, going down to 63 per cent in 2012, with men experiencing a slightly higher employment rate than women.<sup>9</sup> The unemployment rate has been steadily growing since it was at 5.6 per cent in 2008, reaching 12.3 per cent in 2012, with female unemployment at 10.8 per cent and male unemployment at 13.5 per cent.<sup>10</sup> Unemployment most significantly affects young people. For those under the age of 25, unemployment grew steadily from 11.9 per cent in 2008 to 28.1 per cent in 2012.<sup>11</sup> The percentage of long-term unemployed reached 6.38 per cent in 2012, with men making up slightly more than half of this group.<sup>12</sup>

Going by sector, the biggest drop in jobs in Bulgaria in the last four years was in construction (25 per cent decrease in jobs), followed by light industry and trade and retail.<sup>13</sup> These are also the sectors that employ the highest number of people. The general tendency toward a decrease in low-skilled jobs, especially in construction and retail, has affected beneficiaries of international protection, making their position on the labour market even more precarious than before.

Neither the National Statistical Institute nor the relevant state institutions keep separate data on employment rates for beneficiaries of international protection.<sup>14</sup> The number of registered unemployed beneficiaries of international protection, as counted

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7 All employment data is from Eurostat for the persons aged 20 to 64. The same data is available in Bulgarian from the National Statistical Institute at: <http://www.nsi.bg/otrasal.php?otr=26>

8 <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tps00180&plugin=1>

9 <http://epp.eurostat.ec.europa.eu/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tsdec420&language=en>

10 Numbers are for persons aged 15 to 74: <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tsdec450&plugin=1>

11 <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tsdec460&plugin=1>

12 <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tsdsc330&plugin=1>

13 National Statistical Institute data for 2012: <http://www.nsi.bg/otrasal.php?otr=26>

14 Refugees and persons with humanitarian status have labour rights equal to those of Bulgarian citizens. They do not need a special work permit and do not have to register to work. For that reason, they are not included in the breakdown of the general statistical data on employment rates. The National Revenue Service does not provide separate numbers for labour contracts of refugees or persons with humanitarian status. Asylum-seekers need a work permit to be able to work 12 months after they apply for protection, but the National Employment Agency does not distinguish them from the rest of the third-country nationals in its statistics.

by the National Employment Agency, has been very low over the last four years. In 2012, there were 1,086 non-Bulgarian citizens registered as unemployed, 18 of which were beneficiaries of international protection. The numbers for the previous years are equally low. In 2012, one person with internationally protected status enrolled in a training course organized by the Employment Bureau, and one such person found employment with the assistance of the Bureau. For the previous years, the number of trained beneficiaries of international protection in Bulgaria is zero, and an average of four such people found employment. These numbers have to be interpreted cautiously because they do not reflect the total number of unemployed beneficiaries of international protection but only officially registered individuals. For reasons discussed in Section IV.2 of this report, many beneficiaries of international protection do not register with Bulgaria's Employment Bureaux, even though they continue to actively search for employment. Others move between temporary positions because they cannot find permanent jobs, and they also often switch between regular and irregular employment. Some beneficiaries of international protection choose not to engage in formal working activities. There is also a very large pool of irregularly employed beneficiaries of international protection and asylum-seekers who make up a dynamic category that is not reflected in the official statistical data.

Assessing the actual number of beneficiaries of international protection who still reside in the country is problematic due to a lack of statistical data. Additionally, beneficiaries of international protection often exercise their right to free movement for up to three months within the territory of the EU. There is a significant share of beneficiaries of international protection who do not reside in the country on a regular basis, but instead have joined extended family networks in other EU countries, where they often work irregularly. This group is dynamic, and their number is difficult to estimate, especially since many beneficiaries of international protection alternate their stays abroad with attempts to settle in Bulgaria.<sup>15</sup> Because more specific data is lacking, it is impossible to estimate the actual levels of active integration in the labour market.

Beneficiaries of international protection and asylum-seekers are mostly engaged in lower-skilled, wage labour in several industries: retail (small shops and markets

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15 Information on such movements is based on interviewed experts' estimations and interviews with beneficiaries of international protection.



for clothes and food), food service (fast food restaurants), car repair services, construction, hairdressing and sewing.<sup>16</sup> Employment in most of these sectors can be both regular and irregular. The types of employment beneficiaries of international protection and asylum-seekers take in Bulgaria are much more limited when compared to their situation before coming to the country. Consequently, these workers tend to take jobs that require lower skills and qualifications. A smaller share of beneficiaries of international protection and asylum-seekers are self-employed or entrepreneurs. They usually own a small business, generally involved in retail, food service, or hairdressing, and commonly hire within their own ethnic community of other refugees or migrants. This creates specific ethnic niches on the labour market. Not least, a limited number of beneficiaries of international protection and asylum-seekers are employed as translators and social mediators, working for the few NGOs that focus on migration and asylum.

Employment for beneficiaries of international protection and asylum-seekers in retail, food service and hairdressing is concentrated in a few neighbourhoods in Sofia. The big retail market “Iliantsi” on the outskirts of Sofia provides both regular and irregular jobs for members of these groups. Employers there are mostly migrants, but not necessarily in the same ethnic group as the workers.<sup>17</sup>

The type of employment taken by beneficiaries of international protection and asylum-seekers is gender specific. Overall, men have better chances of finding employment than women.<sup>18</sup> According to SAR experts,<sup>19</sup> men are more likely to be given a job, and they are more active in seeking work and more flexible and

adjustable to local conditions, due to specific cultural and patriarchal norms. This tendency was also confirmed through interviews with several refugee women. Men work in construction, car repair services, open markets and other retail jobs. Such employment is often short-term, especially construction employment, and it offers low pay and little security. Women face additional barriers when adjusting to the labour market. In families with young children and a weak support network, women are the main caretakers and often have to forgo participation in language and vocational classes. On average, women who are beneficiaries of international protection and asylum-seekers have less education, fewer qualifications and less experience than men in the same position.<sup>20</sup> An additional complication for women is the tendency among many migrant groups, especially those from Muslim countries of origin, to adhere to more conservative cultural models of behaviour, in which women stay at home. Female beneficiaries of international protection and asylum-seekers who do take employment mostly work in hairdressing and tailoring within their ethnic communities.

The main strategy for people in these groups to find wage employment is to use networks within their ethnic community of compatriots. Informal ethnic and extended kin networks are the most common mechanisms for all aspects of integration, including: finding employment, accommodation, and accessing administrative and social services.<sup>21</sup> There are individual cases of people who found employment by applying directly to Bulgarian or international companies, such as call centres or restaurant chains. Mostly, however, people in these groups do not rely on employment firms, job-search websites, newspaper ads or direct applications.

Overall, the number of beneficiaries of international protection and asylum-seekers with working rights<sup>22</sup> is very low. Therefore, the overall impact of these groups on the labour market and the economy is negligible. On the whole, beneficiaries of international protection and asylum-seekers do not compete with Bulgarian workers in the labour market, due to their low numbers and their lack of engagement with formal mechanisms for finding employment. The low impact and low visibility of

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16 Neli Filipova, *Prakticheski Aspekti na trudovata zaetost na chuzdrencite poluchili status na bezhanec ili humanitaren statut v Republica Bulgaria*, presentation at the Round table on Implementation of the National Programme of the Integration of Refugees in the Republic of Bulgaria (2011-2013) in Sofia, 2012; Trifonova, Tihomira, “The Meaning of the EU Common Basic Principles for the Integration of Middle East Immigrants in Bulgaria, in *The Implication of EU Membership on Immigration Trends and Immigrant Integration Policies for the Bulgarian Labour Market*, Yassen Georgiev, ed. (Economic Policy Institute, Sofia, 2008)

17 Anna Krasteva, ed., *Imigratsiata v Bulgaria* (Sofia: IMIR, 2005); Trifonova, Tihomira, “The Meaning of the EU Common Basic Principles for the Integration of Middle East Immigrants in Bulgaria, in *The Implication of EU Membership on Immigration Trends and Immigrant Integration Policies for the Bulgarian Labour Market*, Yassen Georgiev, ed. (Economic Policy Institute, Sofia, 2008)

18 Neli Filipova, *Prakticheski Aspekti na trudovata zaetost na chuzdrencite poluchili status na bezhanec ili humanitaren statut v Republica Bulgaria*, presentation at the Round table on Implementation of the National Programme of the Integration of Refugees in the Republic of Bulgaria (2011-2013) in Sofia, 2012; Radosveta Hadjieva, *Dostup do Pazara na Truda I Trudovata Zaetost na Bezhanci i Lica s Humanitaren Statu v Bulgaria – positsiata na Caritas Bulgaria*, presentation at the Round table on Implementation of the National Programme of the Integration of Refugees in the Republic of Bulgaria (2011-2013) in Sofia, 2012; Anna Krasteva, ed., *Imigratsiata v Bulgaria* (Sofia: IMIR, 2005)

19 Conclusions are based on an internal report provided by Neli Filipova, a SAR expert, and on personal interviews.

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20 Interviews with experts from SAR and NGOs.

21 This is confirmed by interviews with stakeholders, with beneficiaries and by academic research (see Albena Tcholakova, “Profesionalnite Karieri na Bezhancite v Bulgaria I Francia” *Sociologicheski Problemi* vol. XLIV, No. 1-2, (2012)

22 Asylum-seekers get access to the labour market after 12 months in the refugee status determination procedure.

beneficiaries of international protection and asylum-seekers in the job market makes them a non-priority category for policy makers.

## III. Labour Market Integration Policies – Overview of Policy, Practices and Gaps

### Institutional and legal framework for employment of beneficiaries of international protection

#### Main institutions and actors

Legislation, advocacy, integration and legal activities aimed at asylum-seekers and beneficiaries of international protection are spread between a number of state institutions and agencies, international and inter-governmental organizations, and NGOs with diverse scopes of work.

#### State institutions

- The State Agency for Refugees with the Council of Ministers is the main body responsible for the initial integration of beneficiaries of international protection within the National Integration Programme. It has an Integration Centre that organizes language and professional training and provides social counselling. Funding for the SAR comes from the state budget, and its core integration team consists of seven people.
- The Ministry of Labour and Social Policy (MLSP) is the state institution responsible for employment assistance and social support. The relevant units are the National Employment Agency, with its regional Employment Bureaux, and the Social Support Agency. While there is no special unit or group of employers working exclusively with asylum-seekers and beneficiaries of international protection, there are services that cater to them, as well as the rest of Bulgarian citizens. The National Employment Agency works in close cooperation with SAR

to register beneficiaries of international protection at the Employment Bureaux and provide information about labour market opportunities. The agency also offers vocational training that is not included in the Integration Programme, and it has partnered in the organization of two job fairs, providing connections with possible employers.

- The National Institute for Information and Documentation with the Ministry of Education (NACID) is responsible for recognizing foreign diplomas. It works with all foreign diplomas and is not specialized in dealing with the specific problems of diploma recognition for beneficiaries of international protection.

#### International and inter-governmental organizations

- UNHCR in Bulgaria is involved mainly in advocacy in the area of integration of beneficiaries of international protection. It does not provide direct support or funding to other organizations for integration measures, but instead finances counselling activities implemented by selected NGOs. UNHCR plays a coordinating role between the relevant institutions, supports inter-institutional working groups, and develops research and assessment instruments.
- The International Organization for Migration has a very small country office in Bulgaria and works mainly in the sphere of voluntary return of asylum-seekers and other third-country nationals who have received final rejections.

#### Non-governmental organizations involved in various steps of immigrant integration and immigrant rights protection

- The Bulgarian Helsinki Committee and the Legal Clinic for Refugees and Immigrants work predominantly in the sphere of legal aid.
- The Association for the Integration of Refugees and Migrants and the Bulgarian Council on Refugees and Migrants are mainly concerned with advocacy; they also organize trainings, discussions and roundtables with stakeholders, and commission monitoring and assessment reports.
- The Assistance Centre for Torture Survivors and the Nadja Centre Foundation focus on psychological support.
- The Bulgarian Red Cross Migrant and Refugee Service, Caritas – Bulgaria, and the Council of Refugee Women provide social services.

The majority of the integration process is centralized in the SAR Integration Centre, which manages financial support, language and some vocational training. The National Employment Agency and the Social Support Agency do not provide targeted services for beneficiaries of international protection, but treat them the same as Bulgarian citizens. In the sphere of integration, the role of the NGOs is complementary and minor, and NGOs are small and few in number. They do not have the capacity to offer large-scale integration services. Most projects financed by the European Refugee Fund (ERF) are for small-scale additional language training, or for expert and public servant training. The integration role of the SAR is secondary, as its main priority is to handle asylum-seekers' registration, reception and access to procedures, as well as status recognition. These responsibilities mean the SAR focuses on both national security and integration, an arrangement that is potentially problematic, as some SAR experts have pointed out. A good practice established by the main state and NGO integration stakeholders is to hold an integration commission monthly and discuss individual cases. Overall, all institutions that are in some way relevant to the process of integration, and especially labour market-related activities, are either very small or have small separate units, specialized in working with asylum-seekers and beneficiaries of international protection. As a result, the network of experts and social workers engaged in these activities is small and professionals working in this sphere are well-acquainted with one another. More details about each institution follow in the discussion of the concrete measures in Section IV.

### Legal documents and definitions

The Law on Asylum and Refugees (LAR) is the main legislative document regulating the types of protection, asylum procedures, rights and obligations of beneficiaries of international protection. The LAR also defines the prerogatives of the main institutional body involved in these issues, the SAR. The law is complemented by multi-annual policy strategies and programmes, which are discussed at length in Section III.2. A number of other national laws are also relevant for beneficiaries of international protection, including the: Law for Encouragement of Employment, Law for Health Insurance, Law for Social Support, Protection against Discrimination Law, Law for Bulgarian Identification Documents, and Law on Bulgarian Citizenship.

International protection is established in the form of asylum (granted by the President), refugee and humanitarian status (granted by the SAR) and collective temporary protection (granted by the Council of Ministers). Refugee and humanitarian status are granted for an unlimited period of time. Temporary protection is granted in cases of a mass entry of foreigners who are forced to leave their country of origin. *Refugee status* comes with most of the rights and obligations of Bulgarian citizenship, with certain exceptions for which full citizenship is required.<sup>23</sup> *Humanitarian status* grants the rights and obligations of foreigners with permanent residence. Both categories provide equal access to the labour market as Bulgarian citizens. Recipients of both types of status have the right to be included in the SAR's Integration Programme for up to nine months, to register at the Employment Bureaux and to attend vocational training courses. People in both categories can travel freely within the EU, but have no working rights outside of Bulgaria unless they acquire a work permit. There is a difference in the period of residence required before applying for citizenship: three years for refugees and five years for humanitarian status holders. Bulgarian citizenship provides equal working rights in the rest of the EU countries (where applicable). Persons with temporary protection status have the right to reside in the territory of Bulgaria; to receive accommodation, emergency health care and social support; and to work and receive professional training. At present there are no groups of people with temporary protection status, and asylum was granted by the President to only one person in 2013.

*Asylum-seekers* who are in a refugee status determination (RSD) procedure have the rights of temporary residents – in addition to free movement, they have the right to accommodation in the SAR reception centres, to have their health insurance covered by the SAR and to receive monthly financial support from the SAR, in an amount equivalent to the social support for Bulgarian citizens (BGN 65 or EUR 33). Asylum-seekers may apply for a work permit 12 months after the submission of the asylum application, based on the same regulations that apply to third-country labour migrants.<sup>24</sup> If their appeal is rejected, the work permit is revoked.

<sup>23</sup> The right to participate in state and local government, in national and local referenda, to be founders or member of political parties, to serve in the army, and other activities which are limited to Bulgarian citizens.

<sup>24</sup> Work permits are issued by the National Employment Agency. Third-country nationals can apply for a work permit in cases where they are: 1. hired by an employer, 2. commissioned for a fixed period by a foreign employer, 3. self-employed. A work permit is issued for jobs that require knowledge or skills that are unavailable at the local labour market at the moment of application. It is issued upon the employer's application. The employer has to prove an active search for a candidate for at least 15 days through registration in the Employment Bureaux and through job adverts in national media. The employer has to prove that there is no suitable

In the sphere of employment legislation, beneficiaries of international protection are subject to a non-discrimination policy and should be treated the same as Bulgarian citizens. Apart from the basic initial support included in the SAR Integration Programme (discussed in Section III.3) there are no other special measures to encourage employment for beneficiaries of international protection. They do not have the status of a vulnerable group, or a group with special needs unless they also fall into one of the other vulnerable groups covered by special programmes that are run by the National Employment Agency under the Ministry of Labour and Social Policy. For 2012, the target groups in the Employment Encouragement Act, which may include some beneficiaries of international protection, are: unemployed young people up to the age of 29, unemployed older people above the age of 50, non-active persons (the long-term unemployed), the unemployed with low professional qualifications or low educational levels and disabled people.

Recognition of educational diplomas and professional qualifications is coordinated by NACID, which has been active since 2009 as part of the Ministry of Education, Youth and Science. In the field of higher education recognition, NACID is responsible for the recognition of BA and MA degrees obtained abroad. Since 2010, PhDs are recognized individually by the respective employer or higher education institution. The process of recognizing unfinished courses of study abroad for students who wish to transfer to a Bulgarian institution of higher education is also the responsibility of the respective educational institution.<sup>25</sup> These requirements are applied to both EU and non-EU diplomas, irrespective of citizenship or nationality. The applicant needs a translated copy of the diploma legalized in the issuing country to start the recognition procedure. While there are no official statistics on beneficiaries of international protection who have legalized their diplomas, experts say the numbers are very low.<sup>26</sup> Obtaining a legalized copy of the diploma was cited as a major problem for many of these people. The costs of the procedure, which depend on the type of degree recognized, also impede people from availing themselves of this service.

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or available candidate for the position among Bulgarian citizens, EU citizens or foreigners with permanent residence, before applying for a work permit for a third-country national. Decisions are taken within 30 days.

<sup>25</sup> In recognizing foreign diplomas in Bulgaria NACID follows a procedure harmonized with the Lisbon Convention and regulated by the Higher Education Law.

<sup>26</sup> There is no statistical data for the recognized diplomas, because the NACID register does not specify the citizenship or the status of the applicant, only the country of the education institution.

Recognition of primary and high school education is coordinated by the regional inspectorates of the Ministry of Education, and decisions are taken by an expert committee within two months of submission of the documents. Applicants need a legalized and translated diploma for a finished class and a detailed transcript. The system is not adjusted to the needs of beneficiaries of international protection who have trouble providing certified documents. This leaves many in an even more unfavourable position, with no way to prove any educational grade at all.

Professional qualification recognition is not a centralized process, and there is a difference between regulated and unregulated professions. For unregulated professions, there is no requirement for official certification. Holders of foreign professional qualifications in non-regulated professions in Bulgaria have direct access to the labour market. Regulated professions<sup>27</sup> are subject to formal professional certification in Bulgaria through a specific procedure involving a competent institutional authority in the respective profession. The list of regulated professions includes most medical professions, financial auditors, technological professions and transport professions. The special institutional body overseeing certification can be one of the ministries, or one of the professional chambers – i.e. Chamber of Architects, Chamber of Engineers, Chamber of Craftspeople – or another body, such as the Supreme Bar Council or the executive agencies for rail or maritime administration. Each case is assessed individually.<sup>28</sup> Recognition of unregulated professions is based on an individual assessment: it depends on the employer and is usually preceded by a qualification course.

## Funding

The main funding sources for integration as a whole and labour market integration in particular, are the State budget, the ERF and UNHCR. The state allocates a fixed amount of BGN 300,000 (about EUR 150,000), which is administered by the SAR in

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<sup>27</sup> According to the definition given by NACID a regulated profession is “an activity or range of activities included into the List of Regulated Professions in the Republic of Bulgaria; of social significance and/or having considerable importance for people’s life and health; the taking up or pursuit of which is subject, by virtue of laws, regulations or administrative provisions, to the possession of evidence of education and training, an attestation of competence or membership in an organization recognized by the state.” (see NACID, List of regulated professions, <http://mail.nacid.bg/newdesign/qual/index.php?id=21>)

<sup>28</sup> See NAEA, Law for professional qualification recognition: [http://www.neaa.government.bg/assets/cms/File/ZAKON\\_za\\_priznavane\\_na\\_profesionalni\\_kvalifikacii.pdf](http://www.neaa.government.bg/assets/cms/File/ZAKON_za_priznavane_na_profesionalni_kvalifikacii.pdf)

order to implement the National Integration Programme. The ERF is managed on the basis of the current Multiannual Programme of 2008-2013, as well as annual programmes, which define main priorities. The ERF allocates money on a project basis to NGOs and gives direct funds to the SAR for material maintenance.<sup>29</sup> The managing institutional body for NGO funding is the SAR. NGO funding priorities over the last three years include integration of vulnerable groups of beneficiaries; professional qualification; social mediation to promote cross-cultural communication; and language training of asylum-seekers in reception centres outside Sofia. The funding scheme for NGOs is 75 per cent ERF and 25 per cent from the national State budget. No co-funding from the applicant organization is formally required. However, the payment and reimbursement scheme does not allow for the participation of NGOs that have no other funding. UNHCR allocates small amounts of money for advocacy and monitoring to NGOs.

The main difficulty with activities funded under the ERF scheme is that they are relatively short-term and are not sustainable. These projects usually last no more than 18 months, and priorities change with every annual funding cycle. For that reason, some of the activities that are funded by ERF, and are recognized as vital to integration, should be transformed into core activities of the Integration Programme. Such key activities include social mediation, professional qualification and special measures for vulnerable groups (i.e. mothers, unaccompanied minors and people with disabilities). At the same time, the volatile and rapidly changing situation of asylum-seekers and newly recognized beneficiaries of international protection has to be addressed through flexible solutions. ERF-funded projects should be adapted to meet emerging needs and priorities. The projects could run for longer timeframes, in order to create sustainability,<sup>30</sup> but they should be evaluated yearly, to allow for adaptation to a changing situation if necessary.

Another problem with ERF is that, with so few funding sources, there is a potential conflict in the relationship between the SAR, as the managing and evaluating institution, and the small network of NGOs working on asylum issues. Instead of being equal partners, NGOs are put in a subordinate position to the SAR – a situation

that negatively impacts their relationship and hampers possible constructive criticism of the SAR.

The Asylum and Migration Fund (AMF) will be the new integrated fund for management of the flow of people and actions to support migration. It will cover all aspects of migration, including asylum, third-country nationals migration, integration and return of third-country nationals staying under irregular conditions. The first funding cycle of the AMF is for 2014-2020. Bulgarian institutions are still in the process of drafting the new multi-annual programme. Interviews with experts revealed that there is very little information and clarity on how the new fund will affect national priorities and mechanisms for distributing local funds. At the time of the data collection for this research, a working group for asylum-seeker and refugee integration was planned for May or June 2013, to start formulating the Integration Programme for the next period.

### Policy framework for integration of beneficiaries of international protection

The low number of asylum-seekers and beneficiaries of international protection, and their low visibility and impact on the labour market, has contributed to the slow formulation of policy documents and initiatives. The overall lack of reliable statistical data also hinders the drafting of adequate strategic actions. The first government attempt to formulate a strategic vision was the National Strategy for Immigration and Integration 2008-2015, which mentions asylum-seekers and beneficiaries of international protection only in relation to the National Programme for Integration. It was replaced in 2011 with an updated version titled the National Strategy on Migration, Asylum and Integration 2011-2020 which includes more concrete points with regard to asylum and integration, such as: improvement and harmonization with EU asylum procedures, management of ERF funds, improved coordination between different institutional bodies, initiation of a discussion to introduce the category of “tolerated status”, improvement of health services for asylum-seekers and the introduction of paid public labour for asylum-seekers.<sup>31</sup>

<sup>29</sup> See Guidelines for application, <http://www.aref.government.bg/ebf/?cat=41>), ERF Multiannual Programme. 2008-2013, Annual programmes 2008, 2009, 2010, 2011, 2012, <http://www.aref.government.bg/ebf/?cat=38>

<sup>30</sup> For example ERF in Romania funds up to 3-year-long projects.

<sup>31</sup> Bulgaria, Ministry of Interior, *National Strategy for Migration, Asylum and Integration 2011-2020*, (Sofia, 2011) pp. 41-42. “Statut na turpimost” in Bulgarian.



The multi-annual National Programme for the Integration of Refugees is the main document regulating the state budget-funded integration process for newly-recognized beneficiaries of international protection. It is elaborated by an inter-institutional working group of state institutions and NGOs every three years and approved by the Council of Ministers. The National Programme determines the regulations and measures for encouraging and creating favourable conditions for integration. It also regulates the work of the SAR and its Integration Centre, and any cooperation with other state institutions, local government bodies and NGOs. The National Programme is a strategic document, which is accompanied by annual action plans. The present National Programme for 2011-2013 is the third such programme. The main areas it covers are: strategic actions for legislative improvement, integration measures (including language training, access to the labour market, housing support, education, healthcare, and social support) and targeted actions for beneficiaries of international protection with special needs. The current National Programme enlists both state and NGO actors and envisages funding from both the state budget and the ERF. Employment is recognized as a fundamental aspect of integration in the National Programme, which contains special measures to facilitate and assist beneficiaries of international protection in the initial period after they receive recognition – with vocational training, orientation sessions and sporadic special events, such as labour fairs.

There are a number of problematic issues in the formulation and the implementation of the present Programme:

- There is a discrepancy between the LAR and the National Integration Programme in terms of the initial period of state-supported integration for newly recognized persons. The Programme has been drafted for 12 months, while the law only envisages six months of support. The Programme was adjusted to a six-month period, pending amendments to the law.
- The Programme for 2011-2013 contains a long list of planned actions that are not being implemented. With no clear mechanism for monitoring and assessment of the implementation of the Programme, some of the drafted activities become suggestions, which reappear in each new programme, but are never actually implemented.
- There is no clear distribution of responsibilities among different institutions (both state and NGO), for implementing the Programme.<sup>32</sup>

32 Zvezda Vankova, *Report on the Monitoring of the Implementation of the National Programme of the Integration of Refugees in the*

- There is a strong territorial bias of the Programme, which envisages that only one active Integration Centre in the capital city will implement all the measures that the document describes. This forces asylum-seekers who have spent the whole period of the RSD procedure outside of Sofia to move to the capital so they can participate in the Integration Programme. Such initial clustering hinders further chances of settling in another part of the country, where there might be lower rents and access to particular types of employment not available in Sofia.<sup>33</sup>
- There is little to no social work and social mediation included as a way to facilitate the initial integration of newly recognized beneficiaries of international protection.

## IV. Active Programmes for Beneficiaries of International Protection to Secure Employment

### SAR Integration Centre

The integration measures drafted in the National Integration Programme are designed for 90 newly recognized refugees and humanitarian status holders – 60 adults and 30 children. Candidates for the programme should apply within two months after having their status recognized. They should not have a registered firm or have other official sources of labour income. They cannot travel outside Bulgaria while enrolled in the Integration Programme (unless they have received special permission in exceptional cases). They are obliged to enrol in Bulgarian-language courses and, subsequently, in vocational courses for up to a year, though that period was changed to nine months – six months of language courses and an additional three months of vocational training – after harmonization with the LAR. During the first six months of language training, beneficiaries receive certain benefits. These include a stipend

*Republic of Bulgaria (2011-2013) in 2012*, (Bulgarian Council on Refugees and Migrants, Sofia, 2012)

33 Also confirmed in Zvezda Vankova, *Report on the Monitoring of the Implementation of the National Programme of the Integration of Refugees in the Republic of Bulgaria (2011-2013) in 2012*, (Bulgarian Council on Refugees and Migrants, Sofia, 2012)

of BGN 4 (EUR 2) per working day<sup>34</sup> as well as health insurance, a rent subsidy, a one-off social assistance grant, transport tickets, a personal documents fee, and a kindergarten fee waiver. For the additional three months of vocational training, beneficiaries are only eligible for a stipend of BGN 4 per day and health-insurance coverage.

Since 2008, each year there were between 50 and 80 people enrolled in the Integration Programme. In 2012, their number was 54, which is one third of all persons who were granted refugee or humanitarian status in that year. By the end of the year, 31 of them had graduated from the Bulgarian language course and nine had received a professional training certificate. Eight of these people have continued the language training and four have enrolled in professional training courses. The main countries of origin of these trainees are Iraq and Syria, which corresponds to the share of granted statuses. Men outnumber women, reaching up to 70 per cent of the group – a figure that reflects the general gender distribution, but also signals difficulties for women who want to enrol in the programme.

**Language training** consists of language courses four hours a day. There are two morning groups and one afternoon group. Asylum-seekers can enrol in the courses too, if there are free places. There are no graduated levels: Every course starts at beginner's level and goes through a six-month cycle. Beneficiaries enter the course on a rolling basis, whenever they are granted their status and enrol in the Integration Programme. While most people come to the country with no prior knowledge of Bulgarian, the level of language knowledge at the point of enrolment in the programme differs depending on the time spent in the asylum procedure. The pace of advancement also differs depending on the person's education, age, knowledge of other languages, etc. The course is too short and is insufficient for learning the language well, something that was pointed out both by experts and by beneficiaries. There is no advanced level offered, so all students are forced to study at a basic level.

**Vocational training** at the Integration Centre includes three courses: hairdressing, tailoring and cosmetics. An information technology course has been planned

for years now, but in fact there is no equipment and there are no prospects of starting such a course in the near future. In January 2013, enrolled asylum-seekers outnumbered beneficiaries of international protection in all three courses: in hairdressing there were five asylum-seekers and three beneficiaries of international protection; in sewing there were eight asylum-seekers and no beneficiaries of international protection; and in cosmetics, there were five asylum-seekers and three beneficiaries of international protection. The main reasons that the beneficiaries do not take advantage of these courses are the type of courses offered, and the lack of sufficient financial support. There is a need for more diverse and flexible professional training as part of the Integration Programme. While the previous National Integration Programme foresaw plans for cooperation with external organizations like the National Chamber of Crafts and other training NGOs, nothing has been done in this direction to date.

**Social counselling and orientation** are included in the Integration Programme – on paper. But there are no formal counselling or orientation activities, and no staff responsible for this. There are no social workers or mediators whose job is to assist recently recognized beneficiaries with problems like new documents, address registration, opening a bank account, registration in the Employment Bureaux, obtaining health insurance and other general issues. At present, four experts working in the Integration Centre take on the role of social workers in addition to their other responsibilities. The ERF-funded social mediators working with asylum-seekers provide consultations and assistance to beneficiaries of international protection when they have extra time. In both cases this is extra work, and it remains highly insufficient for the needs of all recently recognized beneficiaries.

## National Employment Agency

The Ministry of Labour and Social Policy has no active programmes targeting beneficiaries of international protection as a group with special needs. National Employment Agency experts cooperate closely with the SAR, in working groups and round tables, to formulate policy documents. The National Employment Agency has been a partner organization in two labour fairs funded by the ERF, providing beneficiaries of international protection contacts with employers. However, at the Employment Bureaux, where beneficiaries of international protection register and search for

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<sup>34</sup> Pending the introduction of the BGN 8 stipend prescribed in the Law on Social Support. However, as of March 2013 this still has not been introduced to replace the BGN 4.



training and employment, the services are insufficient and often merely formal. Employment Bureau employees are not well-informed on the rights and obligations of beneficiaries of international protection, and the Bureaux staff is not culturally and linguistically prepared to work with migrants, a problem indicated in interviews with both beneficiaries of international protection and social mediators. At the moment, beneficiaries of international protection register for work with the assistance of the Red Cross or Integration Centre employees, who accompany them individually.

The low number of people who find employment through the Employment Bureaux, and the lack of people enrolled in training courses, demonstrate that the present system mostly has a registration function, rather than promoting effective integration into the labour market. This tendency serves as further discouragement for people who might register and use the services of the Employment Bureaux.<sup>35</sup>

## Complementary programmes by partners

### Labour fairs

Two labour fairs were funded recently through the ERF. Both were organized in partnership with the National Employment Agency as part of an employment integration project: one by the Integration Centre, the other one by an external NGO, Association Forum. The first labour exchange took place in the Refugee Club at the Integration Centre in September 2012, with more than 60 beneficiaries of international protection and asylum-seekers with working rights meeting employers from the fields of heavy and light industry, retail and food service. Two private personnel companies also took part. Some negotiations took place, but according to the organizers, no one actually found employment through this job fair. The second labour fair took place in January 2013, and was coordinated by Association Forum. According to experts and participants, there were several drawbacks with this endeavour. To begin with, the event had very few employers present, no translation was provided for the employers' presentations or for subsequent interactions, and most of the participants were asylum-seekers with no working rights and no language proficiency. The Association

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<sup>35</sup> Beneficiaries of international protection interviewed said that they were advised about the inefficiency by other beneficiaries of international protection and have chosen not to register at all.

Forum did not work in cooperation with any other NGOs or the Integration Centre, who are in contact with beneficiaries of international protection that are actively seeking jobs. Instead the Association Forum had distributed announcements in the reception centre. While organizing regular labour fairs is acknowledged as important, both by SAR integration experts and National Employment Agency experts, this particular initiative had no apparent results, neither for beneficiaries of international protection nor employers. No labour agreements have been reached and no future contacts have been established, according to participating asylum-seekers and beneficiaries of international protection. The whole event was regarded as a disappointment, by both potential employers and job seekers. Nevertheless, job fairs are a good practice if organized properly. There is a need to establish regularity in such activity, to attract more employers and to explain more clearly the benefits to the participants, so that beneficiaries start considering this as an actual venue for establishing contacts. There is a crucial need for cooperation between organizers of labour fairs and the organizations that are in contact with job-seeking beneficiaries.

### Professional training

Association Forum, mentioned above, implemented an ERF-funded project to facilitate employment for disadvantaged persons, which involved training for small entrepreneurs. Participants said that the project was too formal and not very efficient, with only three sessions held, no actual skills learned and very few participants. In March 2013, the Bulgarian Red Cross started a project on assistance for small business start-ups. It involved training Bulgarian students who provide voluntary services to help people in disadvantaged social positions start their own businesses. The trained volunteers give consultation, assistance in drafting a business plan and help with applying for micro credits. While this programme is not exclusively directed at beneficiaries of international protection, it includes them as one of the target groups. With a large number of beneficiaries of international protection choosing to become self-employed or run small businesses, such initiatives are crucial, but they must be developed in a more efficient way and adapted to the special needs of the beneficiaries of international protection. Alternative professional training is to be developed in cooperation with the Integration Centre, through contacts with the National Chamber of Crafts and NGOs offering different courses.

## Social mediation and counselling

The Migrant and Refugee Service of the Bulgarian Red Cross offers social counselling and consultations on all aspects of integration, to both asylum-seekers and beneficiaries of international protection. These consultations are given in English, Arabic, and French. The Migrant and Refugee Service also administers a project that employs 10 mediators from the refugee community who cover eight languages and provide social mediation to asylum-seekers. Two of the mediators work in the Reception Centre in Banya, while the other eight are based in Sofia. The mediators also work with beneficiaries of international protection, often unofficially, and usually on their own time. Most frequently the mediators provide assistance with health services and explain administrative procedures. The project is very successful, but there is a danger of discontinuation because it is funded on a yearly basis by ERF. The Red Cross also works in close cooperation with the SAR to administer assistance in finding accommodation and to subsidize rent costs during the Integration Programme.<sup>36</sup>

The Council of Refugee Women in Bulgaria provides social counselling and mediation, through the work of one employee and many volunteers. As they have a great deal of experience and knowledge, the refugee women assist individuals in finding employment based on personal informal networks. They also monitor the reception centres and distribute charity donations of clothes and goods to people in need. Their position within the communities is crucial, and their work could be further funded and developed to provide formal counselling and orientation sessions.

## Additional language courses

Caritas Bulgaria, in an initiative funded by the ERF, organizes additional “flexible” language courses for asylum-seekers and beneficiaries of international protection who are not part of the Integration Programme. The course is given twice a week

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<sup>36</sup> The main problems identified in the interviews, both with experts and with beneficiaries of international protection, are difficulties in finding landlords who will register and sign a contract with beneficiaries of international protection. Contracts are signed for lower amounts than what is paid in reality. Rents are higher than the average for Bulgarian citizens. The subsidy is only for 6 months and does not include the vocational training period, which is a reason for people to drop from the professional courses and search for employment to support themselves. There is a need for social mediation, even though most beneficiaries of international protection find accommodation through networks.

in the evenings, the pace is slow and students lose motivation quickly, according to interviews with participants. The Social Centre Adelante also offers alternative language courses, on a voluntary basis. According to interviewees, those classes are often cancelled due to poor attendance, because they take place in the evening, in the city centre, far away from the Reception Centre and the neighbourhoods where most beneficiaries of international protection live. A project in which a private language centre offered additional advanced-level language courses for asylum-seekers and beneficiaries of international protection was funded by the ERF in September 2012.

## V. Discrimination in Employment and Other Barriers to Employment for Beneficiaries of International Protection

### Discrimination and racism

There is a high degree of covert racism and xenophobia in Bulgarian society, in addition to wide-spread anti-Muslim media coverage and political discourse, especially by extreme right political parties.<sup>37</sup> Recurrent public street demonstrations by the extreme right, and frequent violent assaults on foreigners, contribute to the general atmosphere of hostility that asylum-seekers and beneficiaries of international protection might experience in all spheres of their lives. While there are no in-depth reports or studies on cases of discrimination in employment, interviewees unanimously expressed concerns of racism and discrimination when interacting with Bulgarian employers. Perceived discrimination is often a strong reason for not even attempting to enter certain sectors; restricting many to working as low-skilled labourers. Experts from SAR and the National Employment Agency also expressed their concerns about Bulgarian employers’ reluctance to hire foreigners, especially dark-skinned or Muslim foreigners.

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<sup>37</sup> See reports at <http://stopnazi-bg.org> and the Bulgarian Helsinki Committee Annual Report on Human Rights in Bulgaria for 2012.

## Socio-economic status

Beneficiaries of international protection do not have homogenous social and economic backgrounds. It is important to recognize the differences between social groups and approach them with appropriate integration measures. Beneficiaries of international protection who had low incomes and a low social status in their home countries tend to also have a low level of education. They often lack basic education and professional certificates, so they are pushed toward the most precarious, low-skilled and low-paid jobs. Without additional financial support, they often take any available job, even during the Integration Programme period, and drop out early from language or vocational courses. Having low language skills, poor qualifications and a lack of certificates often forces workers to take irregular jobs. This further deprives them of health insurance and other social benefits. Consequently, they become a vulnerable group with special needs, a group that must be recognized as such so they can receive additional support. They need basic financial assistance for survival, assistance with acquiring education certificates, and support with accommodation and health care. Beneficiaries of international protection with more economic means and educational skills need support in different spheres, such as assistance in certifying their previous professional and academic qualifications or institutional support in starting their own business. Integration measures should acknowledge individual needs and address them accordingly.

## Language

As prior research has indicated, and qualitative research for this report has shown, insufficient language knowledge is a major barrier for integration in the labour market.<sup>38</sup> The overall length of the language training in the Integration Programme is insufficient, and the courses do not offer diverse or advanced levels. For financial reasons, many beneficiaries of international protection drop out of the programme early, or do not enrol at all. Employment within the migrant community further isolates beneficiaries of international protection and slows down efforts to learn the language. The present form of language training is not flexible enough to adjust to different

groups of beneficiaries of international protection. Different educational and language backgrounds, and differences in age and general learning skills, make the groups in the Integration Programme very diverse, but this is not reflected in the structure of the classes. This lack of diversity stymies progress for everyone enrolled.

A longer intensive course of at least 12 months, and flexible forms of evening or weekend classes, would provide more opportunities for learning.<sup>39</sup> Diverse language levels, for beginners and advanced students, and a more individualized approach, can help fast learners to improve significantly, while ensuring that slower learners are not intimidated and get the special attention they need. Individual progress should be assessed periodically and students should be transferred to a more advanced group if appropriate. Additional courses could be offered by external education centres for advanced students. To deal with the initial language problems right after status recognition, more language assistance should be provided at every step in the integration process. This concerns primarily the social mediators, social workers and employees in the Integration Centre.

## Professional training, job applications and links with employers

Vocational training classes offered in the Integration Centre are limited, and do not provide diverse professional training to facilitate inclusion in the labour market. Plans for effectively organized information technology training in the Integration Centre should be realized. Vocational courses offered by the National Employment Agency are rarely used, due to lack of information on the part of the beneficiaries of international protection. Vocational training can be made more diverse by attracting external organizations to the process. Ideas for cooperation with different professional associations, like the National Chamber of Crafts, have been lingering as planned activities in the National Integration Programme for years, but there has not been much action. Beneficiaries of international protection should be included in external professional courses, as part of the Integration Programme. Professional-level driving license courses should be re-introduced as an option.<sup>40</sup>

<sup>38</sup> Anna Krasteva. *Figurite na Bezhaneva* (Sofia, New Bulgarian University, 2006); Albena Tcholakova, "Profesionalnite Karieri na Bezhancite v Bulgaria i Francia" *Sociologicheski Problemi* vol. XLIV, No. 1-2, (2012).

<sup>39</sup> According to the current Director of the Integration Centre new flexible forms of language training have been introduced after the completion of this research. While this is a productive step forward in the organization of language training, it is yet to become a sustainable practice.

<sup>40</sup> There was such an initiative in 2006, part of a programme for social assistance of the Ministry of Labour and Social Policy,

A lack of general knowledge on strategies for accessing the labour market is another obstacle to integration. There is a need for employment-specific counselling, such as training in drafting a CV (with individual sessions), an introduction to job search portals and agencies, orientation into the mechanisms of the Employment Bureaux and an introduction to labour exchanges.

Connections with employers outside of ethnic networks are very loose. The Employment Bureaux do not establish such connections in practice, which is fully apparent, given the lack of people who actually found employment through the Bureaux. Consequently, connections with employers from the host society are crucial. Further organization of proper labour exchanges and encouragement of participation is one option. Another option is pursuing more active and targeted measures for individual assistance with job hunting. Creating an electronic database of the education, qualifications, courses completed, certificates acquired and working experience of beneficiaries of international protection is a first step in this direction.<sup>41</sup> In practice there are some good examples of informal connections through the Integration Centre.<sup>42</sup> There could be an employment officer especially for beneficiaries of international protection (or a network involving representatives of the NGOs) who can actively contact employers and try to put them in touch with job seekers.

### Information on rights, administrative procedures and institutions

A common problem expressed in interviews and in previous studies<sup>43</sup> is that there is a chronic lack of information on basic rights and procedures, both among beneficiaries of international protection and among different types of state officials. Apart from using social mediators from the community in a more organized and sustainable way, it is also important to provide newly recognized beneficiaries of international protection with effective orientation sessions that

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cited by the employment expert at SAR.

41 Mariana Stoyanova, *Dostup do Pazara na Truda i Trudovata Zaetost na bezhanci i Lica s Humanitaren Statut v Bulgaria – positsiata na BMS na BCK*, presentation at the Round table on Implementation of the National Programme of the Integration of Refugees in the Republic of Bulgaria (2011-2013) in Sofia, 2012.

42 For example, sewing factories seeking tailors from Afghanistan, who are famous for their skills, call the Integration Centre for contacts.

43 Zvezda Vankova, *Report on the Monitoring of the Implementation of the National Programme of the Integration of Refugees in the Republic of Bulgaria (2011-2013) in 2012*, (Bulgarian Council on Refugees and Migrants, Sofia, 2012).

use institutional mechanisms to achieve well-defined goals, especially with regard to general cultural orientation. This kind of focused orientation is included in the Integration Programme, but it is sporadic and unreliable. Orientation can be given by social mediators, on a regular basis, both collectively and individually. Meanwhile, social mediators expressed the concern that they also need regular updating of knowledge of administrative and legal procedures, rights and obligations. While there are a number of ERF projects giving training and orientation for state officials in different institutions, the level of information on basic rights and the situation of beneficiaries of international protection remains a serious problem.

### Diplomas and certificates

Beneficiaries of international protection often find it difficult to prove their level of education, professional experience and prior length of service, so that they end up accepting jobs for which they are over-qualified. Their jobs are not only underpaid, but also unsatisfying. The main reasons for this problem, identified by experts in the Integration Centre, the Council of Refugee Women and beneficiaries of international protection themselves, include the lack of a properly legalized diploma from the issuing institution, inability to provide a certificate of professional apprenticeship and lack of money to pay for the certifying procedure. People who cannot prove their basic primary education face additional problems of not being able to enrol in vocational training, including driving license courses.

One way to solve problems with recognition of diplomas is to develop mechanisms for alternative assessments of the educational level of people without certificates. This can be implemented either by NACID or by another unit of the Ministry of Education and organized either as a series of tests or by providing additional support with contacting foreign educational institutions. There could be specific testing mechanisms for foreigners without certificates, including beneficiaries of international protection, to prove their qualifications. Primary education should be given special attention as a separate problem, due to the level of exclusion that people face without such a certificate. At present, there is a literacy programme for adults above 16 years of age called “New chance for success” run by the Ministry of Education. The programme offers an intensive course of 20 weeks (600

academic hours) of literacy training and another 12 weeks (360 academic hours) of basic education courses, and ends with a certificate for primary education. The programme is not specifically developed for foreigners, but it could be adjusted to suit the unique needs of beneficiaries of international protection. One option is to provide assistant teachers for groups with foreigners enrolled, to support them with the context of specific areas, like Bulgarian literature or history. The assistants could be social mediators or could be trained pedagogy graduates or language graduates, and the assistance could be provided through a network of volunteers.

## Gender

Women are generally in a more vulnerable position in the labour market than men and experience higher unemployment rates. Discussions with the Council of Refugee Women confirmed the cultural problems that many women of more conservative backgrounds face when trying to adjust to general life style and labour regulations in Bulgaria. Traditional Muslim women, for example, face more everyday discrimination than men for wearing traditional clothes. The types of jobs that they would take are not as diverse, and they have to follow cultural norms that they are not accustomed to. For example, hairdressers and beauticians rarely find employment due to the fact that salons have both male and female employees that work side by side in the workplace.<sup>44</sup> In addition, the traditional understanding of women as caretakers, the lack of available kindergarten places and the common lack of a family support network to relieve their child rearing and household activities, confines many women to their homes. They often fail to enrol in the Integration Programme in the required period after recognition, and thus lose their rights for funded language and vocational training. As a result, many women have only very basic language skills, a situation that not only excludes them from the labour market but leaves them isolated and unable to proceed independently with administrative and institutional encounters.<sup>45</sup> Part-time child-care services should be provided as part of the Integration Programme, for the duration of the language

<sup>44</sup> The examples given by interviewees were of Muslim refugee women who are used to working in gender separated salons, hidden from the public, rather than the open windowed mixed gender salons popular in Bulgaria. There are rarely any, if any, such salons in Bulgaria, which hinders Muslim women from finding employment in this sphere.

<sup>45</sup> These conclusions are based on discussions with interviewees, experts from the Red Cross and the SAR, and within a focus group organized with the assistance of Council of Refugee Women.

courses, and families with young children should be offered a more flexible form of education.<sup>46</sup>

## Self-employment and entrepreneurship

Self-employment and small entrepreneurship is one of the ways for beneficiaries of international protection to be integrated into the labour market. Moreover, small business owners from migrant communities are a major provider of jobs for other beneficiaries of international protection. However, small business owners face problems with adjusting to local administrative practices, with which they are not familiar, and they face communication problems when approaching different state institutions. Their financial opportunities are extremely limited, because banks do not lend to foreigners who are not Bulgarian citizens. There are sporadic initiatives, organized by NGOs, to give training to people willing to start a small business or be self-employed, but the content of the trainings is fairly limited. Such training should be given more regularly and should provide more detailed information. It would be also helpful if there were additional, focused activities, for example giving step-by-step instructions for the administrative hurdles involved in setting up a new business, and accompanying people to different institutions. Opportunities for alternative funding schemes should be considered by some NGOs, and these should be presented to people who are willing to start a new business and need a loan.

## Irregular employment

Experts estimate that a large share of asylum-seekers and beneficiaries of international protection are irregularly employed.<sup>47</sup> The very low financial support combined with a lack of working rights puts asylum-seekers with a lower socio-economic status

<sup>46</sup> According to the Integration Centre Director, child care is planned, through volunteers and an ERF-funded external organization.

<sup>47</sup> There are no official data or reliable expert estimations on the approximate numbers of irregularly working asylum-seekers and beneficiaries of international protection. Overall numbers for irregularly working migrants (which include third-country nationals) quoted for 2011, for example, vary from 4,000 (Statement of the Bulgarian Internal Minister, Tsvetan Tsvetanov, [http://btvnews.bg/332904135-Pogvame\\_nelegalnite\\_imigranti\\_sled\\_vlizaneto\\_ni\\_v\\_Shengen.html](http://btvnews.bg/332904135-Pogvame_nelegalnite_imigranti_sled_vlizaneto_ni_v_Shengen.html)) to 180,000 (<http://zaman.bg/bg/kampaniya-za-problemite-na-imigrantite-v-balgariya/>). Scholars working specifically on asylum-seekers and beneficiaries of international protection refuse to engage with concrete numbers and only state that their share is substantial (see Albena Tcholakova, "Profesionalnite Karieri na Bezhancite v Bulgaria I Francia" *Sociologicheski Problemi* vol. XLIV, No. 1-2, (2012), Antonina Zhelyazkova and others, *Analtichen Doklad za Problemito na Nelegalno Raboteshtite Imigranti v Bulgaria* (Sofia, IMIR, 2008)). This information was also confirmed by interviewees and experts.



and no additional kin or community support network in an extremely vulnerable position, and makes them much more prone to irregular labour and exploitation.<sup>48</sup> Even with full working rights, beneficiaries of international protection who have lower professional qualifications and/or lack certification and basic language skills face similar risks. Another problem is semi-regular work contracts that state the minimum salary, even when the pay is higher, and hence grant the minimum social benefits. Many Bulgarian workers face this problem too.

Several possible changes can be made to improve this situation. Working rights of asylum-seekers should be extended, for example by shortening the period they must wait before being allowed to work, and by lifting the work permit requirement, which is done in many other countries. With such a low-impact population, such measures will not endanger Bulgarian citizens' employment rates. The situation could also be improved with more legal counselling in cases of violations of labour rights. More general orientation concerning labour rights, and typical types of labour traps, is needed early on in the integration period. It would also help if asylum-seekers were covered by legislative measures designed to prevent unfair labour conditions for irregular workers. This step has been advocated in a report by Caritas on the transposition of EU sanctions in relation to improving the legal position of irregularly employed foreigners concerning the enforcement of remuneration claims.<sup>49</sup>

### Integration Programme provisions and regulations

There are a number of problems with the different components and provisions of the Integration Programme that hamper the integration of beneficiaries of international protection in general, and their transition into the labour market in particular. These are presented below, together with the specific recommendations for possible solutions.

48 Themba Lewis and Diana Daskalova, "Legal Dimensions of Immigrant Access to Employment in Bulgaria: A Contextual Analysis", in *The Implication of EU Membership on Immigration Trends and Immigrant Integration Policies for the Bulgarian Labour Market*, Yassen Georgiev, ed. (Economic Policy Institute, Sofia, 2008)

49 A report by Caritas "The Transposition of the EU Sanctions Directive in Germany, Bulgaria, Austria and the Czech Republic and its Impact on Asylum-seekers. Findings and Conclusions" (Caritas Association, 2013), concludes that at present the transposition of Directive 2009/52/EC of 18 June 2009 in Bulgaria does not improve the position of asylum-seekers in relation to the labour market, because it is only directed at illegally staying third-country nationals. They recommend including asylum-seekers and other third country nationals with a work permit employed illegally in the regulations drafted in the Directive in such a way as to improve their position in the labour market.

Financial challenges are one of the most serious problems for most newly recognized beneficiaries of international protection who rely on the support of the SAR. The stipend is very low and there is a requirement that they do not take employment during the Integration Programme. This makes it impossible for many people to attend the Integration Programme, unless they have additional family financial support. The Integration Programme should allow for an alternative that combines employment with flexible forms of training.

Enrolment and re-enrolment regulations of the Integration Programme, and confusing information about the regulations, make it difficult for some beneficiaries to take part. The period of initial enrolment was recently officially extended to two months, but this fact is not well known. Outdated information on the SAR website says the period is 20 working days, and many beneficiaries believe it is only 15 days. Due to this contradictory information, and the lack of initial orientation sessions, many newly recognized beneficiaries of international protection fail to enrol in the Integration Programme in the required period. Others do not manage to arrange initial administrative procedures for documentation and registration of their address in the required period. Those who transfer from the reception centre outside Sofia have special difficulties in the initial orientation. For that reason, enrolment in the Integration Programme should be allowed within a more extended period after receiving protected status. Re-enrolment after withdrawal should also be allowed. Many people leave the country during the integration cycle and drop out of the Integration Programme, but come back a few months later. Others have health problems and leave the Integration Programme without getting special notice from a doctor, or they may have to take care of a sick relative in Bulgaria or abroad and they misunderstand the required process of receiving special authorization to do so. Rules for re-enrolment should be changed, and people should be allowed to interrupt the Integration Programme and come back at least two times without losing the right to funding.

There is currently no database of the qualifications of beneficiaries of international protection. The Integration Centre has been planning to develop a database with information on the educational levels, language certificates, professional qualifications, and working experience of beneficiaries. This has to be further encouraged. Such a database can be paired with a database of potential employers

and used in job counselling sessions, for organizing labour fairs, and for establishing a network of job seekers and employers.<sup>50</sup>

At present, integration officially starts after status recognition. This leaves many asylum-seekers in a vulnerable position during the RSD procedure: they go without any language or qualification training for prolonged periods of time. Integration should start during the RSD procedure. This has been done informally, by allowing asylum-seekers to enrol both in language and vocational training courses, though they receive no special stipend beyond what they get during the RSD procedure. Because this arrangement is not formal, there is a risk that asylum-seekers might not be allowed to enrol if there are too many beneficiaries of international protection. It is absolutely crucial for language classes to start as early as possible. Funding can be project-based (coming from the ERF and even organized by an external NGO) but the language training needs to be in the reception centres and it needs to be intensive.

The Integration Programme only takes place in Sofia. This centralization creates special clustering and prevents beneficiaries of international protection from considering settling in other locations. The Integration Programme should be de-centralized and should be available in at least another three sites in the country. For the time being, beneficiaries of international protection from the Reception Centre in the village of Banya have to receive additional instruction and assistance with arriving to Sofia and enrolling in the Integration Programme.

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<sup>50</sup> Such initiatives have been implemented in other EU countries. For example there is the Danish digital competence card, which provides assessment and recognition of immigrants' language skills, prior educational experience, personal competences and work experience, and can be used for job seeking or for assessment of the further education or qualification needs. (See more at: <http://realise2020.files.wordpress.com/2011/09/competence-cards-for-assessing-immigrants-competences.pdf>) Another good practice is the Belgian online digital portfolio tool "C-Stick". It aims to identify and assess formal and non-formal skills in young people at risk (mainly immigrants). It allows them to analyze their competences and build a CV. This is good practice for the development of raising employability through the use of Internet technologies. (See more at: <http://realise2020.files.wordpress.com/2011/09/the-c-stick.pdf>).

## VI. Recommendations

### Legislative and Institutional

There are several areas where institutions like UNHCR and NGOs who work in the sphere of advocacy should consider lobbying the respective state institutions for change.

First, it is crucial to lobby for alterations in the regulations on asylum-seekers' access to the labour market. More specifically, the initial 12-month period of restricted access to the labour market should be shortened. This would allow those who have no additional financial support, and can hardly survive on state financial benefits, to attempt to support themselves through legal access to work, rather than by becoming irregular workers.

Second, there is a need to pressure the relevant institutions and inter-institutional working groups and committees to harmonize the LAR, the national strategic programmes and the respective action plans, so that there is no discrepancy between the measures and integration provisions specified in each of these documents. Harmonization is especially important when it comes to the length of the integration period.

Third, it is recommended that officials take steps to recognize beneficiaries of international protection as a disadvantaged group in terms of employment, and to introduce special active measures, like subsidized recruitment and internships, special trainings and courses, special counselling, and job search consultation adjusted to the specific needs of beneficiaries of international protection. Bringing this about involves lobbying the respective institutions, organizing working groups to discuss the issue, and bringing different experts (legal, social, integration, etc.) into the discussions.

Fourth, the diploma and qualification recognition regulations have to acknowledge the specific situation of beneficiaries of international protection. There is a need to relax and adjust the recognition of education and professional qualification certificates



and diplomas, to meet the special needs of beneficiaries of international protection. There is also a need to use additional mechanisms for testing. The first step for changes in this process involves lobbying the Ministry of Education and NACID for the initiation of discussions. In addition, it is important to initiate discussions on the possibility to subsidize fees for recognition of diplomas and certificates.

Fifth, there should be specifically targeted collection of data on participation in the labour market and the barriers that beneficiaries of international protection face. This would allow for better analysis and encourage strategic, focused policy formulations and actions. There is a need for different institutions – like the SAR, the National Statistical Institute, the National Revenue Agency, and the National Employment Agency – to make a common effort to introduce institutionalized data collection of employment and unemployment rates, irregular employment, actual residence in the country, integration in the labour market by sectors, etc.

Sixth, the management of the Integration Programme should be more independent from the general SAR structure. One approach would be to follow other countries' examples and move management to a separate institution that has more of a focus on social and labour market integration, like the Ministry of Labour and Social Policy in Poland. Such actions would involve discussions with representatives of different institutions and lobbying on the part of UNHCR and NGOs to start the discussion.

Seventh, the management of ERF and of its successor, the newly established AMF, should not be implemented by the SAR, but by another institutional body, to avoid power struggles between the SAR and NGOs, and to allow for critiques of the SAR. The European Integration Fund for Third-country Nationals, which will also be merged into the AMF, is managed by the Ministry of Labour and Social Policy. The recommendation of this report is to leave the new fund in the MLSP and appoint asylum experts.

## Integration Programme

The more concrete recommendations for the National Integration Programme and for its implementation by SAR have been spelled out above in Section V. UNHCR representatives and other advocacy NGO experts also need to lobby for changes in certain provisions and regulations of the Integration Programme, and discuss

these changes in working groups and other inter-institutional committees. The main points are: extension of the Integration Programme with full financial support, including for professional training; diversification of the language and professional courses; flexible forms of education; child care; and, changes in the enrolment and re-enrolment procedure.

The SAR Integration centre, if kept under the same management and within the same institution, needs to be expanded. This entails both larger premises, to allow more rooms for counselling and bigger rooms for language classes, and more staff, to include additional social workers and social counsellors.

Asylum-seekers have to be included in integration measures while they are in the RSD procedure. Advocacy organizations and UNHCR should lobby for changes in the legislation and in strategic policy documents like the National Integration Programme.

## Community Development

As this report has demonstrated, a major part of encouraging integration and access to the labour market involves establishing community support and networks. Moreover, the everyday experience of integration and legislative measures has to be acknowledged and taken into account by involving members of the asylum-seekers and refugee community in the decision-making processes. Encouraging the participation of not only existing partner organizations but also that of beneficiaries of international protection and asylum-seekers in workshops, working groups and other decision-making events, will result in a better understanding of the effects of integration measures and a better appreciation of these groups. At the same time, it will lead to a general empowerment of the refugee and asylum community.

Another step for community development would be to encourage the creation of links and networks between the refugee community and socially active organizations in the host society. Development of common projects between migrants' associations, grassroots refugee organizations and organizations from the host community should be further encouraged, by organizing initiatives and events that could further such contacts.

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*Law for Encouragement of Employment, 2013*

*Law on Asylum and Refugees, 2009*

*Law for Health Insurance, 2009*

*Law for Social Support, 2012*

All documents are available at: <http://www.mlsp.government.bg/bg/law/law/index.htm> (accessed on 5 April 2013)

#### Ministry of Interior

*National Strategy for Migration, Asylum and Integration 2011-*

*2020*, available at: [http://www.mvr.bg/NR/rdonlyres/](http://www.mvr.bg/NR/rdonlyres/EBCD864F-8E57-4ED9-9DE6-B31A0F0CE692/0/)

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National Statistical Institute

# 4/ Poland Report

Aleksandra Lis  
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## Introduction

In 2012, more than 67 million foreigners entered Poland, an 11 per cent increase from 2011.<sup>51</sup> Despite these high transit movements, migrants in Poland represent 0.1 per cent of the total population, the lowest figure in the European Union (EU) according to Eurostat.<sup>52</sup> This indicates that settlement is not a primary reason for those crossing the Polish borders. Likewise, the share of asylum-seekers in the total population is marginal (see figures below). Among those seeking asylum in Poland, 90 per cent lodge an application at the border with Belarus, in Terespol-Brześć. Subsequently, only 30-40 per cent of the applicants arrive at the reception centre in Biała Podlaska (25 km away from Terespol).<sup>53</sup> While their request is being examined, they take the first steps toward integration into Polish society and the Polish labour market.

Although the challenges of integrating beneficiaries of international protection into Polish society have been studied from many different angles,<sup>54</sup> at the moment it is not a high issue on the political agenda. This opinion is mirrored in the official Migration Policy of Poland (*Polityka Migracyjna Polski*) from 2012, and it was confirmed by experts interviewed for this research. There are two main reasons for this. First, Poland is ethnically quite homogeneous, and the low inflow of migrants into Poland is not viewed as warranting attention on the policy level.<sup>55</sup> Second, a large number of those applying for international protection in Poland consider the country a transit state. As noted in the Migration Policy of Poland (2012), the tendency for migrants to move on is another explanation for why the country's integration policy is still in its initial phase. However, when comparing the number of asylum applicants to other European countries, Poland receives relatively high numbers

51 Institute of Tourism, Arrivals to Poland by quarters. Available online at: <http://www.intur.com.pl/itenglish/arrivals.php?r=99>

52 "Migration and migrant population statistics" - Statistics Explained (2013/10/3). Available online at: <http://goo.gl/HBpL6>

53 "Polska często jest krajem tranzytowym dla uchodźców, którzy chcą pracować na zachodzie" ["Poland is often a transit country for the asylum seekers who want to work in the West"] April, 1, 2013. Available online at: <http://wpolityce.pl/wydarzenia/50358-polska-czesto-jest-krajem-tranzytowym-dla-uchodzcow-ktorzy-chca-pracowac-na-zachodzie>

54 Chrzanowska and Gracz 2007; Andrzejczak 2006; Frelak et al. 2007.

55 According to Eurostat in 2011, the total number of long-term immigrants into Poland was 157,059. Available online at: <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tps00176&plugin=1>. OECD estimates the inflow of the foreign population at 41,336 for 2011, slightly higher than in 2010 (41,061) and a 12 per cent increase compared to the level in 2004, the year of the country's accession to the EU (36,851). Flow data based on residence permits or other sources was retrieved from the Office for repatriation and Aliens.

of asylum-seekers. In 2011, the year before the above-mentioned Migration Policy was launched, Poland received almost 6,900 applications, which is comparable to Greece (9,310) and Norway (8,995) and twice the number of applicants in Denmark (3,945), Spain (3,420) and Finland (2,915).<sup>56</sup> This number increased by 56 per cent in 2012 as 10,753 asylum applications were lodged in Poland, a number higher than that of all the other central European EU Member States and Baltic States combined.<sup>57</sup>

Despite the increasing inflow of asylum-seekers into Poland, the integration of beneficiaries of international protection does not seem to be a priority issue at the policy level. Poland's only systemic and strategic approach to integration covers foreigners who obtain the status of international protection in Poland. There is no strategy to address other protection status granted under Polish law, namely "tolerated stay" and asylum status.

The aim of this report is to assess an important aspect of the integration of beneficiaries of international attention: their access to employment in Poland. The report is based on a review of policy documents, data, and interviews with experts and focus group discussions involving beneficiaries of international protection carried out in February and March 2013.<sup>58</sup> The analysis identifies the main barriers to accessing the labour market in Poland and concludes with recommendations regarding the organization of various aspects of the integration process, in order to improve the employment situation of beneficiaries of international protection in Poland.

56 Eurostat, 2013, Number of (non-EU-27) asylum applicants in the EU and EFTA Member States and their age distribution, 2011.png - Statistics Explained (2013/8/4). Available online at: <http://goo.gl/dN90D>.

57 UNHCR - Displacement. The New 21st Century Challenge Global Trends 2012. Excel Annex – Table 9. Asylum applications and refugee status determination by country/territory of asylum, 2012. Available online at: <http://www.unhcr.org/pages/49c3646c4d6.html>. For the purpose of this report, Central European countries refer to those covered by the UNHCR Regional Representation for Central Europe, namely Bulgaria (1,387 applications), Czech Republic (753), Hungary (2,157), Poland, Romania (2,511), Slovakia (732), and Slovenia (305). The Baltic countries – Estonia (77), Latvia (189) and Lithuania (526). Altogether, the asylum applications in these countries – except Poland – amount to 8,637 in 2012.

58 The methodology of the research carried out for this report is described in Annex 2.

## II. Data on Asylum and Unemployment

According to Poland's Ministry of Interior<sup>59</sup>, the number of incoming asylum-seekers in 2012 was 5,477, which was almost 2,000 more than in 2011 (3,534). The share of new applications was 51 per cent for both 2011 and 2012. The biggest cohort of first time asylum seeking applicants arrived in 2009 (6,300), representing almost 60 per cent of the total applications. The majority of the applications were submitted by individuals who identified themselves as Chechens (6,084) and Georgians (3,234). A great majority of the procedures were discontinued (78 per cent). In 2012, some 21 per cent of the applicants were granted one of the protected statuses: 3.5 per cent received refugee status; 5.5 per cent were granted a subsidiary protection status; and 12 per cent were granted a tolerated stay status. Individuals granted with these statuses came mainly from the Russian Federation, Belarus, Georgia, and Armenia.<sup>60</sup>

The table below indicates trends in the number of asylum-seekers between 2004 and 2012 according to the Office for Foreigners. One clear trend is that the years 2012, 2009 and 2007 were similar as to the number of persons covered by the applications, at more than 10,000. The year 2009 was exceptional due to larger than usual number of Georgian citizens who applied for asylum in Poland, especially in June, July, and August. Their applications made up 40 per cent of all applications (right after the applications from Chechnya). In other years, the number of applicants varied between 6,500 and 8,500. Generally the number of applicants receiving refugee status is less than half the number of those who are granted a tolerated stay status. The exceptions were 2009, when the number of those granted refugee status was twice as high as the number granted a tolerated stay status, and 2011, when the numbers were nearly equal. The introduction of subsidiary protection status in the Polish law in 2008 had a significant impact on the number of those granted a

59 Europejska Sieć Migracyjna [European Migration Network] "Rok 2012 rekordowy pod względem liczby wniosków uchodźczych" ["2012 with the highest number of asylum applications"]. Available online at: [http://emn.gov.pl/portal/esm/704/9947/Rok\\_2012\\_rekordowy\\_pod\\_wzgleciem\\_liczby\\_wnioskow\\_uchodzacych.html](http://emn.gov.pl/portal/esm/704/9947/Rok_2012_rekordowy_pod_wzgleciem_liczby_wnioskow_uchodzacych.html)

60 Europejska Sieć Migracyjna [European Migration Network] "Rok 2012 rekordowy pod względem liczby wniosków uchodźczych" ["2012 with the highest number of asylum applications"]. Available online at: [http://emn.gov.pl/portal/esm/704/9947/Rok\\_2012\\_rekordowy\\_pod\\_wzgleciem\\_liczby\\_wnioskow\\_uchodzacych.html](http://emn.gov.pl/portal/esm/704/9947/Rok_2012_rekordowy_pod_wzgleciem_liczby_wnioskow_uchodzacych.html)

form of international protection in Poland.<sup>61</sup> After the law entered into force on 29 May 2008, most of those that had been previously granted tolerated status became beneficiaries of subsidiary protection.<sup>62</sup> As such, between 29 May 2008 and the end of 2009, more than 3,300 applicants obtained subsidiary protection status. Foreigners covered by this form of protection have the right to integration assistance on the same terms and conditions as applicable to refugees. After 2009, the number of applicants granted subsidiary protection dropped. Office for Foreigners does not give the reason for the drop in the number of applicants given subsidiary protection as decisions are issued on an individual basis. In fact, by 2012, the number of those receiving tolerated stay status exceeded the number of those who obtained subsidiary protection.

**Table: Number of asylum applicants by year, compared to the number granted refugee status, subsidiary protection and tolerated status between 2004 and 2012\***

	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>First Applications</b>	3,632	3,072	3,134	4,563	4,154	6,300	3,499	3,534	5,477
<b>Persons covered by the applications</b>	8,079	6,860	7,093	10,048	8,517	10,587	6,534	6,887	10,753
<b>Decisions made by the Office for Foreigners<sup>63</sup></b>	5,898	5,915	7,282	5,817	9,859	15,422	10,560	9,801	11,120
<b>Refugee status<sup>64</sup></b>	305	312	423	116	186	131	82	153	87
<b>Tolerated Stay</b>	832	1,832	2,048	2,866	1,507	65	196	170	292

61 The Bill on the amendment of the Act on granting protection to foreigners within the territory of the Republic of Poland and of some other acts was adopted on 18 March 2008 and entered into force on 29 May 2008. See Journal of Laws of 2008, No. 70, item 416.

62 Ministry of Interior and Administration. 2010. *Granting non-EU harmonised protection statuses to foreigners in Poland*, p. 14, 67. Available online at: <http://goo.gl/DdLZ9W>

63 Decisions made by the Office of Foreigners with regard to the applications submitted for the first time and with regard to the applications that were re-submitted.

64 A negative decision concerning the refugee status made by the Office for Foreigners can be appealed to the Refugee Board. During two terms (1999-2008), the Board issued 110 decisions on granting refugee status. Available online at <http://rada-ds-uchodzcow.gov.pl/sites/default/files/pliki/orzecznictwo.pdf>

	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Subsidiary Protection</b>					1,074	2,317	195	155	140

Source: Office for Foreigners. 2013. "Sprawozdania" Reports on the implementation of the Law implementing the Geneva Convention and New York Protocol for years 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012.

Available online at: <http://www.udsc.gov.pl/SPRAWOZDANIA,1354.html>

\* Subsidiary protection status is granted only since 2008.

It is also important to review trends in the proportion of discontinued, accepted, and rejected applications for refugee status.<sup>65</sup> After 2009, many cases were discontinued because the asylum-seekers left Poland.<sup>66</sup> In 2007, 1,732 negative decisions (36.6 per cent of all decisions)<sup>67</sup> were issued and in 2008 1,454 negative decisions (34.4 per cent) were issued. Beginning 2009, the percentage of negative decisions increased drastically. This amounted to 4,048 in 2009 (61.68 per cent), 3,906 (88.35 per cent) in 2010, 2,739 (88.69 per cent) in 2011, and 1,960 (79 per cent of all decisions) in 2012.<sup>68</sup>

With respect to employment, Poland is a country with a relatively high and growing unemployment rate. According to Eurostat, the unemployment rate in Poland in January 2013 was 10.6 per cent, compared to 10.4 per cent in December 2012. As measured by the Polish Central Statistical Office, however, the unemployment rate in Poland in January 2013 was much higher at 14.2 per cent. Although the average unemployment rate in the EU is 12 per cent, it is meaningful to compare unemployment in Poland to the more prosperous European countries. For example, as compared to its neighbouring country, Germany<sup>69</sup>, Poland's unemployment rate

65 Please refer to page number 8 of this report for the analysis of the conditions for granting the different types of protection.

66 Office for Foreigners, 2013. Available online at: <http://www.udsc.gov.pl/SPRAWOZDANIA,1354.html>

67 All decisions were calculated for 2007 by adding the number of the negative decisions, the number of the refugee statuses granted and the number of tolerated statuses granted. For 2008, 2009, 2011 and 2012 all decisions were calculated by adding the number of negative decisions, the number of the refugee statuses, tolerated statuses, and subsidiary protection statuses granted.

68 Office for Foreigners, 2013. Available online at: <http://www.udsc.gov.pl/SPRAWOZDANIA,1354.html>

69 In May 2013, the unemployment rate in Germany was 6.9 percent, and in Poland it was 13.5 percent. Money.pl. 2013. "W Niemczech bezrobocie niższe od spodziewanego" ["In Germany unemployment lower than expected"]. Available online at: <http://praca.money.pl/wiadomosci/artykul/w;niemczech;bezrobocie;nizsze;od;spodziewanego,147,0,1315731.html> Główny Urząd Statystyczny [The Chief Statistical Office]. 2013. "Monitoring Rynku Pracy" ["Labour Market Monitoring"]. Available online at: [http://www.stat.gov.pl/cps/rde/xbcr/gus/PW\\_miesie\\_inf\\_o\\_bezrob\\_rejestr\\_w\\_polsce\\_05m\\_2013.pdf](http://www.stat.gov.pl/cps/rde/xbcr/gus/PW_miesie_inf_o_bezrob_rejestr_w_polsce_05m_2013.pdf)



is almost twice as high. Germany is currently an economic leader in the EU and as a neighbouring country is fairly accessible to the asylum-seekers who enter the EU in Poland.<sup>70</sup>

**Table: unemployment rate in Poland, end of 2012, by province**

Wielkopolskie, Mazowieckie, Śląskie, Małopolskie	9.9-12.8%
Pomorskie, Podlaskie, Lubelskie, Łódzkie, Opolskie, Dolnośląskie	12.9-15.7%
Zachodnio-Pomorskie, Kujawsko-Pomorskie, Lubuskie, Świętokrzyskie, Podkarpackie	15.8-18.6%
Warmińsko-Mazurskie	18.7-21.2%

Source: Central Statistical Office of Poland;

There is no data regarding the unemployment rate among beneficiaries of international protection. Beneficiaries of international protection are put under the general category of foreigners in the state employment agency data, so they are grouped together with migrants. It is difficult to draw conclusions about the employment levels of beneficiaries of international protection based on the number of those who use various labour market-related services offered by NGOs (e.g. qualification trainings, CV writing workshops, and internship programmes, etc.). The scale of NGO activities in this area is limited, and NGO experts interviewed in Warsaw were not able to assess the extent to which the beneficiaries of international protection that were using their services represented the population of beneficiaries of international protection in Warsaw, let alone in the whole of Poland.

Although the Ministry for Labour and Social Policy collects data on employment among foreigners in every province, it does not treat beneficiaries of international protection as a separate category. Furthermore, there is no distinction made between the various groups of foreigners in the registry of the Labour Office, the agency that supplies the Ministry for Labour and Social Policy with data for analysis. One of Ministry for Labour and Social Policy's employees stated that no request to distinguish foreigners covered by different forms of international protection as a

separate category has been made to the Ministry.<sup>71</sup> The total number of foreigners unemployed in Poland in 2010 was 2,970, and in 2011 it increased to 3,164. The Province of Mazowieckie records the highest number of unemployed foreigners (823 individuals in 2010 and 865 individuals in 2011). According to the Province Labour Office in Mazowieckie, at the end of June 2012, there were 873 foreigners registered as unemployed, including beneficiaries of international protection (27 more people than in the previous year). Among them there were 490 women, who account for 56.1 per cent of the unemployed foreigners.

Four other provinces with a high number of registered unemployed foreigners are Lubelskie (307 in 2010 and 345 in 2011), Podlaskie (272 in 2010 and 314 in 2011), Śląskie (225 in 2010 and 243 in 2011) and Dolnośląskie (205 in 2010 and 204 in 2011). Lubelskie and Podlaskie are both places with high numbers of asylum-seekers. It should also be pointed out that, in most of the provinces the number of registered unemployed foreigners increased in 2011 as compared to 2010. Furthermore, the Province Labour Offices in Mazowieckie, Podlaskie, and Lubelskie do not give separate data with respect to the unemployment of beneficiaries of international protection. The County Centres for Family Assistance in these three regions implement the highest numbers of Individual Integration Programmes (IIPs). These are programmes aimed to help beneficiaries of international protection integrate into the Polish society. Reports prepared by the Central Statistical Office do not register unemployed people involved in IIPs separately. This gap in the statistics underscores the importance of the recommendation of the Migration Policy of Poland that improved coordination of data collection and integration monitoring is crucial.

<sup>70</sup> This is not to say that asylum-seekers review statistics when making a choice to leave Poland and earn a living somewhere else, but rather that they use their social networks to learn about job finding, social benefits and the integration process in other countries.

<sup>71</sup> Personal communication, Ministry for Labour and Social Policy, Department for the Analyses and Statistics, phone call, October 24th 2013.



### III. Legal and Institutional Bases for Labour Market Integration of Beneficiaries of International Protection in Poland

#### Types of protection in Poland

The Integration of foreigners in Poland is grounded in legal acts regulating issues of citizenship and access to basic rights, like the rights to education, association, employment and assistance, as well as the rights spelled out in the Law on Granting Protection to Foreigners. Applicable legislation includes:

- Constitution of the Republic of Poland<sup>72</sup> of 2 April 1997;
- The Polish Citizenship Act of 2 April 2009;<sup>73</sup>
- Law on Associations of 7 April 1989;<sup>74</sup>
- Law on the Guarantee of Freedom of Conscience and Belief of 17 May 1989;<sup>75</sup>
- Law on the Education System of 7 September 1991;<sup>76</sup>
- Law on Granting Protection to Foreigners within the Territory of the Republic of Poland of 13 June 2003;<sup>77</sup>
- Law on the Legalization of the Stay of Some Categories of Foreigners within the Territory of Poland and Amending the Law on Granting Protection to Foreigners within the Territory of the Republic of Poland of 28 July 2011;<sup>78</sup>

72 Journal of Laws of 1997, no 78, item 483

73 Journal of Laws of 2012, no 0, item 161.

74 Journal of Laws of 2001, no 20, item 79.

75 Journal of Laws of 2005, no 231, item 1965.

76 Journal of Laws of 2004, no 256, item 2572.

77 Journal of Laws of 2009, no 189, item 1472.

78 Journal of Laws of September 13, 2011, item 191.

- Law on Social Assistance from 12 March 2004;<sup>79</sup>
- Law Amending the Law on Foreigners and the Law on Promotion of Employment and Labour Market Institutions from 27 April 2012;<sup>80</sup>
- Law on Promotion of Employment and Labour Market Institutions from 20 April 2004;<sup>81</sup>
- Law on Higher Education from 27 July 2005;<sup>82</sup>
- Law on Medical Care from 27 August 2004;<sup>83</sup>
- Law on Social Employment from 13 June 2003;<sup>84</sup>
- Law on Social Cooperatives from 27 April 2006;<sup>85</sup>
- The Law on Freedom of Economic Activity from 2 July 2004.<sup>86</sup>

Refugees' rights are mainstreamed, and refugees have the same rights as Polish nationals, with certain exceptions (e.g. voting rights). There are five categories of protection granted by the Polish State: refugee status, subsidiary protection, tolerated stay, temporary protection, and asylum.<sup>87</sup>

On 29 May 2008, an amendment to the Law on Granting Protection to Foreigners in Poland came into force. This amendment introduced a number of changes with regard to protection for foreigners granted by the Head of the Office for Foreigners. It established a new form of protection namely subsidiary protection. Every application for refugee status is simultaneously considered an application for subsidiary protection as well as for tolerated stay. Forms of protection are considered in the following order: refugee status, subsidiary protection, and tolerated stay.<sup>88</sup> Each status provides different rights and obligations as indicated below.

79 Journal of Laws of 2004, no 64, item 593.

80 Journal of Laws of 2012, no 100, item 589.

81 Journal of Laws of 2004, no 99, item 1001.

82 Journal of Laws of 2005, no 164, item 1365.

83 Journal of Laws of 2004, no 210, item 2135

84 Journal of Laws of 2003, no 122, item 1143.

85 Journal of Laws of 2006, no 94, item 651.

86 Journal of Laws of 2004, no 173, item 1807.

87 Law on Granting Protection to Foreigners within the Territory of the Republic of Poland of 13 June 2003.

88 On 28 July 2011, a new Law on the Legalization of Stay of Some Categories of Foreigners on the Territory of Poland and Amending the Law on Granting Protection to Foreigners within the Territory of the Republic of Poland was introduced.

An **asylum-seeker** receives social benefits and access to health care. Such benefits are granted for the period during which a person awaits the final administrative decision on his/her status – from the day s/he registers in the reception centre until two months after the date of delivery of the final decision on granting protection. If the decision was negative, the assistance expires on the date when the foreigner is obliged to leave the country. In case of a decision on discontinuation of the proceedings, the assistance expires 14 days after the decision is delivered. Six months after submitting an application for refugee status, an asylum-seeker is legally allowed to work in the country, on the basis of a relevant confirmation from the Office for Foreigners. An asylum-seeker placed in a reception centre for asylum-seekers is provided with accommodation; food; medical, and psychological assistance; reimbursement of travel costs related to the refugee status procedure, a visit to a doctor and other justified situations; educational materials and financial help to cover the cost of children's education. A 70 PLN (17 EUR<sup>89</sup>) monthly allowance is given to cover personal expenses (50 PLN pocket money and 20 PLN for hygienic items). For organizational reasons, or for a child who is under six years old or who attends primary or secondary school, an asylum-seeker can receive a financial payment of 340 PLN (81 EUR) in place of food portions that they would receive at the reception centre. A person living in a reception centre can also participate in free Polish language courses and can obtain PLN 140 (33 EUR) in one-time financial aid to buy clothes and shoes. In cases when the person cannot be placed in a reception centre due to a health condition, security risk, organizational issues, or a need to maintain family unity, he or she can be granted equivalent financial support. In cases defined by Article 87 of the Law on Granting Protection, asylum-seekers may be detained and thus deprived of benefits.

**Refugee status** is granted to a foreigner who fulfils the conditions defined in the 1951 Convention and 1967 Protocol relating to the Status of Refugees.<sup>90</sup> Refugee status is also granted to spouses and minor children of the applicant if they are covered by the asylum application.

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<sup>89</sup> Exchange rate 1 PLN = 0.238049 EUR from 13/11/2013  
Available online at: <http://www.xe.com/currencyconverter/convert/?Amount=70&From=PLN&To=USD>

<sup>90</sup> According to the Refugee Convention, a refugee is any person who: owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country. UNHCR, Convention and Protocol Relating to the Status of Refugees. Available online at: <http://www.unhcr.org/3b66c2aa10.html>

Once recognized, a refugee obtains a residence card confirming the legality of his/her stay on the territory of Poland as well as a Convention Travel Document that entitles the person to travel abroad legally. The refugee is granted the same rights as Polish citizens, except for the right to vote and the right to free labour movement within the EU. The refugee can legally stay abroad in other EU countries without a visa for a period of three months. The Convention Travel Document (CTD) is issued for three years and can be prolonged later. The refugee is granted a Polish residence card, which is also valid for three years. Refugees are entitled to state financed IIPs regulated by the 2004 Law on Social Assistance and they are entitled to social care based on the same Law. An application for the IIP has to be submitted to the County (powiat) Centre for Family Assistance within 60 days after the refugee status/subsidiary protection is granted. The application has to be submitted together with the decision and documents obtained from the Office for Foreigners.

**Subsidiary protection**<sup>91</sup> is granted to foreigners who do not meet criteria for refugee status, but who cannot be returned to their country of origin because their life, freedom and safety would be at risk from: 1) a death penalty sentence or an execution order; 2) torture, inhumane or degrading treatment or punishment; 3) a serious and individual life or health hazard as a result of common use of violence towards the civilians in a situation of an international or internal military conflict. Individuals and families with subsidiary protection are granted the same rights as refugees, with the exception of receiving a CTD. Since 2008, they can also participate in an IIP.

**Tolerated status: Article 97 of the Act on Granting Protection to Foreigners provides that** a foreigner shall be granted a permit for tolerated stay on the territory of the Republic of Poland if his/her expulsion:

1. May be effected only to a country where his/her right to life, to freedom and personal safety could be under threat, where he/she could be subjected to torture or inhumane or degrading treatment or punishment, or could be forced to work or deprived of the right to fair trial, or could be punished without any legal grounds – within the meaning of the Convention on Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950;<sup>92</sup> 1 a) would violate

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<sup>91</sup> This status was introduced in Poland as a result of the implementation of EU Directive 2004/83/EC, obliging EU Member States to grant subsidiary protection within their territories

<sup>92</sup> Journal of Laws of 1993 No. 61, item 284 and 285, of 1995 No. 36, item 175, 176 and 177 and of 1998 No. 147, item 962 and of 2002 No. 127, item 1084

the right to family life within the meaning of Convention for Human Rights and Fundamental Freedoms signed in Rome on November 4, 1950 or would violate the child's right determined in the Convention on the Rights of the Child adopted by General Assembly of the United Nations on November 20, 1989,<sup>93</sup> to the extent which would be a threat to the psychophysical development of the child;

2. is unenforceable due to reasons beyond the authority executing the decision on expulsion or beyond the control of this foreigner;

The provision does not apply if further stay of the foreigner on the territory of the Republic of Poland poses a threat to state security, defence or public safety, and public order. A foreigner may be granted a permit for tolerated stay on the territory of the Republic of Poland if his/her expulsion might be effected only to a country to which the extradition is inadmissible on the basis of the court's judgment or on the basis of the decision of the Minister of Justice. This decision shall be taken with due regard to the reasons for refusing a foreigner's extradition as well as to the interest of the Republic of Poland. This is not a status of international protection. A person with a tolerated stay status has rights and obligations of a foreigner who obtained a temporary residence permit.

This category of foreigners has a limited range of rights, including: access to the labour market, a right to run their own business, and a right to unemployment benefits, education, and health care (if covered by health insurance). This category of beneficiaries cannot participate in an IIP.

**Temporary protection** Article 106 of the Act on Granting Protection to Foreigners provides that temporary protection is granted to foreigners arriving to the Republic of Poland in great numbers, who have left their country of origin or specific geographical area for the reason of foreign invasion, war, civil war, ethnic conflicts, or serious violation of human rights. They may be provided with temporary protection on the territory of the Republic of Poland, regardless of whether their arrival was spontaneous or aided by the Republic of Poland or by the international community. This category of beneficiaries of international protection has labour rights but cannot participate in an IIP. Temporary protection is granted until the moment when the foreigner's return to the home country is possible but not longer than a year.

<sup>93</sup> Journal of Laws of 1991, No. 120, item 526 and of 2000 No. 2 item 11

**Asylum** is granted to people who need protection, and also when the interest of the Polish State comes into consideration. This is not a status of international protection, but it is an institution of Polish law. Individuals with asylum status have the same rights as refugees but they cannot take part in an IIP.

## Programme documents for societal and labour market integration of beneficiaries of international protection

On 31 July 2012, the Council of Ministers adopted a document called "Migration Policy of Poland – the current state of play and further actions" (*Polityka migracyjna Polski – stan obecny i postulowane działania*), which formulates directions for action, systemic solutions and recommendations for the public administration in the area of migration policy. This document was produced by the Inter-ministerial Committee for Migration. The main theme of the document is the adaptation of migration policy to labour-market priorities and the need to ensure competitiveness of the Polish economy. The document covers such issues as legal migration, counteracting illegal migration, integration, international protection for foreigners, emigration, citizenship and repatriation, efficient functioning of the legal and institutional system, and monitoring of migration processes.

The main recommendation of the Migration Policy document with respect to the integration of beneficiaries of international protection is to enhance the effectiveness of programmes for integration.<sup>94</sup> Among others, the document recommends introducing pre-integration programmes for individuals applying for refugee status and also streamlining integration programmes for persons under international protection. The document also advises providing other foreigners with such programmes, ensuring "increased attention is paid to the education of migrant children and ensuring free access to legal advice for foreigners".<sup>95</sup> The chapter on foreigners' integration, which includes beneficiaries of international protection, lists

<sup>94</sup> See the subchapter on integration of beneficiaries of international protection in chapter IV "Integration of foreigners", "Polityka Migracyjna Polski" ["Migration Policy of Poland"]. 2012, pp. 69-76. Available online at: <http://bip.msw.gov.pl/bip/polityka-migracyjna-po/19529,Polityka-migracyjna-Polski.html>

<sup>95</sup> European Web Site on Integration. 31 July 2012. "Migration Policy of Poland – the Current State of Play and Proposed Actions." Available online at: [http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID\\_ITEMS=32533](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=32533)

the following areas where improvement is needed:<sup>96</sup>

- **Activities for building systemic solutions:** In particular, employing existing local structures of social assistance to implement integration at the local level, with the support of state-level resources (including using the State budget and greater use of the European Fund for the Integration of Third Country Citizens) and state-level planning and monitoring. It is also advised to improve coordination between various ministries, institutions, and expert bodies.
- **Activities for building social awareness and intercultural dialogue:** Including education in school and providing teachers with training in intercultural competence.
- **Research, monitoring and evaluation of activities:** There is a growing need for continuous and complex research, and data gathering (to measure the needs of foreigners in the labour market, the effectiveness of integration programmes, etc.). There should be regular analyses of individual aspects of migration by state bodies, and these analyses should integrate registers that gather data on proceedings in foreigners' cases.<sup>97</sup>

The assumed goals of the recommendations in the "Migration Policy" document are to improve decision making, legislation, administrative practice, monitoring, financial planning and coordination of the activities of various institutions and organizations with respect to problems of migration. The result of these improvements should be increased cohesion of actions undertaken towards foreigners. The document calls for simplification of procedures and strengthening of structures related to migration.<sup>98</sup>

The document notes that participation in IIPs is seen as a source of social assistance, when in fact integration implies giving a person the ability to secure his or her own

96 "Polityka Migracyjna Polski" ["Migration Policy of Poland"]. 2012, pp. 67-73. Available online at: <http://bip.msw.gov.pl/bip/polityka-migracyjna-po/19529,Polityka-migracyjna-Polski.html>

97 European Web Site on Integration. 31 July 2012. "Migration Policy of Poland – the Current State of Play and Proposed Actions." Available online at: [http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID\\_ITEMS=32533](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=32533). This is the latest document which frames Poland's migration policy. Earlier in January 2005, the Ministry of Social Policy (today the Ministry of Labour and Social Policy) issued a strategic policy document called "Activity proposals for a comprehensive policy for foreigners' integration in Poland" (PROPOZYCJE DZIAŁAŃ W CELU STWORZENIA KOMPLEKSOWEJ POLITYKI INTEGRACJI CUDZOZIEMCÓW W POLSCE). This eight page long document resulted from the need to respond to EU regulations and standards in the area of foreigners' integration. At that time, only immigrants with a refugee status were entitled to take part in the Individual Integration Programmes (today it is also open for the immigrants with subsidiary protection). Therefore, today this document has a limited validity and new rules regarding integration of foreigners can be found in the law on the assistance provision for foreigners from 18 March 2008.

98 "Polityka migracyjna Polski" ["Migration Policy of Poland"]. 2012. Available online at: <http://bip.msw.gov.pl/bip/polityka-migracyjna-po/19529,Polityka-migracyjna-Polski.html>

living independently of social assistance. Moreover, the document emphasizes the need to increase the involvement of diaspora communities in the integration process and to formalize the State's role in providing information on the conditions of legal employment and stay in Poland. The Ministry of Labour and Social Policy is currently working on an integration policy that will cover issues of integration of beneficiaries of international protection.

Activities undertaken at the EU level in the area of foreigners' integration have a substantial impact on the Polish policy field. In 2004, the European Commission adopted the Common Basic Principles for Immigrant Integration Policy in the EU. In 2005, the European Commission presented its own Agenda for Integration and in 2011 it presented the European Agenda for Integration of Third-Country Nationals.<sup>99</sup> This was the first European Commission document that gave clear guidance on labour market issues with regards to beneficiaries of international protection.<sup>100</sup> It proposed a holistic approach to integration and underlined that successful integration of migrants contributes to the well-being of European societies. In the 2011 Agenda, the Commission highlighted the role of migrants' participation in all aspects of collective life (cultural, social, and economic) in their new societies. Next to learning the local language, obtaining employment was noted as one of the crucial aspects of successful integration. The Commission also emphasized that local authorities should play a key role in foreigners' integration, and that cooperation between the national, regional, and local authorities should be strengthened.<sup>101</sup>

## Legal framework for labour market integration of foreigners

The 2004 Law on Promotion of Employment and Labour Market Institutions states that a foreigner can work within the territory of the Republic of Poland if he/she has a work permit issued by the governor of the province (*województwo*) where the job

99 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Agenda for the Integration of Third-Country Nationals, COM(2011) 455 final. Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0455:FIN:EN:PDF>

100 It stated: "As participating in the labour market is one of the best and most concrete ways to integrate in society, efforts to reduce these gaps must target both labour migrants and migrants who come to the EU in the context of family reunification or as beneficiaries of international protection." Op. cit., p. 5.

101 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Agenda for the Integration of Third-Country Nationals, COM(2011) 455 final. Available online at: [http://ec.europa.eu/home-affairs/news/intro/docs/110720/1\\_EN\\_ACT\\_part1\\_v10.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf)

is located. Foreigners with refugee status, subsidiary protection, tolerated status or temporary protection, as well as their family members, or spouses who hold a temporary residence permit in Poland, are not required to obtain this work permit when seeking employment. Based on the Law on Freedom of Economic Activity,<sup>102</sup> beneficiaries of international protection can run a business within the territory of Poland. Concerning asylum-seekers, the Law on Granting Protection to Foreigners within the territory of the Republic of Poland of 13 June 2003 states that, if no decision has been made six months after the submission of an application for refugee status, and the delay is not the fault of the asylum-seeker, the asylum-seeker can request a document from the Head of the Office for Foreigners that would allow him/her to obtain a work permit.

Six months after submitting their refugee status application, asylum-seekers have a right to register in the district employment agencies as unemployed, and can receive benefits and assistance under the same legal conditions as Polish citizens. Because there is no distinction in the provision of unemployment services to Polish citizens and beneficiaries of international protection, employment agencies do not collect separate data on the labour situation of beneficiaries of international protection and asylum seekers. When reports on unemployment trends are put together, beneficiaries of international protection are placed in the same category as other foreigners who are registered as unemployed. Registered asylum-seekers are entitled to the same kind of employment activation programmes that labour agencies offer to Polish citizens.

## Relevant actors: An institutional map

### Central level actors

On 3 September 2004, as a result of the decision of the Council of Ministers, the Minister of Social Policy was made responsible for coordination of integration policy in Poland. Today, the Department for Assistance and Social Integration within the Ministry of Labour and Social Policy is responsible for these issues. In 2005-2006, the Inter-Ministerial Team for Social Integration of Foreigners was created. In

2007, the duties of this Team were passed on to the Inter-ministerial Committee on Migration, which is an advisory body to the Prime Minister and coordinates tasks and activities of the migration policy. This Committee created a number of working groups comprised of representatives of different ministries and state offices, and chaired by the Ministry of Labour and Social Policy.

Because the integration of beneficiaries of international protection is a cross-cutting issue, and the rights of refugees have been mainstreamed, integration policy and activities involve many institutions, including the:

- Ministry of Education: handles education of beneficiaries of international protection and their children;
- Ministry of Health: handles provision of health care for beneficiaries of international protection;
- Ministry of Interior: coordinates activities related to migration and countering discrimination;
- Office for Foreigners: handles pre-integration of individuals applying for international protection;
- Ombudsman's Office: operates the Expert Commission for Migration as the platform for discussions and cooperation of the Ombudsman with other actors;
- Government's Plenipotentiary for Equal Treatment: monitors education of migrants' children.

The UNHCR office in Warsaw also plays an important role in the field, by providing expertise and organizing various meetings and conferences about the integration of beneficiaries of international protection. Beneficiaries of international protection can also register with trade union organizations or, as entrepreneurs, in an employers' organization. *NSZZ Solidarność*, an independent Polish trade union, takes part in debates on refugees and in the past has expressed solidarity with the asylum-seekers from Chechnya.<sup>103</sup> Both trade unions and employers' organizations provide their members with more security and assistance in the labour market.

<sup>102</sup> Journal of Laws of 2004, no 173, item 1807.

<sup>103</sup> In the year 2000, "Solidarność" called on the Polish Government to support Chechen asylum-seekers by granting them legal statuses in Poland and ensuring their safety. Available online at: <http://www.solidarnosc.org.pl/pl/prezydium-2000-.html&p=4>



## Regional level

Poland has 12 reception centres, which are overseen by the Office for Foreigners. These centres are located in various provinces and handle the pre-integration of asylum-seekers. One centre is located in Warsaw (Warszawa-Targówek), and the others are located in the provinces of Kujawsko-Pomorskie, Lubelskie, Łódzkie, Mazowieckie, and Podlaskie. Aside from the one in Warsaw, most centres are in the eastern and central parts of Poland and are usually located close to middle-sized cities, but farther from bigger cities, where employment opportunities are greater. In March 2013, the unemployment rate in Kujawsko-Pomorskie was 19 per cent; in Lubelskie it was 15 per cent; in Łódzkie it was 15 per cent; in Mazowieckie it was 11.6 per cent; and in Podlaskie unemployment was 15.5 per cent. The average unemployment rate for Poland at that time was 14.3 per cent. When it comes to accessing the labour market, being placed in the reception centre located close to Warsaw may offer more job opportunities. Looking only at the unemployment figures, being placed in the reception centre in Kujawsko-Pomorskie may be the least beneficial in terms of access to the labour market. However, other factors may have an impact on employment, including the effectiveness of particular institutions, the openness of local employers, and the level of engagement with local NGOs.

At the province level, the Province Office (*urząd wojewódzki*) coordinates the integration of beneficiaries of international protection, especially as pertains to their place of residence. The province leaders (*wojewoda*) accept IIPs prepared by the County Centres for Family Assistance and transfer funds for the individuals covered by those programmes. Coordination of the integration processes are carried out in provincial-level Departments of Social Affairs.

Province (*województwi urząd pracy*) and county level (*powiatowy urząd pracy*) employment agencies are also part of the institutional map for the integration of beneficiaries of international protection into the Polish labour market. Beneficiaries of international protection who are entitled to register as unemployed become clients of the employment agencies and obtain access to the same activation programmes and job counsellors as Polish citizens. According to experts and beneficiaries of international protection who were interviewed, the employment agencies mainly perform a “registration function”, as the efficiency of their services for beneficiaries of international protection is very low. Regional institutions controlling relations

between employees and employers – such as the 16 State Labour Inspection Offices and the Labour Courts – can also intervene on behalf of beneficiaries of international protection.<sup>104</sup>

## Local level

Integration takes place at the local level and involves several local institutions, including the County Centres for Family Assistance, Centres for Social Assistance, and local and regional authorities. The Centres for Family Assistance (CFA) are meant to be important institutions in the integration system in Poland. They are supposed to engage in direct cooperation with the beneficiaries of international protection and work out the sequence of integration within each beneficiary’s IIP. They also cooperate with other offices, including:

- employment agencies and institutions of vocational training (and other institutions on the labour market involved in job searches, assistance with opening a business and vocational training);
- schools and high schools (who handle education of refugees’ children, education programmes for adults and language courses);
- health-care units (who handle the diagnosis of refugees’ health and the provision of adequate care, psychological counselling, and assistance in rulings about disabilities);
- centres for social assistance (whose help is usually necessary after completion of the IIP in order to provide financial aid, social work, and family benefits);
- NGOs (who provide assistance and cooperate with volunteers in helping to deliver language courses and counselling services);
- other offices and agencies, if necessary (e.g. district offices issue personal identification numbers and driving licenses and provide social housing, while tax offices issue tax numbers).

Despite their broad scope of responsibility, in practice, the CFAs are sometimes perceived by beneficiaries of international protection and some NGOs as being limited to providing financial assistance and falling short with respect to other

<sup>104</sup> Magdalena Netter. 12 December 2011. “Praca na czarno – to się nie oplaca” [“Working on black market – this does not pay off”]. Available online at: <http://www.refugee.pl/?mod=knowbase&path=4383&PHPSESSID=5611f51801bc29c27ba2022ab77ddb4> Państwowa Inspekcja Pracy [State Labour Inspection]. 2013. Available online at: <http://www.pip.gov.pl/html/pl/porady/07662052.htm>



integration activities. Often, NGOs make up for these deficiencies. There is a greater need for monitoring CFA activities, to ensure they are effectively involved in all facets of integration for beneficiaries of international protection, especially for those under the IIP. This issue should be taken into account when improving the integration system on the basis of the recommendations of the Migration Policy of Poland.

### Non-governmental actors

Many NGOs work in the area of foreigners' integration in and around Warsaw. According to interviewed experts, NGOs cooperate with each other quite intensively, and they have developed a certain level of specialization and division of labour among them. Some deal with legal issues and provide legal counselling, while others run projects aimed at access to employment for beneficiaries of international protection. (See the detailed description of NGOs' activities in the section below.) The NGO community is small and thus also well informed about activities run by other NGOs. For this reason, organizations that do not provide employment-related services can direct beneficiaries of international protection to specific NGOs. The exchange of information also goes beyond Warsaw. For example, the Polish Humanitarian Action sends out its newspaper *Refugees* to several cities. NGOs exchange information on projects, events, and strategies.

The Migration Policy of Poland also indicates that the structure of migrant communities in Poland does not facilitate cooperation between organizations. There are no strong migrant organizations that could play an important role in representing their own interests in Poland. However, Poland has a young group of second generation migrants who are well-integrated into the Polish society and could become leaders of integration.<sup>105</sup> The question is whether these individuals would be interested in playing such a role.

### Funding sources

The integration of beneficiaries of international protection is financed from the State budget. Poland, like all other EU Member States, is now participating in negotiations

about the priorities and content of the 2014-2020 Asylum and Migration Fund (AMF), which will replace the European Refugee Fund (ERF). The current activities aimed at the integration of beneficiaries of international protection are still funded by the ERF and are carried out within a strategy covering the 2008-2013 period. Allocation within the Annual Programme is divided into two parts: an open competition and a direct allocation. The open competition invites a wide range of organizations and institutions. The non-competitive allocation covers designated projects and units. The overall amount of ERF funds available to Poland from 2008-2013 is EUR 12,315,086.86.<sup>106</sup>

A general opinion concerning the functioning of the ERF among the interviewed experts is that they do not allow for continuity of activities and only provide support for a limited period of time. This is in particular difficult for NGOs that finance legal advisors and labour market advisors from ERF funds. These organizations face difficulties in providing their services permanently. Another problem that experts mention with ERF funding is that it is focused on specific target groups. Experts say that this approach creates "artificial categorizations" that are not based on the actual needs of migrants. For instance, NGOs that deal with different categories of foreigners on a daily basis note that the group of individuals with tolerated status is quite large, and these people are often forced to deal with challenges of integration on their own, without the state assistance provided within the IIPs.

Based on the expert interviews, it seems that the ERF funds could be used more frequently to help third country nationals with a tolerated status. This has already been acknowledged at the EU level and that is one reason why the new AMF will include both immigrants and beneficiaries of international protection in the same target group. Additional funding for integration activities can be obtained from Polish sources like the Batory Foundation, as well as the province funds, and municipal budgets.

<sup>105</sup> "Polityka Migracyjna Polski" ["Migration Policy of Poland"], 2012. Pp. 71. Available online at: <http://bip.msw.gov.pl/bip/polityka-migracyjna-po/19529,Polityka-migracyjna-Polski.html>

<sup>106</sup> The sum is divided per year in the following way: 2008 – EUR 1,784,686.98; 2009 – EUR 2,193,399.88; 2010 – EUR 2,584,355.38; 2011 – EUR 3,043,309.14; 2012 – EUR 2,641,391; 2013 – EUR 2,348,395.

## IV. Active Programmes for Beneficiaries of International Protection to Secure Employment

### Access to unemployment benefits and state-run employment programmes

The National Action Plan for Employment for 2012-2014<sup>107</sup> is another crucial document for labour integration of Poland's beneficiaries of international protection. The document proposes to assist beneficiaries of international protection through vocational training and other support. The planned activities include:

- determining the educational level of the beneficiaries, their skills and potential;
- determining local labour markets' needs for particular jobs that could be done by beneficiaries of international protection;
- carrying out vocational training in province employment agencies that will be complemented with a specialized Polish language course tailored to the needs of performing certain types of work;
- providing beneficiaries of international protection with internships after the completion of vocational training courses;
- providing employers with incentives to employ beneficiaries of international protection;
- providing beneficiaries of international protection with job search assistance.

The expected results aim to facilitate the integration of this group of beneficiaries of international protection and include:

- examining the educational level, interests and labour potential of all foreigners who were granted refugee status or international protection;
- carrying out vocational training and language courses for around 300-500 beneficiaries of international protection each year;

- providing internships for at least 50 per cent of those who completed the vocational training with a positive result;
- providing jobs to at least 30 per cent of those who completed the training and the internship;
- improving the living standards of families receiving international protection and increasing their ability to "find their way" on the Polish labour market;
- tightening cooperation between the county employment agencies and the County Centres for Family Assistance in the area of foreigners' integration.

This is the first time there is a plan to tailor labour market activation programmes specifically to the needs of beneficiaries of international protection to be implemented by the *powiat* labour offices. Today, the province and county level employment agencies do not have any programmes or services targeted specifically to these beneficiaries of international protection.

Beneficiaries of international protection who have the right to work in Poland can also register in the county-level employment agencies with the same conditions as foreigners listed in the Law on Promotion of Employment and Labour Market Institutions and Polish citizens. Once a beneficiary of international protection registers with an employment agency, they are allocated a job counsellor, who will present them with the available job offers and will direct them to the employers who are looking for employees. Beneficiaries of international protection who register as unemployed receive health insurance and are entitled to training programmes on the same basis as others who are registered as unemployed. They also obtain the same type of counselling and have the same obligations. Registered beneficiaries are entitled to participate in an internship (3-12 months), take vocational training for adults, take part in workshops, receive stipends for post-graduate and high school education, obtain funds for opening a company or get loans to pay for training. Beneficiaries of international protection can also take part in various programmes that are carried out by the province and county-level employment agencies with the money from the Labour Fund, and sometimes co-financed by EU funds. A beneficiary of international protection who registers as unemployed has to come to the agency when asked, in order to prove his or her readiness to take a job.

The employment agencies do not run any projects or programmes specifically aimed at beneficiaries of international protection. The services, programmes and projects

107 Ministerstwo Pracy i Polityki Społecznej, Departament Rynku Pracy "Krajowy Plan Działań na rzecz Zatrudnienia / 2012-2014", Warsaw 2012. Available online at: <http://www.mpips.gov.pl/bip/projekty-aktow-prawnych/projekty-programow-i-inne/krajowy-plan-dzialan-na-rzecz-zatrudnienia-2012-2014/>

provided by the employment agencies include:

1. Financial allowances:

- Unemployment benefits: A person is entitled to receive unemployment benefits seven days after registration if that person cannot be offered an adequate job, internship, vocational training, intervention or public work, and was employed during the last 18 months.
- Education stipends: A person without certified professional qualifications is entitled to receive education stipends if, within 12 months after registration, that person enrolls in an education programme in high school or in higher education.
- Post-graduate stipends: An unemployed person who enrolls in a post-graduate programme is entitled to a stipend that amounts to 20 per cent of the unemployment benefit.
- Training stipends: A person who has been directed by the province or county-level employment agency to participate in a training programme is entitled to receive a training stipend, which amounts to 120 per cent of the unemployment benefit.
- Internship stipend: A person doing an internship is entitled to receive a stipend that amounts to 120 per cent of the unemployment benefit.
- Activation subsidy: A person registered as unemployed and entitled to the unemployment benefit may apply for an activation subsidy, in which case that person starts to work and receives a salary that is lower than minimum wage.

2. Job placement services:

- Job fairs and job exchanges: The province and county level employment agencies regularly organize job fairs where employers can meet potential employees.
- Job offers: Job offers are available on the website of the employment agencies, and every registered person can also look through the job offers at the agency, or can order a text-messaging service that sends them information about job offers.
- Employment agencies: Province- and county-level employment agencies also cooperate with private employment agencies that look for employees for their client firms.

3. Job counselling:

- Workshops and employment activation: Province- and county-level agencies offer workshops that teach people how to actively and effectively search for a job, prepare for a job interview, present themselves in interactions with employers, prepare application documents, diagnose one's own skills and job preferences, determine one's own career path, handle time management and develop one's own entrepreneurial skills.
- Work Club: Province- and county-level agencies run work clubs, where registered persons can meet and take part in workshops and training sessions.

In the Podlaskie province, the province-level employment agency collected data about foreigners' participation in its programmes in 2011. The group included beneficiaries of international protection.<sup>108</sup> Four people took up intervention work, and three of them found a job three months later. Two people took part in training, but none of them found a job within the three months following the training. Eight people did an internship, but only five of them completed the internship. Two of them found a job. Forty-six people used job counselling services and nine of them found a job. Two people participated in the Work Club, but neither of them found a job within the following three months. Five people took part in various activation activities, but none of them found a job afterwards. The province employment agency in Podlaskie also ran a programme monitoring foreigners in the regional labour market, but the report does not provide information on the situation of beneficiaries of international protection.

### Integration activities run by NGOs

NGOs are an important part of the integration system in Poland. The County Centres for Family Assistance often cooperate with NGOs that provide services such as language courses, psychological counselling, skills training and labour market assistance. An example of a best practice by NGOs identified in Poland is to employ

<sup>108</sup> Marzanna Wasilewska et al ( 2012.) Sytuacja Na Rynku Pracy W Woj. Podlaskim W 2011r. Wojewódzki Urząd Pracy W Białymstoku Wydział Badań I Analiz. (Labour Market in the Voivodeship of Podlaskie in 2011), Provincial Office Work In Białystok Faculty Research And Analysis) BIAŁYSTOK, Poland. Available online at: [http://www.up.podlasie.pl/uploads/upload/w\\_badan\\_i\\_analiz/analizy/analiza\\_roczna\\_2011.pdf](http://www.up.podlasie.pl/uploads/upload/w_badan_i_analiz/analizy/analiza_roczna_2011.pdf)

beneficiaries of international protection. For example, organizations such as SINTAR, the “Ocalenie” Foundation (Fundacja “Ocalenie”), Foundation for Somalia (Fundacja dla Somalii), and the Education and Creativity Foundation in Białystok (Fundacja Edukacji i Twórczości in Białystok) use such practices. Designed as permanent positions, these posts are more frequently temporary, created and financed on a project basis. Usually, such a job involves translation or “cultural assistance” (sometimes called “mediation”).

Many NGOs hire professional job advisors or coaches who help beneficiaries of international protection to prepare documents (i.e. a CV and a motivation letter) and prepare for an interview. These advisors also explain the opportunities and obstacles of the Polish job market. NGOs providing this service include Polish Humanitarian Action (Polska Akcja Humanitarna), Education and Creativity Foundation in Białystok, the “Ocalenie” Foundation and Foundation for Somalia.

NGOs also play an important role in giving help to people with “tolerated stay” status. This help is often provided in an informal way – without official backing – for example at the Education and Creativity Foundation in Białystok.

A common practice among NGOs is to call employers on behalf of beneficiaries of international protection, or even assist them with a job interview. This assistance does not guarantee anyone success in getting a job, but it helps them get an appointment for an interview. NGOs who undertake this practice include: Polish Humanitarian Action, Education and Creativity Foundation in Białystok, the “Ocalenie” Foundation and Foundation for Somalia. A professional job advisor, a Polish native speaker, can also explain legal rules that apply to hiring a foreigner in Poland. This is helpful because Polish employers usually do not have this knowledge. The presence of a job advisor can help alleviate concerns about hiring a foreigner and give credibility to the job candidate.

Concrete practices often depend on the creativity of advisors. Many NGOs decide to actively search for companies who are willing to hire foreigners, and to maintain contacts with these firms. This practice is used by Polish Humanitarian Action, the Education and Creativity Foundation in Białystok, the “Ocalenie” Foundation, and the Foundation for Somalia. NGOs such as Foundation for Somalia will often monitor the behaviour of the employee and the employer. Cases of discrimination can be

hard to identify because they often happen behind a veil of “objective reasons”. For instance, a foreigner may be fired because of his or her supposed low efficiency while in reality he or she “does not match the image of the company”. One of the most efficient strategies of labour market integration is to provide foreigners with an opportunity to do an internship with certain companies. This approach was used by the Education and Creativity Foundation in Białystok.

### Examples of NGO projects that seek to provide beneficiaries of international protection access to the labour market

The following selected examples illustrate certain activities whereby NGOs provide labour market assistance to beneficiaries of international protection. Three NGOs (two based in Warsaw and one in Białystok) were chosen, in order to demonstrate some of the good practices used within the capital city and outside. Polish Humanitarian Action is one of the most established NGOs working with beneficiaries of international protection, while the Foundation for Somalia is a smaller NGO that offers innovative services to various beneficiaries of international protection. Education and Creativity Foundation is an NGO from Białystok that works outside the capital city and is locally very active.

#### Polish Humanitarian Action (PHA)

Polish Humanitarian Action (PHA) organizes job-search workshops providing refugees with knowledge and skills that are useful for looking for a job. Their services are offered to various groups: (1) asylum-seekers and refugees; (2) foreigners with tolerated status or subsidiary protection; and (3) repatriates.<sup>109</sup> These persons are classified into various target groups according to the classifications provided by the funding eligibility guidelines (ERF and EIF). Currently, the main programme run by PHA is called the Work Club. It addresses basic deficiencies in the job finding skills of beneficiaries of international protection. Within the framework of the Work Club, PHA assists beneficiaries of international protection in writing CVs and motivation letters, in learning their rights and opportunities within the Polish labour market and in making phone calls to employers.

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<sup>109</sup> [http://www.pah.org.pl/nasze-dzialania/193/whom\\_we\\_help](http://www.pah.org.pl/nasze-dzialania/193/whom_we_help)

PHA also provides a good infrastructure for job hunting. Beneficiaries of international protection have permanent access to media, a phone, the internet, and a list of internet websites with job offers. Active, organized assistance is provided during workshop trainings for beneficiaries of international protection. Meetings take place once a week for four-to-six weeks. Sessions are devoted to learning about the specifics of the Polish labour market, job search methods, strategies of contacting employers, interview strategies, and employers' expectations. PHA officials point to the fact that each group of beneficiaries of international protection is different. Some groups want to practice role-playing during these workshops, to better prepare for a real-life job interview, while other groups may be more passive and less motivated.

PHA also provides vocational training. The list of possible courses is not predefined, and PHA tries to adjust training to the needs and interests of beneficiaries of international protection. Before a beneficiary of international protection participates in this kind of training, they are interviewed by PHA officials and an official running the vocational training in order to assess the expectations of the beneficiary of international protection and learn more about his or her education and work experience. Polish-language skills are required to be able to participate in such trainings.

Some foreigners are directed to PHA by officials from the Warsaw Centre for Family Assistance and some return to PHA when they lose their job. PHA carries out the evaluation of its projects internally and maintains contact with beneficiaries of international protection even after the projects end.

### Foundation for Somalia

In 2011 and 2012, the Foundation for Somalia carried out a project called Information and Integration Centre for Refugees, financed with funds from the ERF and the State budget. The Information Centre was run within the premises of the Foundation and employed a group of specialists: a lawyer, a job counsellor, a cultural assistant, translators, and proof-readers, who were supported by volunteers. The projects' target group included 30 asylum-seekers, 12 refugees, 35 people with tolerated status, and 24 with subsidiary protection. The group was very diverse, as it represented 23 countries. It involved 34 women and 66 men.

Eleven of the project participants were already working in Poland – the men worked mainly at construction sites and the women as cleaners. As for language ability, 23 participants had a good command of Polish and 19 attended Polish language courses at the Foundation during the course of the project. Out of the 101 people served in the project, 41 of them declared that they worked illegally. Nine people in the group studied in Poland, 27 of them had received higher education, 48 had secondary education and 17 did not give information about their education. Most of the participants were relatively young and single.

At the beginning of the project, beneficiaries of international protection answered a questionnaire regarding their education, language and professional skills, and past work experience. The job counsellor took care of the beneficiaries of international protection individually, and assisted them with their job search and in writing CVs, and motivation letters. The counsellor created individual profiles for the beneficiaries of international protection on job-search websites. The counsellor also established contacts with employers (a cleaning agency, restaurants and a construction company). One of the most interesting strategies employed by the job counsellor was to ask the beneficiaries of international protection about their post-interview impressions. Usually, if the interviews were not successful, there were problems with stereotypes or misunderstandings regarding rights and obligations of foreigners with different statuses. In cases where there were misunderstandings, the counsellor called the potential employer and tried to clarify the situation. This strategy proved helpful, as 18 beneficiaries of international protection were invited for a second interview and 16 of them were employed.

The counsellor also systematically monitored the activities of beneficiaries of international protection with regard to their job search and called them every month, to check on their progress and difficulties. The project produced the following results:

- Some 21 people found a job and kept it for at least seven months (mainly in the cleaning and construction services).
- Twelve people found a job and (without the counsellor's assistance) changed jobs while the project was running.
- Four people found jobs in their professions (two of them are francophone and two of them are engineers).
- It seems likely that 32 people out of this group left Poland.



## Education and Creativity Foundation in Białystok

The Education and Creativity Foundation in Białystok mostly serves refugees from Chechnya, Armenia and Georgia. The Foundation runs a Centre for Refugees' Integration. This project is run by four people: a coordinator, two refugees' assistants, and a lawyer. The Centre is open every day from 9 am till 4 pm. The lawyer comes twice a week, on Mondays to the office and on Wednesdays to the Białystok Reception Centre. The Foundation also runs two kindergartens for the children of beneficiaries of international protection. Around 10 volunteers from the European Voluntary Service teach the English language. Eight refugee families are provided with housing subsidies in the amount of PLN 500 (EUR 119).

The Foundation's Centre for Refugees' Integration is financed by the European Social Fund, the ERF and the municipality. It organizes weekly Polish-language courses for beneficiaries of international protection who are participating in IIPs. Along with helping recognized refugees, the Foundation also helps those who are "in the procedure" and those with subsidiary protection. It cannot help people with tolerated status, because it has not managed to obtain funding to finance activities aimed at this group. Even though the IIPs provide beneficiaries of international protection with a subsidy for the Polish language course (the foundation receives PLN 80 (EUR 19) per person per month), many people do not attend classes regularly. In the Centre run by the Foundation, beneficiaries of international protection are assisted in filling in documentation and receive assistance with their housing and job search.

In 2009, the Foundation ran a project to integrate 50 men and 70 women into the job market. One of the components of the project was the First Step Workshop ("Warsztaty Pierwszy Krok"), in which coaches provided beneficiaries of international protection with 30 hours of training about the labour market in Poland. The coaches, who were hired specifically for the project, helped beneficiaries of international protection to find work, and paid visits to various companies, looking for possible job openings. The project also offered computer courses and an internship, and women could leave their children with a Chechen babysitter who was hired by the Foundation. According to an expert working in the Foundation's Centre for Refugees' Integration, three people were employed as a result of their internship: one man was employed in a company manufacturing pipes, one was employed as a paver and one woman received work as a cleaner in a school.

According to the expert interviewed, participants in this project who did not get permanent employment right after the programme "learned what it means to work" in Poland, and it was easier for them to integrate into the labour market afterwards. Many of them found a job somewhere besides the place where they did their internship, while other participants left Poland.

The expert working with the Foundation's Centre for Refugees' Integration maintained that it is very difficult for a foreigner to find a job because few companies are willing to cooperate, stating, "If your Polish language skills are not good then they are not interested in hiring you." The expert noted that transferring qualifications from another country also poses a challenge.

In Białystok beneficiaries of international protection also work as cultural assistants in schools attended by Chechen children. There are three schools like this with eight, 13 and 11 students. The Foundation signed an agreement with these schools and pays for the work of the assistants. Assistants help with language skills and stay after classes to help the beneficiary of international protection children with homework.

Many beneficiaries of international protection leave Białystok and big families usually migrate to France, Germany and Austria.<sup>110</sup> Almost all people with tolerated stay status leave Poland because they do not get any assistance and it is too expensive for them to rent a flat. But many families also stay in Poland, and they need a home, even though rents are high. Homelessness is a big problem in Białystok and in Poland in general, and finding a job is much more difficult for someone who has no place to live.

The Foundation runs a project called "Getting out from homelessness" ("Wychodzenie z bezdomności"). According to the expert interviewed, there is a lot of discrimination in housing and it is possible to call 20-30 landlords without a single positive result. When the owners hear the prospective tenant is from Chechnya, they often answer, "oh a terrorist, no absolutely no, thank you", the expert said, adding that housing offers often expressly state, "not for the foreigners" or "not for Chechens".

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<sup>110</sup> Interview with an official working in the Centre (Białystok, March 2013)



The interviewed expert said people at the Foundation see a need for integration meetings, as well as additional cuisine courses for women, and construction or computer courses for men, because both those training areas are popular among beneficiaries of international protection. One urgent type of work that the Foundation and its Centre for Refugees' Integration would like to undertake is helping individuals with tolerated status. Until now there has been no funding for such a project.

Projects run by NGOs have several advantages over projects and programmes run by the State employment agencies. They are usually more innovative and specifically designed for the needs of a particular group of beneficiaries of international protection. Before beginning a project, NGOs carry out surveys and interviews among the beneficiaries of international protection, to assess their clients' specific skills, needs, and expectations. NGOs are usually small organizations, characterized by relatively high flexibility, and personal involvement. NGOs also tend to be more effective in establishing more personal connections with local employers.

All these factors mean there is a greater likelihood of success with NGO projects, even if success means finding employment for only a few participants in a project. The main problem with such projects, however, is their small scale and inconsistency. NGO projects are not systemic solutions, and they depend on the availability of funding as well as on the creativity and involvement of people working in the NGOs. It is therefore fair to say that although some NGO projects are successful, overall they have an insufficient impact given the scale of needs.

## V. Identification of Barriers on the Labour Market in Poland

### Lack of data

The Office for Foreigners collects detailed data on asylum-seekers and the County Centres for Family Assistance collect data on the number of beneficiaries of international protection involved in IIPs. Other data on beneficiaries of international

protection exists, but it is mainly collected by NGOs or research institutions, and it is only assembled on a one-off or temporary basis, for project or research purposes.

One of the main barriers to improving access to the labour market for beneficiaries of international protection in Poland is the lack of data of this specific group with regard to their employment status. Data on beneficiaries of international protection is often "hidden" behind more general data on foreigners – which is the case when it comes to registering the unemployed. State-run employment agencies collect data on unemployed foreigners without making a distinction between migrants and beneficiaries of international protection. The employment agency in Warsaw is an exceptional case. There, upon request, it is possible to obtain the number of the beneficiaries of international protection who are registered as unemployed. This separation of data in the capital is the result of long-term communication and cooperation between Poland's UNHCR Office, NGOs, and the employment agency. Nevertheless, this is an "informal practice", which is not required by law, and agencies in other provinces do not provide such data on a regular basis.

The lack of data on the number of beneficiaries of international protection registered as unemployed has a detrimental effect on efforts to design and implement efficient measures in order to improve the labour market access of this group. First, it makes it difficult to assess the scale of the problem and its location (e.g. whether the problem of unemployment among beneficiaries of international protection is greater in some provinces as compared to others), and to act accordingly.

Second, due to the lack of data, it is impossible to compare the number of the unemployed beneficiaries of international protection with data on the asylum-seekers collected by the Office for Foreigners, or with the number of beneficiaries of international protection participating in the IIPs. This kind of comparison could also help to assess the efficiency of those integration programmes. Third, it is also impossible to compare unemployment trends for beneficiaries of international protection with unemployment trends for other groups of foreigners. Such a comparison could help to identify the specifics of the situation of beneficiaries of international protection as a particular group of foreigners.

In general, the lack of data on the beneficiaries of international protection registered as unemployed makes the problem of their access to labour market “disappear” from the eyes of state officials. In an interview, the officials of an employment agency outside of Warsaw were not able to give any estimates as to how many beneficiaries of international protection use the services of their agency.

#### Lack of services addressing the needs of beneficiaries of international protection at the state-run employment agencies

Province- and county-level employment agencies do not have programmes or services that are specifically targeted to beneficiaries of international protection. Both the experts and beneficiaries of international protection who were interviewed expressed the opinion that services of the state-run agencies are not adequate to meet the needs of beneficiaries of international protection. Interviewees cited three main problems. First, the employment agencies do not employ cultural mediators who could assist beneficiaries of international protection in their efforts to find a job. Second, the employment agencies do not provide psychological counselling that could be specially designed for beneficiaries of international protection, who may need help with other traumas, as well as needing emotional support with the challenge of job hunting. Third, employment agencies do not train their officials to provide more individualized assistance for beneficiaries of international protection (e.g. by making phone calls to the employers).

Officials at the employment agencies do not know and do not understand the types of difficulties that beneficiaries of international protection face in the Polish labour market. This is not a problem with the “individual knowledge” of particular officials, but rather an issue of “institutional knowledge” inscribed in the procedures and practices of employment agencies as organizations.

The lack of special accommodation arrangements for beneficiaries of international protection results in several problems. In the eyes of beneficiaries of international protection, the state-run employment agencies amount to little more than a place of registration and a source of various allowances and social benefits. Beneficiaries of international protection who were interviewed showed no trust in the efficiency of the state-run employment agencies. They only remembered the moment of registration

and those occasions when they had to sign up at the employment agency in order to maintain their benefits. They do not seem to think that the employment agencies have any leverage regarding their situation in the Polish labour market.

All of the interviewed beneficiaries of international protection were of the opinion that applying for help to state-run agencies makes little sense, and they said they preferred to ask friends for help. One of the women interviewed gave an example from her own experience at the state employment agency stating that after six months, she was offered a job in waste recycling, but she declined the offer because she had higher qualifications and had even taken additional training courses in Poland. Another participant expressed the opinion that employment agencies “keep good jobs for the people they know and like”.

When asked what employment-related programmes they do use, in lieu of state help, many beneficiaries of international protection cited programmes run by NGOs. Although the beneficiaries of international protection indicated that NGOs rarely help, they said that these organizations were still better than state agencies.

#### Lack of knowledge about the Polish labour market and its institutions

Beneficiaries of international protection often do not know how to look for a job and they also do not know their rights on the Polish labour market. Sometimes beneficiaries lack very basic skills, like the ability to write a CV and a motivation letter, or to schedule a job interview. Furthermore, they may have no understanding of what to expect in an interview situation. This lack of knowledge can constitute a psychological barrier, so that beneficiaries of international protection need to learn these skills in order to overcome their lack of confidence.

While the need to earn a living may help beneficiaries of international protection overcome their lack of confidence and anxieties, they often do not know their basic rights on the labour market. When cheated by an employer, they do not lodge a complaint to the Office of Labour Inspection or the Labour Court. Either they do not know that their rights are protected by these institutions or they have no faith in their ability to win court cases.

The beneficiaries of international protection interviewed for this study often did not see the benefit of being legally employed. For one thing, salaries are often smaller than social allowances and benefits, so people do not have incentives to look for a job. On top of that, once a beneficiary of international protection gets a legal job, he/she loses allowances and benefits. This encourages beneficiaries of international protection to continue working on the black market. One woman interviewed said, “I could sign a contract at the second job, but this is not beneficial for me. If I sign it, my kids will be deprived of school benefits, and my husband’s disability benefits will also be taken away. And I will not be able to feed them all for only 1,200 PLN (285 EUR). This is why I have one legal job to provide everyone in the family with insurance.”

The results of the interviews indicate two main issues. First, it is difficult for beneficiaries of international protection to get a well-paid job on the Polish labour market that is competitive with unemployment benefits. Second, beneficiaries of international protection do not understand, or do not notice, the benefits of “getting legal”, even if it means lower pay.

### Inadequate Individual Integration Programmes

According to beneficiaries of international protection and experts, in particular experts working with NGOs, the IIPs are too short. One year of assistance is not enough for establishing a solid basis for integration into Polish society. One problem is the need to acquire good language skills, but there are other problems that stem from the short duration of the IIPs and prevent good adaptation of the beneficiaries of international protection on the labour market.

During the one year of IIP coverage, a beneficiary of international protection must obtain documents, secure housing, register at a state employment agency and learn how to navigate among institutions, which is especially difficult for persons coming from a different cultural background. They have to learn the institutional procedures and follow them. This is particularly problematic if beneficiaries of international protection come from rural places or the when the beneficiary of international protection is a woman from a traditional society, who has never worked and never dealt with public institutions. Stress and various traumas add to these difficulties and may slow down the process of learning.

As the experts point out, beneficiaries of international protection constitute a diverse group, and therefore IIPs need to be more individualized. Depending on their background, beneficiaries of international protection need more individual counselling and tailored assistance that enables them to be independent. They also live in different areas of Poland, and in some parts of the country, the financial allowances provided within IIPs may be well below the standard cost of living. Many of the interviewed experts shared the opinion that IIPs do not really prepare beneficiaries of international protection for an independent life in Poland. They make people accustomed to using state benefits and they do not teach the advantages of developing one’s own skills and taking a more independent attitude.

### Low language skills

During the IIPs, well-motivated beneficiaries of international protection may be able to gain basic communication skills in the Polish language, but they do not have enough training to master language skills at an advanced level. This has real consequences for the prospects of beneficiaries of international protection on the Polish labour market. Low language skills limit their employment options. Once a beneficiary of international protection starts such a job, she or he acquires vocabulary particular to that job, which makes it even more difficult to change the profession and compete on the market for other jobs requiring high skills. One of the interviewees is a chemist by education but she complained that she was never provided an opportunity to improve her language skills for this specific field. On the other hand, the Warsaw Labour Office provides Polish language courses for foreigners, including beneficiaries of international protection. The personnel there said it is difficult to find foreigners who are interested in participating in the course.

Overall, beneficiaries of international protection also criticized the quality of the language courses, and the lack of control of the students’ progress. One interviewee said, “these organizations do not care if you study or not. You are not graded. You just go there and sit because you have to; you have to put a signature that you were there. If you were made to learn, it would be different [...] They are not eager to make sure this is good for you.”

### Lack of employment opportunities matching qualifications

Beneficiaries of international protection often have certain skills, which cannot be mobilized in the labour market. Oftentimes, qualifications of the beneficiaries of international protection are difficult to assess and evaluate because diplomas are left or lost in their countries. According to the interviewed experts, higher education may be of much less use while looking for a job in Poland than past experience in manual work. However, there is no data available to support this argument. According to the NGOs' experts, individuals with education in engineering or IT may be able to find employment adequate to their qualifications.

Among 11 interviewed beneficiaries of international protection, there were seven men and four women, aged between 18 and 55. Three participants come from Belarus, seven from the Russian Federation (Chechnya) and one from Iran. Refugee status had been granted to four of the participants; tolerated status to two of them; one person had subsidiary protection; two participants were asylum-seekers at the time of the interviews; and two persons possessed permanent residence. The latter two participants lived in Poland for 8 and 11 years before they received a residence permit. Only three of the group already had higher education and four were enrolled in a Polish university, while one 18-year-old man was still in high school. Five participants had had a steady job before arriving in Poland and three were students. One participant said he had been changing jobs before he left Chechnya.

Only three people said they had a steady job in Poland at the time when the focus groups took place. Two of them said that they took illegal jobs and the other one is self-employed. Two others in the group had official part-time jobs, but also held additional, illegal jobs. Three persons said they regularly tried to find jobs in the black market; one of them still attends school. Three interviewees are enrolled in Polish universities and are not allowed to work because they receive scholarships.

With the help of their friends, six out of 11 participants found their first jobs picking strawberries, cleaning floors, installing windows or working in construction. All the interviewees said they had tried to find a job on the black market during their stay in Poland. They all shared the opinion that it is easier to find manual jobs, as cleaners or construction workers, than it is to find a good job, and concluded

that it is much harder for people with families to get by in Poland than for single people.

### Barriers in practicing regulated professions and in diploma recognition

Beneficiaries of international protection may also have difficulties in practicing their learnt professions in Poland. This particularly regards regulated professions and forces beneficiaries of international protection to work below their professional education level or in completely new professions. According to the Ministry of Science and Higher Education<sup>111</sup>, if a foreigner wants to practice a regulated profession<sup>112</sup> in Poland, s/he should have his/her foreign certificate or higher education diploma recognized. If a foreigner wishes to practice a non-regulated profession, it is up to the employer whether a foreigner should have his/her diploma or certificate recognized.<sup>113</sup> With the recent plans of the Polish government to deregulate some professions,<sup>114</sup> foreigners may also be able to practice their learnt professions more easily.

According to the Ministry of Science and Higher Education of Poland, professional qualifications and educational credentials obtained by foreigners in countries outside the EU, Switzerland, Norway, Iceland and Liechtenstein, should be recognized in Poland in accordance with the national legislation. The recognition of a foreigner's diploma and certificates requires that a physical copy be present in Poland, which might be problematic for the beneficiaries of international protection who have

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111 Ministry of Higher Education and Science. 2013. Recognition of Foreign Qualifications. Available online at: <http://www.nauka.gov.pl/en/recognition-of-foreign-qualifications/>

112 For practices which require authorization or registration by law and are usually granted on the basis of a certain education or training.

113 Besides, the equivalence of a foreigner's higher education diploma and school certificate can be recognized according to international agreements signed by Poland or through nostrification – a determination of equivalence between foreign educational qualifications with Polish equivalents by competent authorities. Additionally, in order to have one's educational credentials recognized, foreigners should first legalize these documents - that is to certify their conformity with the law of the country that issued it. Legalization can be replaced by an apostille, if the country that issued the education certificate or diploma is a party of the Convention Abolishing the Requirement of Legalization for Foreign Public Documents signed in The Hague on October 5, 1961. However, if the country is not a signatory of the Convention, the documents can be legalized by the Polish consular office in that country. See Ministry of Higher Education and Science. 2013. Recognition of Foreign Qualifications. Available online at: <http://www.nauka.gov.pl/en/recognition-of-foreign-qualifications/>

114 Premier.gov.pl, "Rząd otwiera dostęp do kolejnych zawodów regulowanych." ["The government opens access to more of the regulated professions"]. 2013. Available online at: <https://www.premier.gov.pl/wydarzenia/aktualnosci/rzad-otwiera-dostep-do-kolejnych-zawodow-regulowanych.html>

left these kinds of documents in their home country. In this case, a beneficiary of international protection cannot practice his/her profession in Poland, especially if the higher degree is required for the job. In such cases, the beneficiary of international protection should either try to get the necessary documents or earn a new diploma in Poland.

### Registering as a resident

Housing is also a challenge for beneficiaries of international protection. Landlords often are not willing to rent apartments to foreigners and refugees. An interviewee said that when she introduced herself as a student but not as an asylum-seeker, landlords were more likely to rent her a room. A young male participant shared a similar experience with his housing search, stating, “There were occasions when people said ‘Oh, you are from the East, from the eastern border – no.’”

A serious problem for beneficiaries of international protection is that they need to register as residents. Without this registration, they cannot get a legal job. Certain landlords are reportedly not willing to register foreigners in their apartments. This creates a kind of vicious circle. Moreover, without registration of their home address, beneficiaries of international protection cannot be officially registered as unemployed. When asked what should be improved in Poland, one participant said, “to abolish this registration requirement (*meldowanie*), which does not allow you to enter the labour market or to be registered as unemployed.”

### Discrimination on the labour market

Our interviewees had diverse experiences with working in Poland. They often met discrimination and were frequently changing jobs. The interviewed beneficiaries of international protection pointed out that discrimination against foreigners in Poland is not greater than in their own countries. They gave examples of their own experience of being poorly treated at their workplaces because they came from “the East” or because they spoke Polish with a foreign accent.

Certain interviewees claimed that being a foreigner makes it difficult to find employment in Poland. For instance, a woman interviewee shared her own experience

of job searching in Poland, “They do not hire foreigners. I wanted to be a babysitter, but the woman said ‘I’m sorry. I’d like to have a Polish babysitter.’”

Those who find a job said that the often hostile and discriminatory treatment of a foreigner by Polish employees and employers made it difficult to keep that job. One female interviewee said that when she was working as a dishwasher in a restaurant, the employer refused to hire her as a cook’s assistant when this vacancy became available, despite the fact that she had a qualification as a cook, because her Polish was not good enough. This made her quit. Moreover, according to several interviewees, beneficiaries of international protection are discriminated against in terms of salaries. Another female respondent stated that a foreigner would be paid 3 PLN while a local employee received 8 PLN for the same job. One of the male participants stated that “once an employer knows you are a foreigner, your salary rate drops to the minimum level”. All of the interviewees agreed that, in these conditions, beneficiaries of international protection become frustrated, or as one put it, “People start to disbelieve.”

The Institute for Public Affairs carried out a pilot experiment to assess how employers perceive foreigners in the Polish labour market. The researchers made phone calls to ask about various job offers. Very often when a Polish person called, the offer was still available. When a person with a foreign accent called, the offer was not available anymore.<sup>115</sup>

### Scarce resources for labour market integration of beneficiaries of international protection

There is a substantial problem with maintaining continuous integration activities with resources that exceed current state assistance, which has been identified as insufficient by the interviewed experts and beneficiaries of international protection. As was mentioned above, NGOs have problems carrying on with good projects. Their activities are to a large extent determined by the structure of the funding cycles and procedures. Still, a good idea, a high level of personal involvement and creativity, and sheer human interest in the fate of beneficiaries of international protection –

115 Institute for Public Affairs. 2013. Eksperyment z integracją migrantów, INTERREG IIIB CADSES [Experiment with the integration of migrants, INTERRED IIIB CADSES]. Available at: <http://www.isp.org.pl/projekty,eksperyment-z-integracja-migrantow-interreg-iiib-cadses,428.html>, also based on an interview carried out for this project in March 2013.



qualities often found among NGO workers – are just as important as a stable flow of money.

#### Quantitative not qualitative evaluation of the NGOs' projects

Another important issue is the monitoring of projects funded by the ERF and other funds. The interviewed experts said that monitoring and evaluation are limited to financial and bureaucratic practices of checking invoices, “indicators”, documentation and “signatures” that certify the completion of particular activities. Experts point to the need for direct monitoring of the integration of beneficiaries of international protection (individuals and their families), and call for the creation of mechanisms that allow for “following them” in their integration experience once a project is finished. The structure of financial allocation also constitutes a challenge to organizations, in particular smaller NGOs. Financing comes in instalments of 50 per cent, 25 per cent and a final 25 per cent after the project is completed and it is often unreasonably delayed. This is difficult for NGOs and their financial liquidity. Institutions responsible for money transfer are not charged any penalties for slow payments, but NGOs have to pay high interest rates for their own financial delays, which are caused by grants that come too slowly.

#### Lack of a strong political interest in the problem of labour market integration for beneficiaries of international protection

It is important to note that the problem of labour market integration of beneficiaries of international protection is not a politically salient issue in Poland. Although new documents described in this report address many of the issues we have identified, the interviewed experts agreed that problems experienced by beneficiaries of international protection are rather low on the governments' agenda. This issue is not one around which a political career can be built and advanced, experts say.

Issues related to beneficiaries of international protection and their integration in Polish society are incorporated into documents on migration and labour market activities. However, there has not been a document issued that would comprehensively deal with numerous aspects of the integration of beneficiaries of international protection. On the one hand, this deficiency could be viewed as an indication of the

mainstreaming of integration issues for beneficiaries of international protection. On the other hand, it seems that the unique problems of beneficiaries of international protection are often subsumed under other problems, and a strong political signal about the urgency of this issue is missing.

There is also very little media attention given to the integration of beneficiaries in Polish society. This is not conducive to taking up concerted and efficient action to improve the system of beneficiaries' integration on the Polish labour market.

## VI. Recommendations

**Data collection on unemployed beneficiaries of international protection:** It is recommended that data is collected on registered unemployed beneficiaries of international protection as a separate category, so that they are not simply grouped together with other foreigners under one general category. This separate data collection should be made a required, systematic practice of all state-run employment agencies. The need to collect data on the employment of beneficiaries of international protection has already been acknowledged in the National Action Plan for Employment for 2012 -2014. This data should be made available to all organizations active in the field, and should inform state and NGO programmes and projects. This mirrors the recommendation of the Migration Policy of Poland that greater coordination of data collection and integration monitoring is necessary.

**Improving services to address the needs of beneficiaries of international protection at the state-run employment agencies:** It is recommended that state-run employment agencies acknowledge beneficiaries of international protection as a group with special needs. In order to facilitate their employment, these agencies should provide at least one programme per year targeted specifically at this group. It is also recommended that the state-run employment agencies closely cooperate with NGOs and the County Centres for Family Assistance as to the content of such programmes, since NGOs and the County Centres for Family Assistance have first-hand experience with beneficiaries of international protection and are the best sources of knowledge about their needs and problems.



Furthermore, it is recommended that state-run employment agencies employ job counsellors trained in inter-cultural dialogue with different languages skills (especially Russian and Arabic), to better assist the beneficiaries of international protection with their job search. It is also recommended that state-run employment agencies employ at least one person per unit who will assist beneficiaries of international protection with their job search in a more individualized way.

**Individual counselling and cultural mediation in the pre-integration and integration phases:** There is a need for continuous, personal counselling for the asylum-seekers, at the early pre-integration stage in the reception camps, and at later stages, when the beneficiaries of international protection are looking for a job. It is also recommended that greater emphasis be given to inter-cultural individual work with the beneficiaries of international protection at the pre-integration and integration phases. Early on, inter-cultural work should be focused on the “reality” of the Polish labour market.

**Expansion of Individual Integration Programmes (IIPs):** It is recommended that IIPs be prolonged, and involve internship placement for refugees. Housing allowances should be included into the IIPs. Personnel working directly with those enlisted in an IIP should facilitate their registration with the local authorities since this is a prerequisite for accessing welfare benefits and increases the chances of obtaining formal employment.

**Improved monitoring of the County Centres for Family Assistance**  
The activities of the County Centres for Family Assistance should be better monitored by the State. One of the evaluation criteria for the performance of the Centres should be the number of beneficiaries of international protection employed after an internship (in the same or at a different workplace). A mechanism for the evaluation of the integration of beneficiaries of international protection into Polish society should be created.

**Improving language skills in the pre-integration and integration phase:** Language courses should be provided at an early, pre-integration stage. Language courses should be linked to professional training and internships should be offered to beneficiaries of international protection, so that the chances of getting a job or becoming employed in the place of internship may increase.

**Awareness raising about the rights of beneficiaries of international protection in the labour market among Polish employers:** There is a great need for a social campaign promoting the employment of beneficiaries of international protection in Poland. Such a campaign should pursue two goals. One is a more general goal of raising awareness about the problem of foreigners’ discrimination on the job market in Poland. The other goal is to reach employers through employers’ associations with thorough information regarding legal procedures for hiring asylum-seekers and beneficiaries of international protection by organizing workshops and trainings and by disseminating information.

**Improving funding for labour market integration of beneficiaries of international protection:** Funding for NGOs should be more stable. State agencies should be made accountable for delays in money transfers by improving the accountability system. Monitoring of NGOs’ activities should not only be limited to a financial audit but should also involve direct contact with the beneficiaries of international protection involved in the funded projects.

**Carrying out a cost analysis of the chain of services provided to unemployed beneficiaries of international protection:** It is also highly recommended to carry out a cost-and-benefit analysis of the whole chain of services provided to the beneficiaries of international protection such as accommodation, the cost of the IIPs, the cost of social benefits, etc. The rationale behind such an analysis should be to assess whether the current integration system is economically efficient or not and to identify its weak or strong points. For example, if employment programmes provided by state employment agencies were more individualized and services were tailored to the needs of beneficiaries of international protection, the state could in fact save money because faster integration of beneficiaries of international protection means they would be less dependent on social care. This should lead to analysing which activities are most efficient in terms of the integration of beneficiaries of international protection, and thus which activities should be better developed (e.g. whether to prolong IIPs) and which should be shortened (e.g. the time before a person obtains a work permit).

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# 5/ Romania Report

Dumitrita Holdis

## Introduction

“Under the same conditions as Romanian citizens”

Beneficiaries of international protection in Romania have the legal right to equal treatment “under the same conditions as Romanian citizens”.<sup>116</sup> Non-discrimination under the law enables refugees to benefit from the same rights and obligations as Romanian citizens. However, it is a principle that must be supported by legislation and policy initiatives that acknowledge the beneficiaries’ of international protection special needs and status in the host society. Romania, like other countries in the region, has experienced an economic downturn over the last four years, which has affected economic development, employment, and state-sponsored social assistance for the vulnerable. Any discussion on integrating beneficiaries of international protection with special needs into society has to take this situation into account. Given their economic and social vulnerability, the crisis has had a significant impact on beneficiaries of international protection. These people, by definition, have already gained protected status. However, during the first years after recognition, they often remain exposed and vulnerable. In most cases, they have limited Romanian-language skills, while living in a new and foreign country and culture with little or no family and community for support. This study analyzes the labour market participation of beneficiaries of international protection in relation with the relevant Romanian legal and institutional frameworks. To this end, the report maps and discusses the current situation of this group, identifies their challenges, and makes recommendations for improving the status quo.

116 See Law no. 122 of 4 May 2006 on Asylum in Romania and its subsequent amendments, Chapter III, Section 2, Article 20. Available online at (Romanian only): <http://goo.gl/CblCh8>. See also Government Ordinance no. 44 of 29 January 2004 and its subsequent amendments on the Social Integration of Aliens Who Were Granted a Form of Protection or a residence permit in Romania, as well as of citizens of European Union Member States and of the European Free Trade Agreement, in particular Chapter II. Available online at (Romanian only): <http://goo.gl/pBf6fX>. Not least, see also the Methodological Norms of 9 September 2004 (updated) for the enforcement of Government Ordinance no. 44/2004, available online (English) at: <http://goo.gl/tIUPAM>.

## II. Analysis of Data on Asylum and the Labour Markets

### Asylum trends – with a focus on beneficiaries of international protection

In 2007, Romania reformed many of its institutions and laws as a result of its accession to the European Union (EU). Policy and procedures affecting asylum-seekers and beneficiaries of international protection also changed. The lives of these people were also affected by declining access to financial resources, and increasing contact with other European countries. At the same time, the number of asylum applications rose steadily from 2007 onwards, in contrast with the decrease recorded from 2003 to 2006.

#### Asylum applications in Romania, 2003-2011

Year	2003	2004	2005	2006	2007
Asylum Requests	885	544	485	381	657

Year	2008	2009	2010	2011
Asylum Requests	1085	995	887	2064

Source: UNHCR and GII<sup>117</sup>

In the first quarter of 2012, there were 1,457 registered asylum requests, a 47 per cent increase compared to the first quarter of 2011. Although Romania receives fewer asylum requests than most Western European countries,<sup>118</sup> it recognizes only approximately 10 per cent as refugees, a comparatively small proportion of applicants. Nevertheless, the increase in requests over the last three years shows that, for asylum-seekers, the country's status as an EU member state outweighs the detriments posed by the economic crisis. Other possible explanations for the

117 GII (General Inspectorate for Immigration).

118 Constantin, D.L. *Asylum Seeking at International Scale And Challenges to Romania as an EU Member State*. Public Administration & Regional Studies, p. 5-22. (2009)

increase in requests include the use of the Dublin procedure in Romania after EU accession, more efficient monitoring of its borders, and a surge in conflicts in the Middle East and Northern Africa.

#### Refugee recognition in Romania, 2009-2011<sup>119</sup>

Year	2009	2010	2011
Refugee recognition	64	88	73
Complementary protection	30	35	129

Source: UNHCR

Of the forms of protection granted between 2009 and 2011, 72.5 per cent of applicants received refugee status and 27.5 per cent received subsidiary protection. Most of these people were males (77 per cent) under 45 years of age. In 2011, the majority of asylum-seekers came from Algeria, Tunisia, Morocco, Pakistan, and Afghanistan while, in 2012, the majority arrived from Algeria, Morocco, Pakistan, Syria, and Afghanistan.

### Labour market impact

Despite an increase in asylum applications in recent years, the impact of refugees on the labour market is negligible. Foreigners in general, and beneficiaries of international protection in particular, have low visibility in Romanian society. This fact was recorded by General Inspectorate for Integration (GII) officers, NGO workers, and beneficiaries of international protection interviewed for this research. However, economic changes have had an impact on the lives of beneficiaries of international protection. In 2007, Romania had positive economic growth of 6.3 per cent and grew further to reach 7.3 per cent in 2008. In 2009, the economic crisis caused the economy to decline at a rate of -6.6 per cent in 2009 and -1.1 per cent in 2010. A slow recovery began in 2011 with an economic growth of 2.2 per cent. However, this positive trend may not be durable since economic growth decreased in 2012 to 0.3 per cent.

119 Tables contains data available at UNHCR: <http://www.unhcr-centraleurope.org/ro/resurse/statistici.html> and GII: <http://ori.mai.gov.ro/detalii/pagina/ro/Statistici-si-publicatii/147>

The crisis affected unemployment, which increased from 4 per cent to 7.8 per cent between 2007 and 2009. While the economic downturn was somewhat remedied in 2010, the unemployment rate fell from 7 per cent to 5.2 per cent during 2011, and then rose slightly to 5.59 per cent by December 2012. During early 2013, unemployment continued to increase to 5.82 per cent in January and 5.78 per cent in February.<sup>120</sup> By comparison, the unemployment rate of beneficiaries of international protection stood at around 35 per cent in the years before the economic crisis.<sup>121</sup> Women represented 73.6 per cent of the unemployed beneficiaries of international protection, their unemployment rate being significantly higher than that of the host population. Furthermore, GII reported that 34.9 per cent of the employed beneficiaries of international protection actually worked in the informal sector.

Despite fluctuations in economic growth, employment rates remained at 58-59 per cent between 2007 and 2012,<sup>122</sup> which is still much lower than the EU average of 65.3 per cent in 2007 and 64.2 per cent in 2012.<sup>123</sup> It is also worth noting that Romania aims at a targeted 70 per cent employment rate as established in the Europe 2020 Strategy.<sup>124</sup> Moreover, Romania does not actively address labour-market declines and its effects on job-seekers. With one of the smallest Labour Market Policy (LMP) expenditure rates in the entire EU, Romania allocates less than 0.25 per cent of its GDP to LMP, compared to the 1.6 per cent average of the EU 27 countries. Most of Romania's LMP expenditures go to passive allocations like out-of-work income (59.8 per cent) instead of job creation (24.1 per cent), training (14.1 per cent) and start-up funds (1.3 per cent).<sup>125</sup> Few beneficiaries of international protection receive unemployment benefits. As a result, training and start-up programmes are more likely to benefit them.

In brief, beneficiaries of international protection trying to find jobs in Romania face a slowly recovering economy, slow to non-existent job creation, and rigid labour-market policies. Furthermore, beneficiaries of international protection are not seen to pose problems of competition with the Romanian labour force and there have been no instances of social tensions with local job-seekers<sup>126</sup>. This lack of visibility for beneficiaries of international protection might be one reason why authorities continue to neglect this group.

### A note on data collection

Data collection is essential for developing policy and implementing integration strategies. However, in Romania, data collection on beneficiaries of international protection is poor. GII collects data during the asylum application procedure and records the numbers of asylum requests, the numbers of applicants receiving a protection status, and the gender and age of applicants. However, GII does not monitor beneficiaries of international protection after integration begins. Data exists on the numbers of people enrolled in integration programmes, the number of foreigners registered with the National Employment Agency (NEA), and statistics on individuals receiving financial aid. Even so, there are no statistics on trends over an extended period of time. In order to determine how beneficiaries of international protection are doing after integration programmes are over, data must be centralized and properly assessed. After GII was established in 2007, data collection improved significantly, but there are still certain gaps in gathering information.

<sup>120</sup> National Institute for Statistics (INS), Numbers retrieved from the interactive database of the institute, available (only in Romanian) at <http://statistici.insse.ro/shop/index.jsp?page=tempo3&lang=ro&ind=SOM103A>. The institute provides monthly and yearly unemployment rates starting with 1992.

<sup>121</sup> Statistics retrieved from the "Multi-annual Programme 2008-2013" (page 13) available (only in Romanian) at: <http://ori.mai.gov.ro/detalii/pagina/ro/Fondul-European-pentru-Refugiai/181>. These numbers should be approached with caution, as we have no source or methodology for these rates

<sup>122</sup> Eurostat Labour Market Policy Database

<sup>123</sup> Eurostat Labour Force Survey

<sup>124</sup> Romania country specific recommendations: [http://ec.europa.eu/europe2020/europe-2020-in-your-country/romania/index\\_en.htm](http://ec.europa.eu/europe2020/europe-2020-in-your-country/romania/index_en.htm)

<sup>125</sup> Eurostat Labour Market Policy Database

<sup>126</sup> Alexe, P. "Studiu asupra fenomenului imigratiei in Romania." *Integrarea strainilor in societatea romaneasca (Study on the Immigration Phenomenon in Romania. The Integration of Foreigners in Romanian Society.)* Bucharest: Fundatia Soros, 2011.



## III. Labour Market Integration Policies – Overview of Policy, Practices and Gaps

### Institutional and Policy Framework for Integration of Beneficiaries of International Protection

In Romania, beneficiaries of international protection have the same right to access the labour market as Romanian citizens. This includes the right to work, and access to both unemployment benefits and jobs programmes.<sup>127</sup> A beneficiary of international protection must register with an employment agency in his or her area within 30 days of signing the Inspectorate's integration protocol. The laws overseeing employment integration for beneficiaries of international protection include Integration Law 44/2004 and Asylum Law 122/2006. Law 157/2011 on the Status of Foreigners regulates the employment rights of beneficiaries of international protection. These laws give refugees and people with subsidiary protection and tolerated status the same rights as Romanian citizens when it comes to employment. They also give equal employment rights to asylum-seekers under specific conditions, i.e. an asylum-seeker can seek employment one year after applying for status if he or she is still in the process of establishing a form of protection.<sup>128</sup>

Romania also has access to the European Refugee Fund (ERF), and, as a result, must develop multi-annual integration strategies with four-year objectives. These strategies are complemented by annual GII programmes, such as the 2008-2013 National Multi-annual Strategy on Immigration, which is now in place.

<sup>127</sup> Catalin Necula, Radu Mircea. Manual de pregătire în domeniul integrării refugiaților în România (*Training Manual for the Integration of Refugees in Romania*). București: Editura Ministerului Administrației și Internelor, 2009.

<sup>128</sup> Chapter III Rights and obligations, Section 1 Rights and obligations of asylum-seekers, Article 17

### Main points

The National Multi-annual Strategy on Immigration for 2008-2013<sup>129</sup>, developed by GII, established a coordination group charged with administering the ERF. Problems identified by the strategy regarding the integration of beneficiaries of international protection include:

- High unemployment among beneficiaries of international protection (35 per cent overall, and 73.6 per cent among women);
- Beneficiaries of international protection working without legal contracts (34.9 per cent);
- Difficulties recognizing diplomas and professional qualifications, especially for foreigners with missing documents;
- Ineffective Romanian-language training (courses that do not take age, country of origin, gender, and cultural differences into account);
- Lack of healthcare among beneficiaries of international protection (53.4 per cent), and insufficient information about coverage.

In terms of economic integration and access to the labour market, the strategy has two main objectives:

- Assisting beneficiaries of international protection in finding housing, employment, healthcare, social services, and psychological care;
- Developing vocational classes and professional training programmes for beneficiaries of international protection, and ensuring that previous academic and professional experience are recognized.

To achieve these objectives, the strategy calls for public workers to receive information, and beneficiaries of international protection to receive counselling, financial aid, and social assistance, including vocational classes and job-seeking training (i.e. how to write CVs and participate in job interviews). The strategy emphasizes the importance of public information campaigns on the legal rights, problems, profiles, and plight of beneficiaries of international protection in Romania. These objectives and principals are underlined in the strategy under the call for projects, and include desirable actions.

<sup>129</sup> HOTARARE nr. 572 din 28 mai 2008 privind constituirea Grupului de coordonare a implementării Strategiei naționale privind imigratia (Decision no 572/2008 of 28 May, 2008 regarding the establishment of the Coordination Group for the implementation of the national strategy for immigration). Available online at: <http://ori.mai.gov.ro/api/media/userfilesfile/Proiecte-Strategii/Hotarare%20572%202008.pdf>

The strategy acknowledges how difficult it is for many beneficiaries of international protection to find jobs and receive social assistance. Seemingly, the measures prescribed by the strategy lack focus, especially when specifying actions to tackle these issues. Counselling and information sessions are valuable for spreading information and offering support for beneficiaries of international protection. However, other issues need to be addressed, such as the unavailability of vocational classes for beneficiaries of international protection, the absence of competent evaluation exams adapted to their specific needs, low literacy rates amongst some groups, and the low level of female employment. An even greater problem is the meagre financial aid reserved for these groups. For asylum-seekers, financial aid for food amounts to 108 RON a month (less than 30 EUR); for refugees, financial aid is around 500 RON a month (slightly over 100 EUR) for a maximum of nine months.<sup>130</sup>

The Romanian government's Action Plan for implementing the National Strategy for Immigration for the period of 2011-2014<sup>131</sup> complements the actions in the National Multi-annual Strategy on Immigration for 2008-2013. The plan calls for the promotion of legal migration, the continued harmonization of Romanian and EU laws concerning reception and integration, and the strengthening of ties between Romania and those countries where most beneficiaries of international protection originate. Moreover, the Action Plan encourages consultations with host communities, and more communication between Romanian authorities and migrant communities.<sup>132</sup>

## Institutional and Legal Framework for Employment of Beneficiaries of International Protection

Romanian Asylum Law (122/2006) includes provisions for the social and economic integration of beneficiaries of international protection. However, implementing these principles has proven problematic. Increasing access to the labour market

is recognized as one of the main pillars of integration.<sup>133</sup> This general principle is among the methodological norms attached to the law. Furthermore, it recognizes the need to address issues such as the availability of interpreters and translators, vocational classes in foreign languages, and the translation of basic training material for beneficiaries of international protection. Moreover, it proposes the creation of special vocational classes.<sup>134</sup> The NEA is the governmental body responsible for managing these measures. In practice, the NEA is minimally involved in beneficiary of international protection integration. Apart from a job search database, the agency offers no support for these people.

## Asylum-seekers

Asylum-seekers have the legal right to work in Romania one year after their request for asylum is registered with immigration authorities. This means they have the same right to a job as a Romanian citizen so long as it is one year after the submission of the asylum application, and the individual is still in the process of establishing a form of protection. During this period, asylum-seekers receive financial aid of 108 RON per month, and accommodation in the Regional Reception centre. However, the right to work is granted only to asylum-seekers submitting their first asylum application. If asylum-seekers are granted the right to re-apply for asylum, they will not be granted the right to seek legal employment, even if they have been living in Romania for more than one year.<sup>135</sup> Subsequently, asylum-seekers face a difficult first year in the country. Without the right to work and with insufficient financial aid, many resort to precarious informal employment or rely on support from friends or family in their home country. This instantly places the asylum-seeker in a vulnerable situation. Even after the asylum-seeker is granted the legal right to work, he or she faces other problems. These are triggered by such factors as short-term validity of their ID documents, a general lack of knowledge by employers of the legal rights of asylum-seekers, language barriers, and a scarcity of jobs. For a beneficiary of international protection, integration begins with the request for asylum. Although the time for receiving requests has been shortened in recent years to as little as

<sup>130</sup> Asylum-seekers receive money from the funds secured by the Ministry of Interior. Refugees receive funds from the State Budget, Ministry of Labour (through the Agency of Social benefits and Social Inspection – ANPIS)

<sup>131</sup> Hotărârea Nr.604 din 08.06.2011, privind aprobarea Planului de acțiune pe anul 2011 pentru implementarea Strategiei naționale privind imigrația pentru perioada 2011-2014, aprobată prin Hotărârea Guvernului nr. 498/2011 (Decision no 604/2011 of 8th of June 2011, regarding the approval of the Action Plan for 2011 for the implementation of the National Strategy on immigration for the period of 2011-2014, approved by the Government Decision no 498/2011.)

<sup>132</sup> See Objective no. 5, points 5.3 and 5.4

<sup>133</sup> Chapter II, art 4 Ordinance 44/2004

<sup>134</sup> Methodological norms Ordinance 44/2004

<sup>135</sup> UNHCR, *Universal Periodical Review for Romania*

six months,<sup>136</sup> asylum-seekers may have to wait years where appeals and multiple requests have been lodged. More attention must be paid to asylum-seekers in order to prevent their slip into an endless cycle of precarious employment, unemployment and debt.

## Refugee and Subsidiary Protection

Refugees and subsidiary protection holders have the same access to the labour market as Romanian citizens. They receive a personal identification code and residence permit – valid for three years in the case of refugees, and one year in the case of holders of subsidiary protection. These people can register at the local employment agency, and receive training and vocational classes. Moreover, they can register in a six-month integration programme with the possibility of a three-month extension. During this period, they will agree on an individual integration plan together with an integration officer from GII. Under this plan, they are eligible for financial-aid equivalent to the minimum Romanian salary, cultural integration and language classes, and vocational training.<sup>137</sup> They can apply for Romanian citizenship after four years of continuous residence in the country. However, for holders of subsidiary protection, citizenship can be obtained only after eight years of continuous residence.

## Tolerated Status<sup>138</sup>

Holders of tolerated status are an especially vulnerable group. ‘Tolerated status’ refers to people who were denied protection or cannot be removed from the country. This status is granted for six months. An extension is possible if the conditions under which status was granted are still valid. If these conditions have changed, status can be lifted, and the individual must leave the territory within 14 days. Holders of tolerated status receive an identity card, and a personal identity number, which, after a 2011 amendment to the Law on the Status of Foreigners, allows them to seek

employment. Although these people have the same access to the labour market as Romanian citizens, they cannot take part in integration programmes. In addition, they rarely register with the NEA, and receive very little support from the NGO sector. Currently, the Jesuit Refugee Service (JRS) alone offers them accommodation with only 16 lodgings available.<sup>139</sup> Other NGOs may occasionally offer these people support, but only informally since these organizations cannot include services to tolerated status holders in their project reporting. Subsequently, these people live in a state of legal limbo with the ever present threat of deportation. The uncertainty surrounding their presence in Romania makes them even less attractive to potential employers. Moreover, Romanian authorities provide them with no language training, counselling services, or financial aid.<sup>140</sup> In terms of policy, these people are virtual non-entities, since few programmes address their needs and their status has less clarity and stability than beneficiaries of international protection.

## Relevant Actors: Institutional Map and Implications

In Romania, each institution (Ministry of Interior; Ministry of Labour, Family, Social Protection and Elderly<sup>141</sup>; Ministry of Education; Ministry of Health) is responsible for the integration of foreigners in their area of authority. The integration process is coordinated by the Ministry of Interior through the GII.

## General Inspectorate for Immigration

GII is the office of the Ministry of Internal Affairs responsible for the management and organization of immigration issues. Both voluntary and forced migration fall under the auspices of the inspectorate, which is the main coordinating body for asylum procedures. The Directorate of Asylum and Integration (DAI) is a sub-directorate

<sup>139</sup> It is worth mentioning that there is no discrimination in terms of support provided under UNHCR-funded programmes. However, under ERF-funded projects there are constraints, as there is no direct assistance for tolerated persons, only for asylum-seekers and refugees.

<sup>140</sup> In practice, holders of tolerated status receive support from local NGOs. However, as they cannot be included in project reporting, the resources directed at them are limited, and are not renewed through formal channels such as ERF funds. ‘Resources’ refers to other types of support made available to refugees or asylum-seekers, including counselling, language classes, financial aid, etc. JRS funding is secured mostly from private sources, and is used for the shelter, which is accessible to holders of tolerated status. The operation of the shelter is contingent on donor funding, and is not always operational. At the time of this research the centre was open.

<sup>141</sup> Hereafter referred to as the Ministry of Labour.

<sup>136</sup> National Multi-annual Strategy for 2008-2013

<sup>137</sup> “Article 20,” *Asylum Law 122/2006*

<sup>138</sup> *Law 157/2011*

of GII that oversees social integration of both asylum-seekers and beneficiaries of international protection. Out of a staff of eight people, only three DAI officials work on integration and assistance procedures.

Serving as a mediator between national and local authorities over integration issues, GII drafts integration strategies, and is responsible for the collection and archiving of asylum records. Furthermore, the inspectorate selects partners for integration programmes, coordinates the ERF and evaluates ERF-funded programmes. Moreover, GII manages six reception centres<sup>142</sup> across the country (four of these centres employ one Integration Officer each):

- Bucharest – 250 places
- Timisoara – 250 places
- Galati – 250 places
- Rădăuți – 100 places
- Maramureș – 100 places
- Giurgiu – 100 places<sup>143</sup>

Although the reception centres are distributed widely across Romania most beneficiaries of international protection (80 per cent) live in the Romanian capital and large urban centres such as Timisoara, Cluj, and Iasi.<sup>144</sup> Beneficiaries of international protection have gravitated to cities due to the employment opportunities and higher salaries there. Consequently, the conditions for integration that a beneficiary of international protection experiences are closely linked to the location of the reception centre where he or she was sheltered. The centre in Maramures is located in a rural area with limited opportunities for finding employment. Radauti and Giurgiu are small towns with economic problems and few jobs. Although living expenses in the country can be low, this advantage does not compensate for the lack of employment opportunities. As beneficiaries of international protection tend to rely on their own ethnic or religious community for sustenance and social support, they may feel intense isolation in the countryside where they are separated from these contacts.

<sup>142</sup> Three detention centres, housing individuals primarily awaiting deportation, are located in Bucharest and Arad.

<sup>143</sup> The numbers above were officially reported by GII. However, they do not have a breakdown according to the category of protection status. Thus, the actual available spaces for beneficiaries of international protection may be lower than reflected in the numbers above. Source: Multi-annual Strategy 2008-2013, retrieved: <http://ori.mai.gov.ro/detalii/pagina/ro/Fondul-European-pentru-Refugiai/181>

<sup>144</sup> Hamberger, 2012.

## Ministries and local authorities

- **The Ministry for Labour, Family, Social Protection and the Elderly** through one of its agencies, the NEA, offers job-seeking beneficiaries of international protection the same service as Romanian citizens. These services include the registration of their names in the national employment database, counselling and information sessions, vocational classes, and financial support for the unemployed and people of retirement age. Through the local branches of the National Authority for Social Services, this ministry also offers refugees financial aid for up to nine months after participating in GII integration programmes.
- **The Ministry of Education** provides accreditation based on a foreigner's previous education and qualifications. The National Agency for Qualifications is responsible for the evaluation of academic and professional qualifications. These tasks include recognizing diplomas, organizing competency-evaluation exams for certain professions, and certifying vocational classes conducted by private companies or individuals. The Ministry of Education, through its local inspectorates, organizes Romanian-language classes for foreigners, issues Romanian-language manuals, and arranges the infrastructure for classes.
- **The Ministry of Health** offers the same specialized and emergency health services that Romanian citizens receive to beneficiaries of international protection.

## Non-Governmental Organizations/Partners

Traditionally, NGOs and other partners offer services that complement the government's integration programmes. Currently, NGOs offer the bulk of support, having created a parallel infrastructure, which often mirrors the services that should be provided by GII. NGOs offer language training, social and employment counselling, and assistance to beneficiaries of international protection who need accreditation for education completed abroad. Given that they also help beneficiaries of international protection navigate the state bureaucracy, NGOs provide essential support in the integration process. Their projects are evaluated by a GII commission made up of budgeting and DAI specialists. According to UNHCR, projects longer than one year should be evaluated annually so that changes in the needs and profiles of beneficiaries of international protection can be taken into account.

## Coordination and Responsibility

In order to achieve the best results in the integration of beneficiaries of international protection, GII should liaise between the various institutions involved and coordinate their actions. Part of this coordination includes organizing roundtable discussions and quarterly meetings with relevant stakeholders. Seminars are organized around specific themes, and bring together officials directly involved in integration. Although institutions and NGOs are being encouraged to invest in beneficiary of international protection integration, there is little interest in this among local and national authorities. As already mentioned, one reason for this may be the low impact and profile of beneficiaries of international protection whose population and visibility are too small to create much institutional concern. Moreover, the country's political instability often entailed institutional restructuring, which has also affected the GII. These institutional changes have had a great impact on the continuity of NGO projects financed from funding sources managed by GII. Furthermore, it has also resulted in the loss of experienced civil servants whose replacements must be fully trained on refugee issues. A shrinking bureaucracy, the result of austerity-inspired job cuts, has also affected government services to beneficiaries of international protection. According to experts interviewed in this study, the NEA has lost 25 per cent from its personnel in recent years. Alarmingly, most of the people made redundant came from the ranks of counsellors dealing directly with job-seekers. The effect of these layoffs on beneficiaries of international protection is clear. Nationwide, foreign workers represent only around 40 employment cases out of approximately 800,000 per year. Despite this, the agency lacks the resources and focus to accommodate the special needs of beneficiaries of international protection. This situation discourages beneficiaries of international protection from seeking even the basic support they were promised from the employment agency.

## The European Refugee Fund

ERF-funded programmes in Romania reveal the challenges of coordination and implementation at an institutional level. ERF funds are administered and allocated by GII, the governmental body in charge of developing integration strategies for beneficiaries of international protection. Access to ERF funding is bureaucratic,

and the management and accounting procedures employed are cumbersome.<sup>145</sup> Organizations must have an institutional infrastructure in order to apply, a reality that prevents small organizations within the refugee community from receiving funds. This is unfortunate since organizations on the grassroots level might provide durable solutions in the care of beneficiaries of international protection. Other problems include the structure of the institutional funding network, and the way this network distributes money. GII both controls the distribution of these financial resources, and evaluates the projects being funded. Evaluations are, in most cases, financial and quantitative collections of numbers and statistics. Qualitative impact studies on beneficiaries of international protection and reports that explore the quality and human impact of programmes are rarely done. Subsequently, the evaluation system deals in easy-to-quantify measures, which may be a detriment to more nuanced approaches to integration. Moreover, the existing structure creates a small network of organizations, which often do not create systems of checks and balances for fear of losing funding. In Romania, a small circle of organizations are involved in refugee services. This circle is made smaller by a funding structure that lacks transparency in its administration and accounting. A less complex funding system, which is not entirely controlled by GII, would give state institutions more freedom to evaluate the work they are doing, and to implement reforms where necessary.<sup>146</sup>

## IV. Active Programmes for Beneficiaries of International Protection to Secure Employment

Beneficiaries of international protection have at their disposal a series of programmes, which address different aspects of integration. In addition, beneficiaries of international protection have access to complementary programmes offered by NGOs.

<sup>145</sup> Thielemann, E. (2008). The Future of the Common European Asylum System. *European Policy Analysis*, p. 1-8.

<sup>146</sup> See also: UNHCR. (2011). A fi refugiat. Cum traiesc refugiatii si solicitantii de azil in Europa Centrala (Being a Refugee). Budapest: United Nations High Commissioner for Refugees Regional Representation for Central Europe.



## National Employment Agency programmes

Beneficiaries of international protection are entitled to access programmes organized by the Ministry of Labour. These services include employment counselling, vocational training, and competency-evaluation tests. All of these services are accessible only in Romanian. Vocational training is offered for free to refugees and beneficiaries of subsidiary protection provided that the professional classes organized by NEA are not filled. However, competency-evaluation tests have to be paid for by the participants. Asylum-seekers do not benefit from free classes unless they qualify as a disadvantaged person as defined by the National Plan on Professional Training (e.g. unemployment, disability, etc.). According to sources interviewed for this study, the NEA lacks the resources to hire interpreters for beneficiaries of international protection. The hiring of interpreters would require a public tender, a costly process that cannot be justified by the low number of foreigners attending these courses. Moreover, in order to attend a qualification class, an individual needs the following documents: a degree proving they have completed at least ten grades of schooling, a birth certificate, and a residence permit. Few beneficiaries of international protection possess all these documents. For a clearer understanding of the impact of foreigners on the NEA services, the agency provided the following statistics. In 2011, 366,113 unemployed people that were seeking out-of-work income, vocational classes, and job-seeking support were registered with NEA offices around the country. Out of this number, 36 were foreign citizens. In 2012, there were 34 foreigners out of 323,510 registered job-seekers nationwide. By 2012, the NEA had found employment for five refugees. However, during that same year, no foreigners were registered in any of the agency's vocational classes. These numbers were gathered exclusively from NEA records. The numbers of beneficiaries of international protection actively looking for jobs or working in informal jobs are higher, and not represented in institutional statistics. These figures are underestimated since they do not include individuals with informal status, or individuals in the process of obtaining protected status. Thus, the NEA's scope is limited to those who already have working rights, and are using institutional channels to find work. NEA services are designed to target the local population, and are ill-equipped to address issues such as limited language skills, lack of accreditation and credentials, and differing work cultures. If NEA accounting remains limited to documenting formal job applications only, the agency's records will not reveal the real demands for their services coming from the

refugee community. Further obstacles to employment, such as underemployment and informal employment, will be discussed in sections V and VI of this report.

## GII Integration Programme

Foreigners with refugee status or subsidiary protection have the right to access a GII-coordinated integration programme if they submit a formal request 30 days after acquiring a form of protection. The programme includes cultural orientation sessions, counselling and information regarding their rights and obligations, Romanian-language courses, and psychological support for people with special needs. The duration of the programme is six months with the possibility of a three-month extension. These programmes are conducted by integration officers in six reception centres across the country.

### Implementation in a reception centre

#### *STOLNICU RECEPTION CENTRE, BUCHAREST*

**Asylum-seekers** have access to a one-month integration programme in which they mainly receive counselling on their rights and obligations. Other integration related activities for these people are conducted by NGOs. (According to an integration officer interviewed for this study, asylum procedures usually take six to 12 months to complete, but can extend as long as three years before a final decision on asylum is reached.)

**Refugees and holders of subsidiary protection** have individual integration plans designed together with the integration officers. Each plan consists of counselling and information classes, hygiene and cultural orientation sessions, Romanian-language classes, employment counselling sessions, and information on how to register with an NEA office. Beneficiaries of international protection are also entitled to financial aid equivalent to the minimum Romanian salary, and shelter in the centre. Refugees pay for utilities in the centre (approximately 30 RON in summer, and 60 RON during winter). Vulnerable refugees such as minors, single-parents, people with disabilities, victims of torture, and retirees without benefits have the right to stay in the reception centre indefinitely for free.<sup>147</sup> Requests to stay in the centre are made monthly.

<sup>147</sup> Article 34 and 35 of the Government Ordinance no. 44/2004 regarding the social integration of foreigners granted a form of



Subsequently, records on yearly attendance are incomplete. Moreover, there is no data on employment status, and the centre does not monitor the integration progress of beneficiaries of international protection after they leave. In February 2013, when research was conducted, there were 31 beneficiaries of international protection with refugee status and seven beneficiaries with subsidiary protection living in the Stolnicu centre. However, the centre's integration officer estimated that the facility shelters between 170 and 200 people (both asylum-seekers and refugees) annually. Integration programmes are not accessible to all individuals in the centre.

#### MAIN ASPECTS OF THE GII INTEGRATION PROGRAMME:

**Cultural orientation, history, geography, and hygiene sessions** are not regularly offered in integration programmes. These topics are discussed during Romanian-language courses or by integration officers in individual sessions.

**Romanian-language classes** are organized twice a week at a local school near the centre. Each session lasts for two hours. The language programme lasts for one year, and is not organized according to language level. Although classes are offered for free, they tend to have a low attendance rate. Problems with the classes identified by both the integration agent and refugees include:

- The classes offer a basic level of study. Some beneficiaries of international protection manage to pick up the language quickly due to a previous knowledge of French or English. In some cases, people (i.e. beneficiaries of international protection already living in Romania before applying for status) arrive at the classes with more advanced language skills. The classes do not address these differences.
- Beneficiaries of international protection boast different levels of education, and the pace and manner in which each individual acquires a new language may vary. The programme does not take these considerations into account.

- Some beneficiaries of international protection have a low level of literacy, which makes classes even more difficult to manage. There are no literacy programmes as part of the integration programme. However, beneficiaries of international protection have access to "Second Chance," an accelerated learning programme conducted by the Ministry of Education targeting low-literacy groups.<sup>148</sup>
- The mixture of men and women in classes discourages some women from traditional cultures from participating.
- Teachers are poorly paid, and lack material incentive to teach extra hours.
- Language classes are only available during the beneficiary of international protection's integration programme. Women with small children may find it difficult to attend classes, but are not able to attend them after a programme is over, when their children are older or when childcare has been obtained.

**Employment counselling and information sessions** are offered at the centre. They are conducted by the centre's integration officer, and are offered to beneficiaries of international protection at the beginning of their integration programmes. The sessions include an introduction to the Romanian labour code, and a description of employment conditions in the country. The emphasis here is on relaying information. At this incipient phase of the integration programme, beneficiaries of international protection receive basic information on labour legislation, obtain accreditation on education and qualifications achieved abroad, and are provided with an overview of the other institutions and organizations that might assist in a job search. At this stage of the process, an integration officer will usually register refugees with the NEA. This is not done for asylum-seekers since they are not permitted to seek employment for the first year after requesting asylum. According to an integration agent interviewed for this study, counselling and information sessions do not have a standardized format, and are adapted to individual needs.<sup>149</sup>

protection in Romania, available at: <http://www.mmuncii.ro/pub/imagemanager/images/file/Legislatie/ORDONANTE-DE-GUVERN/OG44-2004.pdf>. The law specifies that groups with social needs defined in article 34 benefit from special social assistance measures such as the extension of their stay in the reception centers even after the integration program is over. This was confirmed by the integration agent at the Stolnicu Reception Center in Bucharest.

<sup>148</sup> Comments on the "Second Chance" programme are also provided in section V "Discrimination in Employment for Beneficiaries of International Protection", p. 12.

<sup>149</sup> Personal communication with integration agent from the Stolnicu Reception Centre.

## Complementary Programmes offered by Partners

Between 2007 and 2011, 17 separate projects were implemented by partner organizations targeting non-EU immigrants in Romania.<sup>150</sup> Beneficiaries of international protection are able to access most of these programmes except for those that specifically serve voluntary migrants. Out of these programmes, there were three projects that provided Romanian-language classes to foreigners. In addition, one project studied the social integration of foreigners in Romania, another financed a series of information sessions for public workers and one was a media information campaign targeting the general public. The rest of the 11 projects were focused on disseminating information and counselling, which were also components of the other projects. A close inspection of these projects reveal considerable overlapping of activities and actions primarily because they cover only three urban communities where there are reception centres (Bucharest, Timisoara, and Galati). The nationwide project consisted of a media campaign.

The current programmes reveal an improvement in focus, and the beginnings of a division of labour between various partners. The duration of the programmes have increased and projects now last up to three years, which offers greater continuity and improved implementation. Although counselling and information are listed as primary activities in five out of six programmes, the aims of projects are becoming more specific, and include programmes conducted by Fundatia ICAR (Medical Rehabilitation Centre for Torture Victims), Intercultural Centre Timisoara (which is providing information sessions for journalists) the Association for Organization Development - SAH ROM (language and accommodation sessions), and IOM (vocational training). Moreover, there are now programmes to launch beneficiaries of international protection into the labour market, such as subsidies for vocational classes offered by JRS and the creation of intercultural counsellors organized by Intercultural Centre Timisoara, the JRS, and the Romanian Forum for Refugees and Migrants (ARCA). GII has adopted the latter practice and is placing intercultural mediators in reception centres, although this is not currently a formal practice.

<sup>150</sup> A list of projects and their description is available on the GII website at: <http://ori.mai.gov.ro/detalii/pagina/ro/Fondul-European-pentru-Refugiai/181>

## Project Examples

- **Vocational Classes:** According to the JRS staff interviewed, they are organizing integration programmes for refugees and asylum-seekers with a focus on helping them get jobs. JRS offers subsidies for vocational and qualification classes from authorized schools, subsidies for university fees, and assistance with CV preparation and job interviews.<sup>151</sup> JRS employees offer counselling, call employers, and assist beneficiaries of international protection in their job searches. In order to enter a vocational programme, beneficiaries of international protection must have at least ten years of education. This requirement poses problems. Missing documentation makes it difficult to prove education levels, and some beneficiaries of international protection are only functionally literate. JRS does not offer literacy classes. All the classes are in the Romanian language. The most popular course is driving instruction. Other popular classes include computer literacy and accounting. Most beneficiaries of international protection who access vocational classes are better integrated, educated, and speak Romanian. They also have sufficient financial resources to pay for part of the fees.
- **Labour Market Counselling and Information Sessions offered by ARCA:** ARCA mainly specializes in advocacy and lobbying. The organization chiefly provides counselling and advocacy services along with some Romanian-language classes. Involved in vocational and general integration programmes, ARCA focuses more on counselling and integration vis-à-vis the naturalization process (i.e. obtaining citizenship). ARCA offers some integration counselling, and its staff accompanies beneficiaries of international protection to various authorities (e.g. Ministry of Education, healthcare providers). They offer documents outlining their status and rights (most of the time, these documents are printed versions of laws). They also have a programme in which community workers live in reception centres and act as facilitators between the authorities and the people living there. Training is conducted in the centres. ARCA has not completed impact studies on its programmes.

<sup>151</sup> They claim that all the classes they are subsidizing have formal approval from the National Authority for Accreditation, although researchers witnessed a diploma for a three-day cooking class offered by a psychologist. This is relevant because diplomas or qualification certificates for certain professions might not be accepted by employers unless they get a formal accreditation from the above mentioned authority.

## V. Discrimination in Employment for Beneficiaries of International Protection

*“If a refugee wants to integrate, then the process will be a success. We are a lenient country. There are no problems with racism in Romania, and general speaking it is easy to integrate and find a job”<sup>152</sup>*

This interview with the head of the Directorate for Asylum and Integration within the GII does not entirely correspond with the institution’s statistics on refugee employment. According to GII, unemployment among beneficiaries of international protection is 35 per cent (six times higher than that of Romanians). Nevertheless, in multi-annual strategies and public statements GII officials promote the idea that integration in Romania is accessible if one has the will. Beneficiaries of international protection are a group in need of special assistance and giving them sole responsibility for their integration is counter-productive. Such presumptions could lead to the proliferation of discriminatory attitudes among public and civil servants. Some officials also emphasize the equal rights shared between Romanians and refugees in the workforce. However, this neglects the importance of taking into account the specific needs of beneficiaries of international protection and often the paradigm of equal treatment translates into no targeted support. Refugees do not have access to the same opportunity and resources as Romanian citizens in this society.

### Socio-economic Status

Beneficiaries of international protection are a heterogeneous group, coming from a diverse array of cultural and national backgrounds, and social and economic groups. Education and life experiences vary from individual to individual, and integration programmes must recognize the need to approach people with lower incomes and status differently than those with more education and greater incomes. There

<sup>152</sup> Mircea Babau, interview in the “Adevarul” newspaper 27 of March, 2013 – available online at: <http://goo.gl/1ycs56> (retrieved 4 April, 2013)

is a strong association between education and income. People with low literacy levels are excluded from language classes, vocational classes, and are also unable to understand written documents. Transition for low-income people tends to be difficult, especially when financial aid provided by the host state is less than a living wage. To support themselves and their families, these people are often forced to take on high-risk jobs in the informal sector or engage in illegal activities. In these circumstances, these people are likely to remain dependent on social services, and have lower upward-mobility chances in their host society. Integration stakeholders should acknowledge these issues when developing integration programmes.

Literacy classes, which help refugees acquire the local language, are essential for integration. A lack of language knowledge is a major disadvantage for people trying to integrate, and causes problems when communicating with social workers, beneficiaries of international protection, and experts alike. Although GII programmes do not organize language classes by skill level, training sponsored by NGOs such as JRS and ARCA do. Clearly, a more coherent programme for low-literacy groups should be considered. Refugees have access to the “A doua sansa” (Second Chance) programme, which allows adults and children over 14 years of age to finish their primary and secondary education. While this may be a good opportunity for children, this programme may be problematic for adults caring for dependents or needing to work. Special consideration should be given to low-income beneficiaries of international protection in this situation. Possible solutions include scholarships or evening care for children. Refugees with a low socio-economic status should be considered especially vulnerable and at risk of abuse in the labour market. In regard to integration, they should be considered a disadvantaged group.

### Gender and age

According to UNHCR, women and the elderly face exclusion from the labour market and access to social services more than men.<sup>153</sup> Concerning women, if not provided with alternative childcare options, women who assume the traditional family role as the sole caretaker of children have a reduced chance of getting a job. Moreover, women sometimes find it difficult to participate in GII integration programmes if

<sup>153</sup> UNHCR. *UNHCR AGDM Agenda - Being a Refugee*. Budapest, 2010.

they have minors in their care. Because integration programmes are only available to beneficiaries of international protection 30 days after protected status has been granted, many women with family responsibilities are unable to attend even Romanian-language classes. In terms of integration and finding jobs, this is a crushing setback for these people. Women, particularly those from traditional cultures, have also asked for gender-segregated language classes. GII has responded that it lacks resources for separate classes, and argues that beneficiaries of international protection must adapt to local cultural norms.

**Regarding the elderly**, without a pension, they are highly exposed to poverty. The majority of beneficiaries of international protection are men under the age of 45. Most integration programmes in Romania target this group and few resources are available for the elderly. Because of their difficulty finding work and their lack of pensions, many elderly people must rely on the financial support of families and charities in order to survive. Beneficiaries of international protection are still not able to access national social pension funds, a situation that will prove serious as these people approach retirement age. Because more refugees are finding work in the informal sector, they too may find themselves without pensions upon retirement. Discussions on including beneficiaries of international protection in the social pension scheme should be initiated.

## Employers

*“Employers will always hire a Romanian first”<sup>154</sup>*

The topic of discrimination against foreigners elicited strong responses during group interviews conducted for this research. These responses revealed a divide between genders with more women than men reporting discriminatory behaviour. More research is needed to state the cause of this divergence in opinion, and whether this attitude is unique to the refugee population in Romania. However, when confronted with examples of employer discrimination against refugees, the refugee women participating in the focus group were inclined to attribute this attitude to ethnic- and

national-based xenophobia. Men tended to characterize this behaviour as the natural power relationship between employer and employee (i.e. the employer is always “out to get you,” and the employee must submit in order to make a living.) The following is an example offered to both groups based on a real-life case communicated by one of the refugees.<sup>155</sup>

*“A. was working in a private hair salon for three months after signing what she believed was a valid contract. After the employer failed to pay her for three months, A. confronted her employer and requested her salary and back pay. She was informed at this point that her Romanian colleagues signed a different type of contract, and were receiving regular pay. She received a total of 250 RON (around 50 EUR), and was let go.”*

When asked about the causes of discrimination in this case, women interviewed attributed it to A. being a foreigner. The men in a separate group blamed A. for failing to look after her interests, and the employer for exploiting the ignorance of an employee. These interpretations of one’s vulnerability might not mirror the actual causes of exploitation on the labour market. However, reports of discrimination against refugees in the workplace should be taken seriously since these attitudes might influence the type of work beneficiaries of international protection seek.

NGO workers and government officials also shared their opinions on discrimination in the workplace. Some acknowledged the existence of a certain level of racism. Others blamed language barriers and employer ignorance of refugee labour rights. They pointed out that refugee ID cards and asylum-seeker identification (requiring monthly validation stamps) single out foreigners, and lower the employer’s trust in them.

## Self-Employment

Self-employment is a preferred way to earn a living for refugees or other foreigners with a form of protection. The most common obstacle to self-employment is a lack of financial resources. Again, groups with lower socio-economic status are excluded

<sup>154</sup> This was stated several times during the interviews with both groups and there was a general agreement whenever someone would make assert it.

<sup>155</sup> The person’s identity was kept confidential to protect their privacy. In addition, the gender of A. (a woman) was not initially communicated to the group, so it would not create gender bias among the respondents.

from this type of employment. Banks can also be an obstacle since they rarely offer loans to people from what they perceive to be volatile groups. According to NGO workers with ARCA and UNHCR representatives in Bucharest, Romanian banks have yet to offer loans to refugees. There were cases of refugees who sued banks for discrimination; however, they lost these cases as banks have the privilege to rate and choose their clients according to profit-driven internal policies.<sup>156</sup> A recent study commissioned by the Soros Foundation Romania confirms that immigrants also reported feeling discriminated against when applying for jobs. Immigrants distinguish between structural discrimination (related to poverty, over bureaucratization, and poor language skills), and discrimination based on intolerance.<sup>157</sup> However, data concerning refugees is scarce since statistics collected by the National Council against Discrimination do not distinguish between different groups of foreigners. According to the study, GII received only six to seven complaints of discriminatory behavior in 2011.<sup>158</sup>

## VI. Other Barriers to Employment for Beneficiaries of International Protection

Other barriers to employment for beneficiaries of international protection that were raised during interviews include institutional disorder, low national resources and expertise, and lack of involvement of the host community. Specifically, these obstacles are listed below and, taken together, depict a grim image for the beneficiaries of international protection seeking work in Romania.

- **Local authorities** are not involved in ERF-funded projects, and local public servants have little knowledge of the rights and obligations of beneficiaries of international protection. The latest national restructuring scheme only made matters worse with layoffs that have reduced the civil service. The NEA is a case in point (see page 9).
- **Austerity measures** reduced social benefits and social programmes aimed at special-needs groups. Due to cuts in funding, refugees now cannot accumulate social benefits and financial aid. They receive the same social benefits Romanians are entitled to only after refugee aid has been discontinued. Moreover, vocational and professional evaluation exams are no longer subsidized by the state. The financial aid offered to asylum-seekers has not been increased since the economic crisis began, and it stands at a level that does not even satisfy the most basic of needs.
- **The local population** is rarely engaged in projects involving beneficiaries of international protection. Since many beneficiaries of international protection rely on personal networks to find jobs, this is especially problematic. Their lack of interaction with the local population hampers integration, and leads to low language skills and social isolation. In order to promote a more tolerant and open society, the host population should be targeted for inter-cultural projects. Media campaigns only promote passive attitudes of tolerance, rather than actual involvement.
- **GII's lack of integration specialists and social workers.** Being part of a ministry tasked with issues of homeland security, GII follows an institutional logic that cannot be harmonized with the goal of social integration. Nevertheless, GII has adapted a lot since its creation. For example, it has established a Directorate for Asylum and Integration. Moreover, it is also looking to hire more social workers and psychologists in reception centres. GII also works in partnership with organizations specialized in social inclusion. Nevertheless, it is worth noting that GII is not an institution specialized in integration policies, but on migration management. Therefore, material and human resources are allocated to an institution that is not accustomed to implementing social integration measures. Transferring responsibilities for beneficiary of international protection integration programmes to specialized ministries (such as the Ministry of Labour) might be recommended (see below).

<sup>156</sup> There were reports of banks that refused to open accounts for refugees without valid reasons, and also reports of sexual discrimination. The same bank opened an account for the husband in one town, but refused to open an account for the wife, a mother of 5 children, in Bucharest. When the bank was contacted by UNHCR, a bank official stated that the branch has the right to choose their customers, and that branch managers make the final decisions. When UNHCR notified the National Ombudsman, it was told that this institution only deals with public institutions, and has no jurisdiction over private institutions. In January 2011, UNHCR notified the National Council against Discrimination of this case. At the time of writing, no answer from this institution was forthcoming. Source: UNHCR, Romania.

<sup>157</sup> Alexe, P. (2011). *Studiu asupra fenomenului imigratiei in Romania. Integrarea strainilor in societatea romaneasca* (Study on the Immigration Phenomenon in Romania. The Integration of Foreigners in Romanian Society). Bucharest: Fundatia Soros, page 51.

<sup>158</sup> CDCCI (Research and Documentation Centre on Immigrants Integration), 2013, *Immigrants Integration Barometer 2013*, retrieved 15 August 2013: <http://www.soros.ro/?q=en/immigrants-integration-barometer-2013>.

## VII. Recommendations

Romania has in place a legal framework that allows it to receive and assist asylum-seekers and beneficiaries of international protection. Further legislative and policy development should address such issues as beneficiaries of international protection with special needs, earlier integration for asylum-seekers, and integration for people with tolerated status. Nevertheless, major problems faced by the administration include the lack of proper implementation of national strategies and objectives, the lack of a system of accountability within its own structure, and the lack of specialized personnel within institutions responsible for integration. Further developments within institutions, programmes, and society are recommended.<sup>159</sup>

### Institutions

Institutional changes are needed in order to create a viable infrastructure for enforcing policy measures for beneficiaries of international protection. These changes should aim at adapting programmes and integration measures according to the organizational capacities of the national authorities. **The establishment of a specialized authority for integration within the Ministry of Labour** would transfer responsibilities for social integration (including labour-market integration for beneficiaries of international protection) to a specialized institution that possesses expertise with various groups (including those vulnerable to social exclusion, those with higher rates of unemployment, and groups who are discriminated against). The Ministry of Labour, along with its agencies, has the capacity and resources to serve the needs of refugees. The Ministry of Interior is a governmental body specialized in security issues, and functions according to a different institutional logic, which focuses on control, surveillance, and protection. Moreover, its staff is trained along these lines, as opposed to social workers and labour counsellors who specialize in social issues familiar to the refugee community and their needs. This recommendation extends to the management and allocation of ERF funds, and other funding structures aimed at beneficiaries of international protection.

<sup>159</sup> See also: UNHCR. *UNHCR Agenda for the Integration of Refugees in Central Europe (Budapest, 2009)* and UNHCR. *UNHCR Note on Refugee Integration in Central Europe (Budapest, 2009)*.

In addition, **the establishment of independent monitoring and evaluation organizations to follow up on the enforcement of laws** would add transparency to the integration process. Presently, ERF funding schemes have built-in evaluation procedures. However, these procedures are focused more on quantitative indicators, and less on qualitative evaluations. An independent-evaluation body should include representatives from the targeted groups and stakeholders. Independently funded watchdog organizations are also essential for the evaluation of legislative initiatives, the monitoring of policy enforcement, and the documentation of abuse.

### Programmes

Programmatic changes should be aimed at **expanding** current programmes, and **supplementing** them with more activities.

**Financial aid** for beneficiaries of international protection is insufficient, and does not cover a substantial period of time. The amount offered to beneficiaries of international protection should, at the very least, increase with inflation, and cover an individual's basic needs for housing, food, and medical assistance.

**Language classes** are already offered to beneficiaries of international protection, and are essential for their social integration. Their length and intensity level should accommodate the skill level of various groups. Foreign-language courses should also be made available to beneficiaries of international protection in order to make them more competitive in the labour market.

**Active career** services such as job portals directed at beneficiaries of international protection, job fairs, and networking workshops with employers would create a secure environment for job searching for beneficiaries of international protection and employers.

**Vocational classes** offered by NEA should be available in languages beneficiaries of international protection can understand.



## Community Oriented

Beneficiaries of international protection are a heterogeneous group socially, coming from different cultural and national backgrounds. However, they have similar interests that should be defined and promoted from within the community. Their first-hand experience with legislative and institutional structures is a valuable resource that should be utilized in promoting their welfare. Consultations with community leaders, and invitations to GII meetings and workshops should be extended to beneficiaries of international protection, and not limited to partner organizations.

In addition, efforts should be made to reach out to members of the host society. Events promoting a positive image of foreigners, after-school programmes, kindergartens, and work clubs for locals and foreigners are just a few examples of venues that would facilitate good relations between the different social groups.

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# 6/ Slovakia Report

Martina Sekulová

## Introduction

Beneficiaries of international protection in Slovakia are legally entitled to access to the labour market and integration into society. Although they are permitted access to the labour market and benefit from integration programmes and services, they face many obstacles, which impede integration. Their inability to fully participate in the economy is a result of their low social status and the general unawareness of their situation within Slovak society – conditions created by discrimination, unequal treatment, and disadvantages rooted in their initial integration. Whether or not they succeed in getting jobs is also influenced by factors such as economic stability and overall competition within the labour market. Because they are in a disadvantaged position, beneficiaries of international protection require greater assistance and support. This study explores the economic participation of beneficiaries of international protection within Slovak legal and institutional frameworks. This report also maps the current situation, identifies problems, and makes recommendations for improving the status quo.

## II. Analysis of Data on Asylum and the Labour Markets

### Asylum trends – with a focus on beneficiaries of international protection

Over the last two decades, asylum migration in Slovakia has been changing, influenced by broader irregular migration trends in Central Europe, political and legal reforms, economic conditions, and the adoption of European Union (EU) legislation after Slovakia's accession to the EU in May 2004. From 1993<sup>160</sup> to 2004, 44,684 persons applied for asylum, out of whom only 474 persons obtained refugee status. Between 2005 and 2012, 12,535 asylum applications were registered and 141 persons were recognized as refugees (see Table 1). For certain reasons, Slovakia has a very low

<sup>160</sup> 1993 refers to the date of the establishment of the independent Slovak Republic.

recognition rate,<sup>161</sup> which reached its lowest in 2006 when only 0.3 per cent of total applicants were granted asylum. The low recognition rate is officially interpreted<sup>162</sup> as a backlash against the various perceived abuses of economic migrants,<sup>163</sup> while NGOs and experts blame restrictive migration and asylum policy<sup>164</sup> as the cause. Between 2004 and 2006 Slovakia stood out as one of the most restrictive countries in the EU in recognizing refugees.<sup>165</sup> However, between 2007 and 2012, the rate of recognition increased from 0.5 per cent to 6.5 per cent. At the same time, the number of asylum-seekers decreased substantially after the country's EU accession, from 11,395 applications in 2004 to 491 in 2012. This trend has been attributed to the strict implementation of the Dublin II Regulation, which prevents a person from submitting applications in multiple Member States, and Slovakia's inclusion in the Schengen Area as of 1 January 2007, which resulted in tighter border control.

**Table 1: Asylum applications and recognition rate in Slovakia, 2005-2012**

	2005	2006	2007	2008	2009	2010	2011	2012
<b>Asylum applications</b>	3549	2849	2642	909	822	541	732	491
<b>Granted asylum in first instance</b>	25	8	14	22	14	14	12	32
<b>Rejected asylum applications</b>	827	861	1177	416	330	180	186	334
<b>The rate of recognition</b>	0.7	0.3	0.5	2.4	1.7	2.6	1.6	6.5

Source: Ministry of Interior of the Slovak Republic

Note: The rate of recognition of asylum applicants reflects the share of positive decisions in the total number of decisions. The rate of recognition is calculated from positive decisions in the first instance.

<sup>161</sup> The recognition rate used in the study is to a certain extent underestimated. The number of applicants also includes people who voluntarily left asylum procedures or the application process.

<sup>162</sup> Slovakia, Ministry of Interior of the Slovak Republic, *Multi-annual Programme. European Refugee Fund for the period 2008 – 2013* (Bratislava, Ministry of Interior, 2008). Available at: [www.minv.sk/?o-europskom-fonde-pre-utevcov-2008-2013](http://www.minv.sk/?o-europskom-fonde-pre-utevcov-2008-2013).

<sup>163</sup> Divinský Boris, *Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ (2004 - 2008)* (Bratislava, IOM, 2009.)

<sup>164</sup> Divinský Boris, „Manažment zahraničnej migrácie v Slovenskej republike – vývoj, nedostatky, odporúčania pre jeho skvalitnenie“, in *Forum Statisticum Slovacum*, vol. 3, pp. 64 – 69 (Bratislava, Slovak Statistical and Demographical Society, 2007.)

<sup>165</sup> Divinský Boris, *Migračné trendy v Slovenskej republike* (see footnote 161), pg. 81

The nationalities of people seeking asylum in Slovakia are constantly changing (see Table 2). In 2012, the Slovak Migration Office granted refugee status to ten Somalis, eight Afghans, two Iranians, and two Congolese. Between 2007 and 2012, Slovakia's refugees originated from Cuba (22.9 per cent), Iran (16.5 per cent), Iraq (13 per cent), Afghanistan (11 per cent), and Somalia (10.1 per cent). Nationals from Somalia and Afghanistan are the fastest growing asylum-seeking groups. However, the vast majority of refugees prefer to leave Slovakia and live in another country. In 2006, the Bureau of the Border and Alien Police registered only 88 refugees (21 per cent<sup>166</sup> of the total) as officially residing in Slovakia.<sup>167</sup> It appears that refugees are reluctant to stay in Slovakia due to shortcomings in its integration system, including the amount of state support they receive.

**Table 2: Nationality of recognized refugees, 2007 - 2012**

	2007	2008	2009	2010	2011	2012	Total	% of total
<b>Cuba</b>	3	8	3	-	4	7	25	22,9
<b>Iran</b>	3	1	3	5	4	2	18	16,5
<b>Iraq</b>	-	8	1	3	1	1	14	13
<b>Afghanistan</b>	-	1	1	2	-	8	12	11
<b>Somalia</b>	-	-	-	-	1	10	11	10
<b>Congo</b>	1	-	1	1	-	2	5	4,6
<b>Other*</b>	7	4	5	4	2	2	24	22
<b>Total</b>	14	22	14	15	12	32	109	100

Source: Ministry of Interior of the Slovak Republic; \*Includes nine nationalities and stateless persons

Subsidiary protection as a type of international protection has been in place in Slovakia since 2007. Since then, 498<sup>168</sup> asylum-seekers have been granted

<sup>166</sup> This number does not include refugees who were granted citizenship.

<sup>167</sup> Ministry of Interior, *Multi-annual Programme* (see chap. II, footnote 160).

<sup>168</sup> Statistics from the Ministry of Interior of the Slovak Republic are substantially overestimated because these numbers reflect all subsidiary protection holders including those whose status was extended.

subsidiary protection (see Table 3), although experts consulted for this research estimate the real number to vary between 200 and 250.<sup>169</sup> Most of these people hailed from Somalia and Afghanistan (see Table 4) with Afghans (196) representing almost 40 per cent of the total between 2007 and 2012. In 2012, 29 Afghans received subsidiary protection. As a community of beneficiaries of international protection clearly on the rise, Somalis represented the second largest group with 151 people (30.4 per cent of the total) receiving protection. Another significant group is Iraqis. In 2012, Slovakia granted subsidiary protection to only one Iraqi applicant. However, 78 Iraqis (15.7 per cent of the total) received subsidiary protection between 2007 and 2012.

**Table 3: Subsidiary protection, 2007-2012**

	2007	2008	2009	2010	2011	2012
<b>Subsidiary protection status</b>	82	66	98	57	91	104
<b>% change from previous year</b>		-19.5	48.5	-41.8	59.6	14.3
<b>Rejected subsidiary protection</b>	646	273	165	104	48	153

Source: Ministry of Interior of the Slovak Republic

**Table 4: Nationality of beneficiaries of subsidiary protection, 2007-2012**

	2007	2008	2009	2010	2011	2012	Total	% of total number
<b>Afghanistan</b>	6	29	48	37	47	29	196	39.4
<b>Somalia</b>	9	1	11	17	42	71	151	30.3
<b>Iraq</b>	42	25	9	-	1	1	78	15.7
<b>Syria</b>	11	1	6	1	-	-	19	4
<b>Armenia</b>	5	-	5	-	-	-	10	2
<b>Other</b>	9	10	19	2	1	2	43	8.65
<b>Total</b>	82	66	98	57	91	103	497	100

Source: Ministry of Interior of the Slovak Republic

## Labour market impact

Because the number of beneficiaries of international protection in Slovakia is relatively small, their impact on the Slovak labour market is negligible. Their visibility in Slovak society is also low, and as a result the majority of the Slovak public is unaware of their existence and plight. Their virtual invisibility has proven to be a barrier against integration. They are experiencing difficulties finding jobs because many employers are unfamiliar with the rights of refugees or persons with subsidiary protection status. This situation is confirmed by the qualitative data collected in this study.

Broader macroeconomic trends have also affected the ability of these people to find jobs, particularly during the economic downturn. During the last three years, a complex economic situation has arisen. Although the national economy grew by 4 per cent in 2012, reaching GDP €71.46 billion according to the Eurostat (37 per cent under EU 27 GDP per capita average), unemployment is increasing. According to the Labour Force Survey, the number of employed persons in Slovakia declined by 0.33 per cent from 2011 to 2012. The unemployment rate grew from 13.5 per cent in 2011 to 14 per cent in 2012. According to the Statistical Office, the total number of unemployed persons increased by 2.6 per cent between 2011 and 2012, increasing from 367,900 to 377,500 people.<sup>170</sup>

Asylum migration in Slovakia is more common among economically active people. In 2012, male applicants from this group outnumbered females 82 per cent to 18 per cent respectively.<sup>171</sup> Employment data is only available for working refugees. Table 5 shows that the number of employed refugees increased between 2004 and 2009. According to the Ministry of Labour, Social Affairs and Family, which registers refugee employment contracts, the number of employed refugees fluctuated between 79 and 95 between 2008 and 2012. At the end of 2012, 79 persons were employed: 68 men and 11 women. Detailed information about employed refugees, such as country of origin or previous qualification, is unavailable. Similar to asylum

<sup>170</sup> Benkovičová Ludmila, *Statistical Yearbook of the Slovak Republic 2012* (Bratislava, Veda, 2012). Available online at: [www.statistics.sk](http://www.statistics.sk).

<sup>171</sup> Slovakia, Migration Office of the Ministry of Interior of the Slovak Republic, *Statistical Report for 2012* (Bratislava, Ministry of Interior, 2013). See [www.minv.sk/?statistiky-20](http://www.minv.sk/?statistiky-20).

<sup>169</sup> Expectations of experts included in qualitative research.

application trends, employed men outnumbered employed women 86 per cent to 14 per cent in 2012. The total number of employed refugees and asylum-seekers is too small to have a significant influence on the labour market. Refugees do not compete with Slovak workers for jobs. Although data on this is not available in Slovakia, some refugees are believed to be self-employed or working in the informal sector of the economy. Many refugees experience long-term unemployment. Available data on unemployed refugees indicates that only a few are registered as job seekers with the Labour Office. At the end of 2012 only five persons were registered as unemployed, and in February 2013, only four persons were registered, all of whom were men (see Table 6). Most of the unemployed are receiving little to no state support. However, they are surviving by receiving food, money, and shelter through social networks of other refugees or subsidiary protection holders. These networks are often ethnicity based. It is not unusual for an individual to be supported by his family in his or her home country or by family living as refugees in other EU Member States. In the absence of support from family and friends, beneficiaries of international protection face social exclusion and poverty.

**Table 5: Number of employed refugees, 2004-2012**

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Men	0	0	4	8	79	71	58	70	68
Women	1	0	0	2	16	11	10	12	11
Total	1	0	4	10	95	82	68	82	79

Source: Ministry of Labour, Social Affairs and Family

**Table 6: Number of unemployed refugees, 2004-2012**

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Men	0	0	4	8	79	71	58	4	5
Women	1	0	0	2	16	11	10	0	0
Total	1	0	4	10	95	82	68	4	5

Source: Ministry of Labour, Social Affairs and Family

### III. Labour Market Integration Policies – Overview of Policy, Practices and Gaps

In the Slovak Republic, a legal framework defines the rights and obligations of asylum-seekers and beneficiaries of international protection. The main document that regulates the entire asylum procedure is the Act on Asylum<sup>172</sup>, which defines the forms of international protection, the relevant actors, and the conditions where the state grants and refuses protection. Legally recognized international protection falls under the categories of refugee status and subsidiary protection<sup>173</sup>, and is granted by the Migration Office of the Ministry of Interior of the Slovak Republic (hereafter “Migration Office”).

**Asylum-seekers** are those who apply for recognition as refugees, or to receive subsidiary protection in the Slovak Republic. During the refugee status determination process, asylum-seekers have the same rights and obligations as a person with a temporary residence permit. This includes the right to access the labour market one year after applying for asylum.<sup>174</sup> (When they are able to work, they do not need a work permit.) These people are housed in a camp, and receive material and financial support from the Migration Office.

**Refugee status** is a type of international protection for foreigners as defined by international conventions and regulations contained in the Act on Asylum.<sup>175</sup> The criteria for granting refugee status are set down in the 1951 Convention Relating to the Status of Refugees, which Slovakia acceded to in 1993. The Slovak Republic also recognizes **humanitarian refugee status**, which may be granted to an asylum applicant if he or she does not meet the criteria for refugee status, but meets other special conditions. Humanitarian refugee status is granted by the Migration

<sup>172</sup> Slovakia, Act No. 480/2002 Coll. on Asylum and on Changes and Amendments of Some Acts (Act on Asylum).

<sup>173</sup> *Ibid.*, § 2, a.

<sup>174</sup> *Ibid.*, § 23, sect. 6.

<sup>175</sup> *Ibid.*, § 2, b.



Office. These refugees enjoy the rights of any other citizen of the country; they are entitled to a permanent residence permit, long-term residence and citizenship, and social rights and benefits. In theory, a person granted asylum is able to enter the job market and participate in the economy in the same way as any other citizen. The category of **subsidiary protection** is another matter. According to Slovak law, subsidiary protection offers protection against serious harm or suffering in an individual's country of origin.<sup>176</sup> Subsidiary protection was introduced in Slovakia in 2007 after the transposition of the EU Qualification Directive.<sup>177</sup> The Migration Office provides subsidiary protection to applicants denied asylum if they face real risks of harm in their countries of origin.<sup>178</sup> It was created to offer international protection to those who apply for asylum but do not meet the required standard.<sup>179</sup> Subsidiary protection is granted for a period of one year and entitles the holder to temporary residence in the country.<sup>180</sup> A person under this protection can apply for an extension. According to the Act on Asylum, the application must be submitted between 60 and 90 days before the one-year expiration. Originally, subsidiary protection holders needed work permits in order to find employment. This condition changed as of 1 May 2013<sup>181</sup> with the passage of an amendment (No. 96/2013<sup>182</sup>) to the Act on the Residence of Aliens. The amendment eliminated the need for work permits, and gave every subsidiary protection holder the same free access to jobs as any Slovak citizen. This change significantly simplifies and enhances their access to the labour market. Subsidiary protection holders are the most disadvantaged within the Slovak Republic's beneficiary of international protection community. Despite gaining full employment rights, they are not entitled to complete integration measures which lead to citizenship. They are considered temporary residents<sup>183</sup>.

176 *Ibid.*, § 3, c.

177 Slovakia, Act No. 692/2006 which Changes and Amends Act. No. 480/2002 Coll. on Asylum and on Changes and Amendments of Some Acts (Act on Asylum.)

178 Slovakia, *Act on Asylum* (see chap. III, footnote 170), § 3.

179 Bargerová Zuzana, Fajnorová Katarína and Chudžíková Alena, *Stav integrácie cudzincov s doplnkovou ochranou do spoločnosti a návrhy odporúčaní pre tvorcov verejných politík* (Bratislava, Liga za ľudské práva, 2011), p. 9.

180 Slovakia, *Act on Asylum*, (see chap. III, footnote 170), § 27a, article 1.

181 Slovakia, Amendment No. 352/2013 which changes and amends Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments of Some Acts (Act on Residence of Aliens). The amendment was approved in March 2013.

182 *Ibid.*

183 Amendment No. 352/2013 gives subsidiary protection holders access to long-term residence. At the writing of this report, the procedures for applying for this access are not clear. The law still requires an original travel document (passport) when applying for citizenship, which the vast majority of subsidiary protection holders do not have.

## Institutional and Legal Framework for the Employment and Integration of Beneficiaries of International Protection

Employment for beneficiaries of international protection is overseen by several state institutions and a few non-governmental actors. This chapter analyses the institutional framework and profiles the organizations providing assistance to refugees.

### Institutional framework

#### State institutions

The **Ministry of Interior of the Slovak Republic** controls migration and asylum mainly through two institutions: the Migration Office, and the Bureau of Border and Alien Police. The Ministry of Interior is responsible for certifying the Solidarity and Management of Migration Flows Programme under the Department of Foreign Aid.

The **Migration Office of the Ministry of Interior of the Slovak Republic** ("Migration Office") is the decision-making body that grants or refuses applications for asylum and subsidiary protection in accordance with the Act on Asylum. The Migration Office ensures that asylum applicants receive basic care. The Migration Office cooperates with institutions active in the field of integration (especially non-governmental organizations), contributes to the formulation of state migration policy, and monitors the application of migration and asylum policies. The Migration Office oversees the European Refugee Fund, which provides EU financial support to organizations and projects assisting asylum-seekers and protection holders.

The **Bureau of Border and Alien Police** issues residence permits and travel documents to foreigners. It also oversees border security, border control, and visa issues. The bureau participates in part of the asylum process, and is responsible for implementing the Dublin II Regulation.<sup>184</sup>

184 Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF>

The Ministry of Labour, Social Affairs and Family is responsible for the legal framework for the employment of foreigners (formulating the legal norms and regulations for employment as well as defining the criteria for entry), and also refugee integration, (the responsible office for this is the Section on Migration and Integration of Foreigners at the Department of International and European Affairs, Ministry of Labour, Social Affairs and Family.) The Section coordinates integration measures (arising from the Concept of Integration of Foreigners), and governs the inter-ministerial expert committee for labour migration and foreigner integration. Lastly, it coordinates services to immigrants, such as foreign-language training, housing, employment, social security, healthcare and anti-discrimination policies. In 2007, the Ministry established an advisory committee – the Inter-departmental Commission on Labour Migration and the Integration of Foreigners (MEKOMIC) – to facilitate an exchange of information between the government, NGOs, and experts.<sup>185</sup>

The Central Office of Labour, Social Affairs and Family is the state administration overseeing social affairs and employment services, including labour policies. This office is also in charge of data collection and monitoring policies governing the employment of foreigners. The Central Office manages 46 regional offices, which receive and grant applications for work permits. This office also monitors passive and active labour market policies, which includes the integration of beneficiaries of international protection into the labour market.

### International organizations

The international organizations active in the Slovak Republic in 2013 included IOM - International Organization for Migration (IOM) – and UNHCR<sup>186</sup>.

IOM is involved in the voluntary returns of foreigners to their home countries, prevention of human trafficking (and assistance to trafficked persons), and refugee

integration.<sup>187</sup> IOM also engages in various other activities, such as offering services to migrants, conducting research, organizing information campaigns, sponsoring education, and promoting capacity building. The core target group of IOM's services are third-country nationals, asylum-seekers, including those denied status, and irregular migrants.

### Non-governmental organizations

The Slovak Humanitarian Council (SHC) implements projects directly targeting beneficiaries of international protection. These projects include legal assistance, vocational training, language courses, labour-market integration (e.g. programmes preparing refugees for job interviews and direct communication with potential employers), assistance obtaining work permits (for subsidiary protection holders), and assistance navigating the country's asylum bureaucracy. SHC also oversees providing material assistance and social counselling to beneficiaries of international protection. In addition to programmes directed at refugees, the SHC also provides services to asylum-seeker and carries out activities in reception centres.

Marginal is an NGO currently implementing an ERF-financed project aimed at facilitating refugee integration. The project is underway in central and eastern Slovakia, which is Marginal's main area of activity. Similar to the activities of the Slovak Humanitarian Council, Marginal provides social, psychological and legal counselling, financial and material assistance, Slovak-language courses, and vocational training. One of its activities is helping beneficiaries of international protection find jobs.

The Municipality of Rovné in eastern Slovakia is overseeing a project, which provides support to asylum-seekers living in the Reception Centre in Humenné and the Accommodation Centre in Opatovská Nová Ves. The municipality's work is mainly aimed at improving the access of asylum-seekers to the local labour market.

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<sup>185</sup> MEKOMIC meetings are not held regularly. The committee met in April 2013. At the time of writing this report, the next meeting was planned for the autumn of 2013. The committee consists of governmental representatives. This is a positive development and the idea may become a good practice if the committee will include a wider range of stakeholders and allow more input from NGOs.

<sup>186</sup> The UNHCR office in Bratislava was active until 2012. From 2013, the responsibilities of the regional Bratislava office were delegated to the UNHCR Regional Representation for Central Europe in Budapest. Although the UNHCR office in Slovakia is formally closed, the organization has a few staff members present. UNHCR also coordinates the refugee Emergency Transit Centre (ETC) in Humenné.

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<sup>187</sup> [www.iom.sk](http://www.iom.sk).

The Human Rights League (HRL) provides free and comprehensive legal counselling to asylum-seekers, refugees, and persons with other forms of protection.<sup>188</sup> Through its many projects, HRL contributes to the legislative process, debates legal amendments, collects data, conducts monitoring, and provides assistance to refugees and asylum-seekers. In addition, it provides language courses and vocational training.

### Financial framework for integration activities

A majority of the financial resources allocated to beneficiaries of international protection, most notably for integration programmes, comes from two main sources – the national state budget and the European Refugee Fund (ERF).<sup>189</sup> Direct state expenditures on asylum policy go to accommodation, food, healthcare for asylum applicants, and integration. The state budget generally covers services to asylum applicants. Integration is partly financed by the state budget and through ERF projects. State contributions covered the costs of 20 per cent of the annual programmes conducted between 2004 and 2006, and 25 per cent of the programmes between 2007 and 2013.

The ERF is administered and managed by the Migration Office of the Ministry of Interior, which develops annual and multi-annual strategies for refugee integration. This office also sets the terms of integration, specifying, for example, the group to be targeted by a particular programme, and the specific services to be offered. According to experts, the only problem with ERF-funded projects is their length. All are relatively short-term – between eight and 14 months in duration as of 2013.<sup>190</sup>

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<sup>188</sup> Bachtíková Ivana, Bargerová Zuzana and Gulíčová Mária Grethe, *Organisation of asylum and migration policies in the Slovak Republic* (Bratislava, IOM International Organization for Migration, 2012), p. 11.

<sup>189</sup> The ERF began implementation in 2004. The financial allocation reflects the total number of asylum applications registered in Slovakia. (Consequently, a decline in the number of asylum applications results in a decline in ERF funds. The state budget - ERF funding ratio is 25 per cent - 75 per cent. NGOs do not co-finance projects, and budgets are project-based.

<sup>190</sup> Slovakia, Ministry of Interior of the Slovak Republic, *Call for Grant Proposals for Annual Programme 2012 European Refugee Fund*, (Bratislava, Ministry of Interior, 2013.) Available at: [www.minv.sk/?o-europskom-fonde-pre-utecencov-2008-2013](http://www.minv.sk/?o-europskom-fonde-pre-utecencov-2008-2013).

### Employment of Beneficiaries of International Protection (Practice)

In terms of employment, the rights of beneficiaries of international protection are regulated by the Act on Residence of Aliens<sup>191</sup> and the Act on Employment Services<sup>192</sup>. These laws entitle foreigners to full, equal, and unlimited rights in the labour market, and access to social protection. Previously, subsidiary protection holders needed work permits in order to find employment. In May 2013, this restriction was waived. Today, all beneficiaries of international protection enjoy the same employment rights as Slovak citizens. However, despite this equal access, obstacles and barriers still remain.<sup>193</sup>

Our research reveals that beneficiaries of international protection are over-represented in low-skill and unstable jobs with high turnover rates and little security. All sources interviewed maintain that income and economic participation are essential for maintaining a stable life. Furthermore, for a beneficiary of international protection to achieve a stable life, it is vital that he or she enter the labour market as early as possible. The ability to find employment is determined by educational level and language skills. Specifically, beneficiaries of international protection are more likely to gain employment if they are fluent in Slovak and live in a region of the country where there are jobs (i.e. the capital and western Slovakia.) Some sources testified that the best jobs for beneficiaries of international protection include the automobile industry, factories producing electronics, and food production and services. According to the SHC, beneficiaries of international protection are also finding opportunities in food service (i.e. working as kitchen help in restaurants) or taking positions as fast-food waiters (e.g. kebab stalls). The most qualified are finding success with international companies. Most beneficiaries of international protection work in areas in which there is a high concentration of migrant workers. But wage labour is not their only option. Beneficiaries of international protection are entitled to open their own businesses or pursue other forms of self-employment. However, business ownership among beneficiaries of international protection

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<sup>191</sup> Slovakia, Act No. 404/2011 Coll. On Residence of Aliens and on Changes and Amendments of Some Acts (Act on Residence of Aliens).

<sup>192</sup> Slovakia, Act No. 5/2004 Coll. on Employment Services and on Changes and Amendments of Some Acts as Amended (Act on Employment Services).

<sup>193</sup> Barriers include the inability to register for health-care insurance.

appears to be rare due to financial and administrative constraints. Moreover, perhaps because of these constraints, few beneficiaries of international protection appear to be willing to take the risk of launching their own enterprise.

In order to find jobs, beneficiaries of international protection tap into their social networks, go on job hunts, and consult NGOs. State services appear to provide little material assistance. After becoming oriented to the employment situation, beneficiaries of international protection must rely on their own initiative and job search skills. State support that they considered to be most beneficial included housing, language and vocational training, and education.

When it comes to employment, beneficiaries of international protection and Slovak citizens may share the same rights, but they do not share the same experiences. Overall, work conditions for beneficiaries of international protection are worse, their wages are lower, and their working days are longer than most of their Slovak counterparts. They regularly work in conditions that are in violation of the Labour Code. However, they accept these conditions because of their highly vulnerable economic and social situation. In short, many are desperate to keep their jobs, or increase their modest incomes, under any circumstances. This desperation influences some of them to compromise on their legal rights. Our research reveals that more and more beneficiaries of international protection are agreeing to informal relationships with employers rather than insisting on standard labour-law relations or temporary contracts. Employers press for such informal relationships in order to save money. Under Slovak labour law, it is legally difficult and relatively expensive to release an employee. But informal working agreements give employers greater flexibility to hire and fire staff. Such flexibility has its positive and negative points. While informal employment increases the number of total jobs available, these positions tend to be poorly paid with little to no security.

Many beneficiaries of international protection believe they have little choice other than to work informally. There are too many barriers to the legal employment market. The greatest barriers may be a general lack of awareness of the rights of beneficiaries of international protection among employers, and the belief that there is too much paperwork involved in putting a beneficiary of international protection or a subsidiary protection holder to work. As a result, many beneficiaries of international protection are passed over for legitimate jobs. Refugees blame these rejections on

a lack of awareness or sensitivity, or they argue that they are the result of prejudice and stereotypes. To prevent these stereotypes from propagating, intervention by NGOs is often crucial. Our research also suggests that attitudes vary according to region. Employers in the western part of the country, where most people with subsidiary protection live, are more aware of the rights of protection-holders than employers in other parts of the country.

The state should create measures that increase employer awareness of the rights of beneficiaries of international protection. The state should also recognize that beneficiaries of international protection are disadvantaged. To counter their disadvantages in the job market, temporary equalizing measures should be introduced, and the existing measures should be implemented more efficiently and effectively.

## IV. Active Programmes to Secure Employment for Beneficiaries of International Protection

The legal framework for the integration of beneficiaries of international protection consists of various legislative and conceptual documents. Several strategic documents stress access to labour as a pillar of integration. Key law and strategic documents include the *Act on Asylum, the Migration Policy of the Slovak Republic – Perspective Until the Year 2020* (2011), *The Concept of Foreigners Integration in the Slovak Republic* (2009), *The Concept of Migration Policy of the Slovak Republic* (2005), and *The Complex Solution for the Process of Integration of Foreigners with Refugee Status* (1996). The supporting programmes are provided for by annual and multi-annual ERF programmes. At the beginning of 2013, the department of the Ministry of Labour, Social Affairs and Family responsible for integration has been cooperating with all relevant actors to prepare the document, *Integration Policy of the Slovak Republic*, which should be submitted for approval by the National Council in the autumn of 2013.<sup>194</sup>

<sup>194</sup> The integration policy is prepared through the national project, *Formulation of Integration Policy and Its Implementation*. This new policy formulation involves experts and third-country nationals. Its aim is to improve the multi-dimensional aspects of integration

Integration in Slovakia is seen as a two-way process, which both foreigners and society must adapt to.<sup>195</sup> The main document detailing this process is *The Concept of Foreigners Integration in the Slovak Republic* (2009), which identifies the measures and responsibilities, particularly in the area of labour, which should be part of the integration process. As mentioned above, the second key strategic document is the *Migration Policy of the Slovak Republic - Perspective Until the Year 2020* (2011). This paper outlines Slovakia's general attitude towards migration, and sets down a list of general objectives, which include the mainstreaming of integration, increasing awareness in society, increasing sensitivity to human rights and equality in society, developing a monitoring mechanism for migrant integration, reconsidering amendments to the naturalization and citizenship process, and extending funding for integration measures.<sup>196</sup> With an eye to assisting asylum-seekers and protection-holders, the document suggests simplifying the regime for recognizing professional qualifications for the purposes of going to school or finding a job.<sup>197</sup> The *Migration Policy* outlines programmes, while the *Action Plan of Migration Policy in the Domain of the Ministry of Labour, Social Affairs and Family of the Slovak Republic 2012-2013* translates conceptual aims into objectives, and sets down the responsibilities of the various partner institutions. For international protection holders, the *Action Plan* also endorses simplifying procedures to recognize educational credentials in addition to improving access to social rights and long-term housing. For refugees, the *Action Plan* is committed to expediting access to citizenship and the labour market.

The *Act on Asylum* defines integration as the inclusion of refugees into society through housing and employment. By emphasizing only access to housing and labour, and excluding beneficiaries of subsidiary protection, the Act's definition of integration may be considered relatively narrow.<sup>198</sup>

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(employment, education, cultural orientation, civic participation, language competence, and access to citizenship.)

195 Slovakia, Ministry of Labour, Social Affairs and Family, *The Concept of Foreigners Integration in the Slovak Republic* (Bratislava, Ministry of Labour, Social Affairs and Family, 2009.)

196 Slovakia, Ministry of Interior of the Slovak Republic, *Migration policy of the Slovak Republic - Perspective until the Year 2020* (Bratislava, Ministry of Interior, 2011), pp. 9 – 10.

197 *Ibid.*, p. 10.

198 Subsidiary protection status is problematic in Slovakia. Symbolic exclusion in certain strategies and integration measures indicates that subsidiary protection is marginal on the migration agenda.

A broader and more nuanced perspective is contained in the *Multi-Annual ERF Programme 2008-2013*.<sup>199</sup> This document defines integration as the continuous inclusion of refugees into society through language, economic and socio-cultural dimensions. This more comprehensive approach discourages forced assimilation and promotes respect for cultural and religious diversity.<sup>200</sup>

NGOs carry out key integration and support activities, which are financed by the ERF. The Migration Office defines the general framework and conditions under which NGOs work. The annual ERF programme for 2013, as set down by the Migration Office, is focused on legal assistance and advice, social and psychological therapy, job-search counselling, healthcare, subsidiary material support, support for housing, and support for education. Before being able to participate in ERF-sponsored activities, every refugee must have a personal strategy for his or her integration set down in a written plan that is filed with the Migration Office. The deadline for submitting each integration plan is 30 days after the date the refugee in question received his or her status recognition. In 2011 and 2012, integration plans were only recommended. In 2013, the Migration Office made them obligatory for every refugee participating in an ERF project.

## Integration activities

Responsibility for refugee integration programmes is divided between the state and NGOs. These programmes are complementary and financed by the ERF. The Migration Office offers basic support to refugees immediately after status recognition, which includes financial support for housing (although non-compulsory, refugees can receive six months of subsidized accommodation<sup>201</sup>) and material needs, which consists of a lump sum amount<sup>202</sup> paid after status recognition to assist the individual while trying to secure accommodation and a job. Subsidiary protection holders do not receive Migration Office support. However, they are entitled to participate in ERF-financed NGO projects, which may include material

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199 Refugee integration is objective 2 in the Multi-Annual ERF Programme.

200 Ministry of Interior, *Multi-annual Programme* (see chap. II, footnote 160.)

201 At first, in the Integration Centre in Zvolen, and later in Košice, Bratislava, Zvolen, Ružomberok or Lučenec in Migration Office.

202 A subsistence minimum, according to the asylum act (Slovakia, *Act on Asylum*, § 27, sect. 1.)



support, housing subsidies, counselling, legal services, language, and educational trainings.

During the last three years, the Slovak Humanitarian Council, the Goodwill Society, and ETP Slovakia have run some of the country's top ERF-financed integration projects. The NGO Marginal and the municipality of Rovné (see Institutional framework, Chapter II) have been particularly active since April 2013.

## Training

Slovak language skills are essential for a refugee to integrate into society and gain access to the labour market. Language training is given to asylum-seekers as soon as they enter reception centres. This training continues after these asylum-seekers are granted protection status. All language training is provided by NGOs.<sup>203</sup> In order to be enrolled in a language or vocational training class, an individual must meet criteria set down by the Migration Office. Officially, language training is voluntary. However, according to the 2013 ERF Programme, attendance at language classes is a precondition for enrolment in other integration activities. NGOs are responsible for determining whether or not a refugee has met this language requirement. According to the Migration Office,<sup>204</sup> language training must consist of at least six hours of instruction per week with tests every three months. Participation in an integration programme, which offers material and financial assistance and services such as language training, is limited to two years after a refugee is granted status. For subsidiary protection holders, language and vocational training is available during the entire period of protection, but contingent upon individual appraisals by NGOs. A subsidiary protection holder can lose integration support if he or she fails to attend at least 75 per cent of language classes over three months, turns down a job offer, or spends more than six months abroad.<sup>205</sup> When beneficiaries of international protection receive vocational training, it is adapted to their needs and requests. NGOs report that in 2011 and 2012 the training most in demand by refugees included courses for forklift driving, cooking, hairdressing, and cosmetics.

203 The content and length of courses depend on the focus of projects and the decisions of the NGOs involved.

204 Ministry of Interior, *Call for Grant Proposals* (see chap. III, footnote 186).

205 *Ibid.*

Beneficiaries of international protection considered language training extremely important. However, it can be difficult for them to attend courses if they have a job or live far away from the training facilities. Furthermore, according to NGO experts, subsidiary protection holders rarely attend language training because they lose motivation due to their unstable status and their inability to plan for the future. Consequently, intensive language and vocational training should be adapted to the specific needs of each individual. The job, location, and existing language skills of beneficiaries of international protection should be taken under consideration. Every refugee should have access to language instruction, and should receive proficiency certificates to prove that he or she has completed this training.

## Counselling

Counselling is another pillar of integration support. As defined in the annual ERF strategy, social, legal, psychological, educational, and employment counselling should be offered. Counselling should also be provided in conjunction with language and vocational training. Counselling as a service is provided by NGOs, and supported with ERF money. Social counselling is extremely important, and centres around the efforts of social workers who assist with any and all administrative paperwork related to refugee status, including obtaining documents, social-security benefits, health insurance or health care, and any other need a beneficiary of international protection might have. Social counselling is limited by the availability of funding and the number of social workers that are available to do the job. Other types of counselling offered include advice to refugees on economic participation, such as how to draft a CV, search for a job, prepare for a job interview, and communicate with a potential employer. Beneficiaries of international protection are entitled to unlimited counselling right up until the time they become full-fledged citizens.

How effective is counselling? Beneficiaries of international protection interviewed complained of a lack of social counselling tailored to their specific needs, and reported that more legal assistance must be made available. They also stated that there are no counsellors in eastern and central Slovakia. The shortage of social workers outside of the capital and large cities suggests the need for municipalities, particularly small ones, to become involved in the refugee integration process in Slovakia.



## Accommodation

Refugees must endure difficult living conditions, particularly in the early phases of the integration process. Having secure and stable housing is a key factor in a refugee's ability to successfully enter the labour market. Refugees are permitted to live in state accommodation facilities for six months after receiving their status and longer if necessary. Although not free, refugees need only pay a symbolic amount for rent when living in this housing. This state housing is not available to subsidiary protection holders. The demand for subsidized housing varies, as some refugees prefer to make their own accommodation arrangements. State housing was criticized by experts and beneficiaries of international protection interviewed because it tended to be located on the outskirts of cities where there is low integration potential (e.g. the apartments are far away from job sites and facilities where classes are held), and in towns where there is no available employment.

As soon as their status is recognized refugees can have access to ERF-financed housing organized by NGOs. Subsidiary protection holders can receive financial aid from ERF projects for housing for a maximum of six months after their protection status is recognized. Subsidiary protection holders can participate in an NGO project that provides a monthly housing subsidy. However, providing a lump sum payment for housing and basic expenses has now been developed after past experiences revealed problems when accommodation was provided to them instead.

The framework defines the support and programmes for beneficiaries of international protection, but it may also place limitations on NGOs since the framework imposes a fixed range of activities for which support can be requested. The absence of policies and funding at the state level also limits the potential scope of NGO activity.

## Active Labour Market measures

Both active and passive labour market measures can help beneficiaries of international protection. Slovak law recognizes refugees as disadvantaged job seekers<sup>206</sup>. According to the law, disadvantaged job seekers include sub-groups that may face social

exclusion and discrimination in the job market. Refugees are entitled to take part in measures such as education and training, assistance for self-employment, and the Activation Programme that provides so called activation aid jobs<sup>207</sup> or employment in a sheltered workplace.<sup>208</sup> Refugees consider some of these programmes crucial, particularly those not provided by other institutions. The programmes deemed most important offer education, social and employment counselling (including support on how to find a job), and free vocational training. Direct funding to beneficiaries of international protection is possible through the Activation Programme, which provides participants with an allowance, and contributions for self-employment.

In 2012, no beneficiaries of international protection received education and training subsidies. However, one refugee received labour market integration funds, another received contributions for self-employment, two participated in the Activation Programme, three received subsidies for commuting to work, and two found employment in a sheltered workplace.<sup>209</sup> By any criteria, these start-up programmes proved to be highly relevant and successful.

Since May 2013, subsidiary protection holders have been entitled to active labour-market measures according to amendment 96/2013 Coll.<sup>210</sup>, which was approved in March 2013 and recognizes these people as disadvantaged job seekers. Subsidiary protection holders are also able to register with Employment Offices, which improves their chances at integration and, potentially, their social situation. Slovakia should consider a wider implementation of this law since a general lack of awareness about it is preventing both groups of protection holders from enjoying its benefits. Furthermore, subsidiary protection holders also suffer from a lack of access to social services and health care.<sup>211</sup>

<sup>207</sup> Referred to as positions supported by Activation policies of Municipalities and Labour offices. It is a kind of active labour policy and strategy, which municipalities and labour offices use for integrating people into the labor market. It is usually a low skill position.

<sup>208</sup> A sheltered workplace is a workplace, which provides employment to people with disabilities, people re-entering the workforce after an extended period of absence, and other individuals in need of a protective and supportive work environment.

<sup>209</sup> Slovakia, The Central Office of Labour, Social Affairs and Family, *Vyhodnotenie NP a nástrojov APTP za rok 2012* (Bratislava, 2013). Available at: [www.upsvar.sk/statistiky/aktivne-opatrenia-tp-statistiky/aktivne-opatrenia-trhu-prace-2012.html?page\\_id=153418](http://www.upsvar.sk/statistiky/aktivne-opatrenia-tp-statistiky/aktivne-opatrenia-trhu-prace-2012.html?page_id=153418).

<sup>210</sup> Slovakia, Act No. 96/2013 Coll. which amends Act No. 5/2004 Coll. on Employment Services and on changes and Amendments of Some Acts as Amended (Act on Employment Services), §8, f.

<sup>211</sup> Health care for subsidiary protection holders is financed by the Migration Office and subsidiary protection holders receive a special card providing them with this care. Despite the fact that this coverage is equal to public health care, health care facilities

<sup>206</sup> Slovakia, *Act on Employment Services* (see chap. III, footnote 188), § 8, j.

## V. Discrimination in Employment for Beneficiaries of International Protection

Despite a solid legal framework, the application of equal-treatment and non-discrimination laws is poor. No state institution monitors equal treatment for migrants or protection holders<sup>212</sup>. Beneficiaries of international protection in Slovakia face multiple forms of discrimination, based on social status, ethnic origin, gender, age, or religion. Discrimination is a major barrier to the labour market. Beneficiaries of international protection are legally protected from unequal treatment and discrimination under Slovakia's Anti-discrimination Law.<sup>213</sup> Beneficiaries of international protection are also defined as a target group in other strategic documents, such as the *Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expression* (2009). Within its general objective to prevent discrimination, the *Action Plan* directly refers to protection holders, and sets down conditions for the successful integration of asylum-seekers, refugees, and migrants, which include provisions against discrimination and the declaration of an equal treatment principle.<sup>214</sup>

This research has revealed that the forms of discrimination these people face are diverse. Beneficiaries of international protection experience unequal treatment and discrimination during the job-searching process. They endure inferior work conditions, low wages, inappropriate working hours, and low job security because of their lack of awareness of labour law provisions and contractual arrangements.

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and doctors are not familiar with the status, and they often do not recognize these health care cards. Furthermore, providing this health care is administratively demanding, requiring the intervention of social workers. A solution to these problems may be to switch responsibility for this service from the Ministry of Interior to the Ministry of Healthcare so that subsidiary protection holders can be enrolled into an equal-access system of public health care (Bargerová – Fajnorová – Chudžíková, 2011.)

212 Debrecéniová Janka and Pufflerová Šarlota, *Analýza reálnych možností migrantov a migrantiek participovať na nediskriminačnej báze na trhu práce na Slovensku* (Bratislava, Občan, demokracia a zodpovednosť, 2011.)

213 Slovakia, Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and of Protection against Discrimination (Anti-discrimination Law).

214 Slovakia, The Government Office of the Slovak Republic, *Action Plan for the Prevention of All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expression* (Bratislava, 2009), p. 14.

Discrimination also occurs at the institutional level. Seemingly, in practice, institutions such as the Employment Office do not follow the anti-discrimination law and equal treatment principle. Sources interviewed stated that institutions often favour Slovak citizens over beneficiaries of international protection, and do not give them adequate access to information and services. They have also refused to give beneficiaries of international protection the financial contributions that they are entitled to.<sup>215</sup>

## VI. Other Barriers to Employment for Beneficiaries of International Protection

### Recognition of educational credentials

Recognition of educational diplomas and professional qualifications is coordinated by the Centre for the Recognition of Diplomas, which is part of the Ministry of Education. Slovakia regulates recognition of educational credentials in accordance with EU legislation, primarily Directive 2005/36/EC on the recognition of professional qualifications. Educational credentials are recognized for academic purposes (continuation of studies), professional activities, and issuing “blue cards” to highly qualified professionals from third-countries. Educational diplomas must be super-legalized, which requires an apostille.<sup>216</sup> Subsequently, the process of ‘super-legalization’ for diplomas is long and bureaucratically difficult. The next step is providing grade equivalence and nostrification (recognition of foreign diplomas) through the Ministry of Education. To achieve all this, beneficiaries of international protection need the support of social workers. If the beneficiary of international protection does not

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215 See also previous research findings Debrecéniová and Pufflerová, *Analýza reálnych* (see chap. V, footnote 204) or Bargerová, Fajnorová and Chudžíková, *Stav integrácie* (see chap. II, footnote 177.)

216 A modality through which a document issued in one of the signatory countries of the Hague Convention Abolishing the Requirement for Legalisation for Foreign Public Documents (called the Apostille Convention or Treaty) can be certified for legal purposes in all the other signatory states. Such a certification is called an apostille (French: certification). It is an international certification comparable to a notarisation in domestic law.

have a diploma or another document as proof of education, recognition is not possible.<sup>217</sup>

Children and adult beneficiaries of international protection with incomplete education may continue their studies in Slovakia. Some universities accept beneficiaries of international protection even without super-legalized documents. However, if they do not have diplomas super-legalized by the Ministry of Education, they may encounter problems receiving recognition from Slovak universities.

Because Slovakia does not have effective mechanisms for assessing skills and qualifications, beneficiaries of international protection tend to work below their levels of qualification. Deficiencies with education recognition represent a major obstacle to integration. For many stakeholders and NGOs, this obstacle is almost impossible to overcome.

### Lack of information and awareness

Many refugees interviewed in this research were not aware of their labour-market rights and entitlements. They reported good cooperation with local Employment Offices, mainly in relation to benefits for material needs and contributions to housing. However, it is crucial that both refugees and Employment Office staff be made better aware of beneficiary of international protection entitlements.

Beneficiaries of international protection should receive social and cultural orientation courses,<sup>218</sup> which potentially can improve their knowledge of their rights and privileges, and increase their understanding of legislation, institutions, and society. These types of courses currently do not exist, and should be part of the integration programme of every beneficiary of international protection.

<sup>217</sup> Some diplomas cannot be recognized in Slovakia. For example, Slovakia officially does not recognize educational documents from Somalia. A Somali citizen may study, however, without nostrification, this student will not receive a diploma.

<sup>218</sup> Bargerová, Fajnorová and Chudžíková, *Stav integrácie* (see chap. II, footnote 177.)

## VII. Conclusions and Recommendations

Countries that accept asylum-seekers should provide them with the ability to achieve legal status, programmes to help them integrate into society, and laws that give them a fair chance to earn a secure living. Participation in the labour market, the key to integrating into any society, is linked to legal status (and the rights and privileges bestowed on a beneficiary of international protection), and the effectiveness of the country's active integration programmes. In Slovakia, the current situation of beneficiaries of international protection remains to be addressed. Current laws prevent subsidiary protection holders from integrating into the labour market and society. Beneficiaries of international protection are disadvantaged in multiple ways. Therefore, equalizing measures should be introduced, and existing measures should be more effectively implemented to respond to their economic and social needs equally with other holders of international protection.

Beneficiaries of international protection are a specific sub-category among foreigners, and policies and measures should recognize them as such. Policy-making in this area tends to be unaware of their specific needs and of the broader socio-economic consequences of asylum policies. As a policy target, beneficiaries of international protection are a fragmented group. This fragmentation means that some refugees will be overlooked. In response, the agenda for implementing policies affecting them needs to be synchronized. Furthermore, the lack of a system to evaluate the impact, quality, and effectiveness of existing policies is another problem. To some degree, European structural funds are being used to satisfy this need. However, the absence of a systematic approach by the state means that the salient problems that beneficiaries of international protection are facing, particularly in the labour market, are not being tackled.

### Recommendations

- For Policy: The creation of a consistent, interconnected and coordinated approach towards the integration of beneficiaries of international protection

between the Ministry of Interior and Ministry of Labour, Social Affairs and Family – the two institutions dealing with integration matters.

- For Legal status: legislation, conceptual documents, and institutional procedures will have to be amended to ensure that all beneficiaries of international protection have better access to the labour market by including subsidiary protection holders into integration programmes. This is the first necessary step in broadening integration entitlements and enrolment. In practice, these changes will give subsidiary protection holders stable residence in Slovakia, and full access to citizenship, social services, and health care.
- For active programmes: Active integration programmes for beneficiaries of international protection, which are crucial for the economic integration of these people, are underfunded, in particular counselling activities. This lack of financing limits the programmes' scope and impact. European structural funds substitute for state involvement in this area. However, more state involvement and funding are necessary. Administrative or bureaucratic requirements for NGOs providing integration activities and direct social support should be adapted to ensure that funding of the activities is not discontinued from one financial cycle to another and is more diverse, and of long-term nature.
- For evaluating and monitoring of impact of integration policies: Services provided to beneficiaries of international protection are shared between various institutions. A systemic approach to asylum issues is lacking. In order to improve the quality and effectiveness of integration, a systematic evaluation is necessary.
- For data management: Effective monitoring and evaluation needs detailed data, including the types of protection, education, age, and ethnicity of every person in the system. The scope and depth of the data being collected is not satisfactory. Data collection and analysis on refugee participation in the labour market is absolutely imperative and therefore should be synchronized between institutions.
- For enrolment: Integration measures must provide for beneficiaries of international protection who have been living in Slovakia for a longer time than specified by the ERF. Language courses, vocational trainings, and material

and financial support should be available to all beneficiaries of international protection. Slovakia should consider the use of temporary equalizing measures in order to ensure equal access for all.

- For language training: Language courses should be available to all beneficiaries of international protection without exception, including those who have been present in Slovakia past the stipulated support period set down by the ERF. Language courses should take into account the special needs of beneficiaries of international protection (i.e. their country of origin, language proficiency, and schedule). Integration measures should involve local authorities.
- For increasing participation in existing programmes: Refugees and subsidiary protection holders face distinct and diverse barriers when compared to other disadvantaged people. The biggest barriers are their inability to receive proper language instruction and vocational training that is sensitive to their background and skills. Beneficiaries of international protection should receive more information on active labour market policies. In addition, active measures, such as education and training for the labour market, should be better adapted to their specific needs.
- For increasing awareness: This research highlights the need for increasing awareness about migration, integration, cultural diversity, and the plight of migrants throughout Slovak society. Only through educational campaigns and increased awareness among the broader public can prejudice and negative stereotypes be diminished. Beneficiaries of international protection and official institutions should work together on this issue.
- For access to citizenship: It is crucial that long-term residence be available to all without exception. The potential to achieve a stable future in a country motivates individuals in the integration process. People with subsidiary protection should be able to receive permanent residence, as is the case in other countries. Their success and optimism has a positive effect on society.<sup>219</sup>

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<sup>219</sup> The Amendment of Act on Residence Stay of Aliens, approved in March 2013, provides access to long-term residence only to those with a valid travel document (passport), which most people with subsidiary protection do not have. Consequently, the law excludes most of these people, who are greatly in need, from attaining long-term residence.

- For recognition of education: The current system for recognizing educational credentials poses significant challenges to beneficiaries of international protection. Slovakia needs to establish common guidelines for assessing skills and recognizing qualifications for those people who lack diplomas. The educational credentials of refugees should be automatically recognized.
- For improving information to beneficiaries of international protection: Beneficiaries of international protection still do not receive coherent and detailed information on their rights, privileges, and obligations as enshrined in the relevant legislation. They are also not informed about the key facts about the society they are living in and how they can best find and keep a job. Refugee integration should include courses on social and cultural orientation, and information materials should be widely available to them.
- For improving information to institutions and employers: institutions and employers should be better informed about the rights and privileges of beneficiaries of international protection. The status quo is not satisfactory. State measures should be created to increase the awareness of refugee rights among employers.

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# 7/ Cross-country Analysis

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## Legal framework

The legal framework for the regulation and management of asylum matters consists of a series of constitutional, legal, and sub-legal norms, which define the types of protection offered, asylum procedures, management of asylum-seekers, rights and obligations of beneficiaries of international protection, and the structure and functioning of the institutions involved in the asylum process. In addition to specific laws on asylum, the lives of asylum-seekers and beneficiaries of international protection are affected by a series of general laws, which define their access to healthcare, social assistance, employment, and citizenship.<sup>220</sup> All four countries began accepting asylum-seekers in the early 1990s after ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Each country grants several types of protection status to asylum-seekers, and each type guarantees different rights.

### Protection status

**Refugee status** is granted in all four countries to individuals who meet the definition of the 1951 Convention relating to the Status of Refugees. The other forms of status vary from country to country. Each form has a different title, and grants different rights.<sup>221</sup> Refugees enjoy the same rights as any citizen, with the exception of voting and running for office, in all four countries. They are afforded full labour rights and equal access to social assistance, healthcare, education, and all employment services. They also have the right to free movement within the EU for up to three months, but do not have the right to work in other EU countries, unless they possess the appropriate work permits. In addition, they have the right to register into an Integration Programme after status recognition.

**Subsidiary protection**, which is called ‘humanitarian status’ in Bulgaria, is a form of status granted to persons who are at risk in their countries of origin, but do not meet the definition of refugee. They receive the same rights as refugees with certain

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220 Matrix row 1.1

221 Matrix row 1.2

exceptions. For example, renewal of ID or residence permit is scheduled at shorter intervals, while the period after which one has the right to apply for citizenship is longer. They have full labour rights, and can register for integration programmes. Indeed, refugees and people under subsidiary protection usually share the same rights and privileges regarding employment and integration.<sup>222</sup>

**Tolerated status**, which does not exist in Bulgaria, is granted to people who cannot leave a country for various reasons, such as health, penal procedures, etc., and can also include asylum-seekers who were denied protection. Tolerated status is temporary, and its holders must renew it periodically. Individuals with tolerated status are able to work, but do not have access to integration measures. In Poland, tolerated status is a category defined by Polish law, which specifies the support measures these people can participate in. Tolerated status gives asylum-seekers who were denied refugee status the right to legally remain in a country, work, and support themselves until they can be safely returned to their country of origin. However, this status places persons with tolerated status in a state of perpetual uncertainty. Although allowed to work, many tolerated-status holders have difficulty finding jobs. Due to regulations in the four countries governing residence or work permit renewals, it is difficult for them to reach contractual agreements with potential employers. As a result, many of the persons with tolerated status are compelled to take on irregular employment, or find themselves exploited. Despite its complications, tolerated status offers a safety net for many asylum-seekers. The absence of this status in Bulgaria condemns many rejected asylum-seekers to live with insecure legal status; exposed to detention, irregular employment, or poverty.

**Temporary protection** is a group status granted when there is a large influx of asylum-seekers. In Romania and Bulgaria, this is a newly recognized type of protection, and in Bulgaria, it has never been granted. Temporary protection does not exist in Slovakia.

<sup>222</sup> Slovakia was an exception to this. Until May 2013, subsidiary protection holders in Slovakia had limited access to the labour market. They required work permits, and enjoyed limited rights when signing contracts with employers. This obligation changed as of 1 May 2013 with the passage of an amendment (No. 352/2013) to the Act on the Residence of Aliens, which eliminates the need of subsidiary protection holders to obtain work permits. Legally, subsidiary-protection holders enjoy full access to the Slovak labour market, but it is still unknown how long it will take Slovak employers to recognize and respect this change. Slovakia, Amendment No. 352/2013 which changes and amends Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments of Some Acts (Act on Residence of Aliens). The amendment was approved in March 2013.

## Disadvantaged group status

In three out of the four countries surveyed, refugees and holders of subsidiary protection are not considered disadvantaged or a group worthy of special measures or positive action (except when they are part of integration programmes). However, in Slovakia, refugees are recognized as ‘disadvantaged job-seekers’, which allows them to register for special measures offered by the Employment Agency. In Bulgaria, policy makers debated and then rejected the idea of categorizing refugees as a vulnerable group in terms of employment, and therefore do not include them in special employment programmes, such as recruitment subsidies for employers and internships. In line with their policy for non-discriminatory treatment, Bulgaria, Poland and Romania do not recognize the special needs of this group. While integration programmes offer them opportunities like professional training and counselling, these programmes do not guarantee them an equal chance when looking for jobs in the labour market. Integration does not create a level playing field. This research has identified a number of barriers, which place many beneficiaries of international protection in disadvantaged positions vis-à-vis the local population.

## Asylum-seekers

Asylum-seekers do not have automatic access to the labour market when they apply for refugee status in any of the four countries. In order to work, they must wait six months after applying in Poland, and they must wait 12 months after applying in Bulgaria, Romania, and Slovakia. In Bulgaria, asylum-seekers must also apply for a work permit. While waiting to enter the job market, asylum-seekers must receive financial and social support in order to survive. In all four countries, financial support from the state is impossible to live on. Asylum-seekers with no alternative means of support (i.e. family and friends) are forced to take on irregular employment.

Eliminating the need to obtain work permits and shortening the time asylum-seekers are forbidden to work would solve this problem, and allow them a dignified existence while awaiting a decision on asylum. Improving the material and financial conditions during the decision-making process is another option. However, making it easier for asylum-seekers to enter the labour market earlier should be considered carefully. Such a change could compel asylum-seekers to leave reception centres prematurely, thus

losing whatever shelter and financial support they are entitled to by the state. There seems to be no consensus in other EU countries about when to give asylum-seekers access to the labour market. Sweden and Norway give full access immediately, including the right to self-employment. Greece also allows full immediate access, but requires asylum-seekers to obtain a work permit. Belgium, Italy and Spain impose a six-month restriction period. In UK and Cyprus, asylum-seekers are only allowed to work in certain sectors where there are labour shortages.<sup>223</sup> At present, out of the four countries, only Bulgaria is considering legislative reforms, which would improve the access of asylum-seekers to the labour market. This research reveals that Slovakia and Romania also need to shorten the period during which asylum-seekers are forbidden to work, and lessen other restrictive regulations. These changes would allow asylum-seekers to break the cycle of poverty and state dependency by earning an independent income through regular employment.

## II. Institutional Framework

The institutions responsible for asylum-seekers and beneficiaries of international protection include the directorates and agencies of several ministries, international organizations, and NGOs<sup>224</sup>. In Bulgaria, the responsible office is the State Agency for Refugees. In Romania it is the General Inspectorate for Immigration, and in Slovakia it is the Migration Office. Although responsible for refugee integration, these offices also oversee the registration, reception, and asylum-application process of asylum-seekers. The research indicates that the main priorities of these institutions are national security and the management of asylum-seekers. Integration does not appear to be a priority in any of the four countries. The human and material resources allocated by governments for integration are limited. Additional integration services are offered by employment agencies, education directorates, and healthcare units. In Poland, the Ministry of Labour and Social Policy oversees integration, while asylum management falls under the auspices of the Ministry of Interior. NGOs play a complementary but important role in the integration process by filling in the gaps and providing necessary services, most

of which are sponsored by the European Refugee Fund (ERF). According to the findings of this research, NGOs tend to take on core integration activities, such as providing cultural mediation to facilitate cross-cultural communication in Bulgaria, and active employment counselling in Romania and Poland. In these instances, it is crucial that there is cooperation between the different institutions and NGOs. In Bulgaria and Poland, inter-institutional committees meet on a regular basis to discuss integration problems. In addition to these pragmatically focused groups, policy-formulation and impact-assessment working groups, such as Slovakia's Commission on Labour Migration and the Integration of Foreigners<sup>225</sup>, which consists of 40 experts from state institutions and NGOs, meet to discuss legislation and strategy.

The distribution of tasks between state institutions and NGOs raises several questions. Which institution should initially oversee integration? Should integration be conducted from one central institution? Or should different responsibilities, such as the administration of language training, social orientation, vocational training, etc. be shared between organizations? This study maintains that integration oversight should be separate from the sphere of security management, such as in Poland. In all four countries, the specific policy framework identifies employment and language training as the cornerstones of integration. These services must be provided by an institution, which specializes in social support and employment, such as the ministries of labour and social policy. This leads to another point: spreading integration services between organizations may shift responsibility, and render the process less focused, and incoherent, such as in Romania. This study recommends centralizing language training, professional training, counselling, financial aid, housing assistance, and employment assistance in one institutional agency. Such centralization is largely the case in Bulgaria, while in Poland centralization is the policy, but is not always achieved in practice.

<sup>223</sup> See the following link: [http://www.emnbelgium.be/sites/default/files/publications/emn\\_adhoc\\_query\\_at\\_access\\_to\\_the\\_labour\\_market\\_for\\_asylum\\_seekers\\_open\\_14022013.pdf](http://www.emnbelgium.be/sites/default/files/publications/emn_adhoc_query_at_access_to_the_labour_market_for_asylum_seekers_open_14022013.pdf)

<sup>224</sup> Matrix row 1.3

<sup>225</sup> With only a few initial meetings, as a platform for information exchange and discussion between government and non-government experts, this Commission is a positive development.

## III. Policy Framework

### Policy strategies and programmes

As EU Member States, all four countries must follow directives on the drafting of migration strategies and national programmes in order to receive European Refugee Fund support. However, asylum-seekers and refugees are a low-volume low-impact population in all four countries, which often places them off the radar of policy makers and politicians. Policy in all four countries falls short at a basic level – failing to effectively address critical issues. All policy documents identify employment as being crucial to integration.<sup>226</sup> Labour counselling, development of vocational training, education, and qualification recognition are the main priorities of any employment integration strategy. However, there are few specific measures, steps and responsible institutions to implement these priorities. In cases where there is a detailed annual integration plan, such as in Bulgaria, there is no mechanism for controlling and monitoring the work of the various institutions involved.<sup>227</sup>

### Funding

State budgets and the ERF are the main sources of funding for labour market integration measures and programmes. The ERF also funds supplementary integration projects for both asylum-seekers and beneficiaries of international protection. These projects are predominantly managed by NGOs. UNHCR also provides some funding for NGOs involved in advocacy. In Poland, the European Integration Fund sponsors integration for people with tolerated status who do not qualify for refugee support.

In the area of funding, all four countries face similar problems.<sup>228</sup> ERF-funded projects tend to overlap core integration activities rather than complement the main integration process managed by the state. Projects in most of the countries are often short-term (no more than 18 months), which limits their sustainability, scope, and effectiveness. However, the limited duration of these projects is not the fault of ERF regulations, and NGOs are encouraged to apply for project funding over a longer period. Nevertheless, ERF priorities change after every annual funding cycle. At a country level, it is not yet clear how the new Migration and Asylum Fund, which is slated to replace ERF, will work, nor is it known what its funding cycles and priorities will be. While such changes are a symptom of the dynamic asylum processes, they also stand to hinder the continuity of services in areas like language training, legal counselling, etc. Another problem identified in all countries is project evaluation and monitoring, which critics charge are over-bureaucratic and focused on financial details. This narrow focus on evaluation has a tendency to lead to projects that are easy to quantify and measure (i.e. training refugees, producing educational materials), rather than fostering projects that are important, but do not have easily measurable outcomes (i.e. the training of professionals overseeing refugees, counselling sessions, job-search support, etc.) Finally, current payment structures, where partial payment is made at the end of a project or portions of projects are self-funded, tend to prevent smaller NGOs from applying, and limit the number of personnel (cultural mediators, consultants) that can be hired. Such payment practices also discourage direct measures like language and vocational classes, which require substantial financial aid for the duration of a course. In Bulgaria and Poland, there have been reports of late or delayed payments, which create further complications.

226 Matrix row 1.4

227 In 2012 there was a monitoring study commissioned by UNHCR and executed by the Bulgarian Council for Refugees and Migrants and an independent researcher. While this is a much needed instrument it should be noted that it is not part of the state drafted annual plan.

228 Matrix 1.5

## IV. Active Programmes for Beneficiaries of International Protection to Secure Employment

### Asylum-seekers

#### State Integration measures

Integration measures for asylum-seekers are short-term, and generally focused on counselling and providing information. Given the unstable and heterogeneous nature of this population, long-term integration programmes that address their many needs are difficult to design. If asylum-seekers are not provided with clear and effective integration measures immediately upon their arrival in a new country, larger and more serious problems will arise if and when they receive protected status and become refugees. Subsequently, language classes, information dissemination in a language that asylum-seekers understand, adequate financial support, and psychological counselling should be provided to all asylum-seekers. Currently, the material and financial support afforded to asylum-seekers in all four countries is insufficient for maintaining a decent living, with more worrisome levels in Romania and Bulgaria, which provide between EUR 25 and 30 per month. Moreover, only a basic level of language instruction is offered in all four countries, and only for a limited time. Although asylum-seekers must wait a year after submitting their request for asylum before being allowed to work, language acquisition is essential to their long-term economic integration into a host society. Psychological counselling, including therapy for post-traumatic stress disorder, depression, and anxiety should be offered in a language the asylum-seeker understands.

#### Complementary programmes

NGOs supply many integration services to asylum-seekers that state programmes are not providing. There are reports from Poland and Bulgaria that programme leaders

will try to improve services to asylum-seekers by allowing them to informally attend programmes designed for other groups. In other instances, asylum-seekers are invited to attend language classes only if there are available places. Such informal solutions are inadvisable. Integration measures directed at asylum-seekers should be formalized and mainstreamed. Where there is a specific need, programmes should be developed to satisfy it. For example, NGOs offer language classes and assistance with the bureaucratic process. They offer little support to asylum-seekers who have no right to work yet (due to restrictions) or have not obtained a work permit.

### Beneficiaries of International Protection

All four countries have access to the ERF, and have the legal framework to implement integration programmes for beneficiaries of international protection. In other words, they have integration programmes in place that are managed by state agencies, and receive complementary services from partner organizations (NGOs).

#### State managed integration programmes

**Integration programmes** usually consist of counselling sessions, active support for labour market integration, financial and material support, accommodation, and local language instruction. National integration programmes are usually conducted out of reception centres. The national coverage of these programmes varies from country-to-country. The quality of implementation also fluctuates within countries. The different geographic locations have different economic conditions which affect the chances to successfully integrate to a great extent. Usually, national capitals and/or specific areas have a larger and more dynamic labour market, such as the industrialized regions of western Slovakia and western Romania. While it is preferable that all reception centres offer the same high standards, the economic conditions of the areas where centres are located are not taken under consideration in integration programmes.

**Employment Agencies:** In all four countries, coordination between agencies responsible for the economic integration of refugees is inadequate. Overall, employment agencies are not prepared to handle foreign job-seekers – people with limited local-language skills who come from national backgrounds with qualifications

and skill evaluation that differ from the host country's standards. There are many possible reasons why employment agencies are ill-prepared to assist such persons – beneficiaries of international protection as a group are considered too small for agencies to care about; agencies lack the budget and manpower to provide for the special needs of these people; or agencies simply lack information on the situation and rights of beneficiaries of international protection.

**Counselling and Information Sessions:** These services are offered in the integration programmes of all countries. Naturally, they represent an important medium for refugees to receive specific and essential information on their host country. There have been reports of problems with counselling and the dissemination of information in the four countries. For example, they are not offered at all reception centres; they are offered at a given centre, but not in a language that the beneficiary of international protection understands; or cultural-accommodation classes are merged with language classes. Nevertheless, most programmes, at the very least, offer general information concerning the rights and obligations of beneficiaries of international protection. Moreover, cultural mediators are at hand in some centres. Cultural mediators come from the refugee community, and possess advanced language skills, knowledge of asylum procedures, and information on the cultural norms and institutional practices of host countries. Often employed by NGOs, a cultural mediator's insight into the plight of refugees and experience with local conditions make them an invaluable conduit between authorities and beneficiaries of international protection.

## Active support

**Vocational training:** In all four countries, beneficiaries of international protection have access to vocational training offered by national employment agencies. All the countries offer training for free<sup>229</sup>, and in all countries mainstream training is offered in the local language only. In Bulgaria, limited vocational training, consisting of three courses, is offered in reception centres. This is the only example in the region where vocational classes specifically targeting refugees are being held in the reception centres.

<sup>229</sup> The access to free vocational classes might be restricted in some cases, as in the case of Romania where, due to the limited number of subsidized spots in free vocational training, refugees might not be able to participate. Asylum-seekers are not entitled to receive free training offered by the National Employment Agency.

**Job Searching:** Job-search activities, such as programmes that bring refugees in direct contact with potential employers, are not part of integration programmes in any of the four countries. Job fairs, such as those that have been organized in Bulgaria, which include the participation of integration centres, NGOs, beneficiaries of international protection, and employers, are rare examples of proactive measures that bring together all the stakeholders involved in the employment of beneficiaries of international protection and asylum-seekers. However, such measures should be encouraged, perhaps involving also recruitment agencies.

**Language training:** Although this is a pillar of integration in the relevant national policies, the field research has revealed that in the four countries participation in language classes is low. The exception is Poland where the largest population of beneficiaries of international protection (Russian speakers) boast a linguistic affinity with the local language. Subsequently, language acquisition among refugees depends on factors such as the beneficiary of international protection's country of origin, previous education, and opportunities to study and practice the language. Language classes are offered only at a basic level, and the quality of classes varies greatly.<sup>230</sup> Only Bulgaria offers daily classes in its reception centres. However, these courses are only offered at six-month intervals and only at an elementary level.

**Education:** In terms of education, the greatest deficiencies revealed in our research include: a lack of literacy classes, and flawed recognition procedures for diplomas, academic qualifications, and professional experience. Qualification exams are offered only in local languages. Beneficiaries of international protection have the option to continue their education in the host country, and programmes such as Romania's "Second Chance" and Bulgaria's "A New Chance" offer both children and adults the chance to complete a primary or secondary education. These programmes are particularly valuable to adult beneficiaries of international protection who would otherwise be unable to continue their education due to the need to support themselves and their families.

<sup>230</sup> For example, in Poland, language classes held in Warsaw are considered to be of higher quality than those conducted in regional centres. In Slovakia, language classes have been offered in all reception centers since April 2013.



## Partner NGOs

The bulk of the region's integration measures are conducted by partner organizations (NGOs) sponsored by the ERF. Measures that help refugees get jobs, such as language instruction, contact with employers, vocational training, work clubs for job-seekers, internships, and job placements are all provided by NGOs. Moreover, these organizations offer counselling and information sessions, and help refugees navigate the bureaucracies. The main problems associated with the role NGOs are playing include:

- NGOs create parallel support structures that try to compensate for the lack of services provided by the state. (NGO services should complement integration programmes, not substitute them.)
- In this system, support to refugees can be fragmented; many services overlap or become repetitious.
- There exists no proper evaluation system for ERF-sponsored projects, and few studies measure their success. Most concerning is the lack of any system to evaluate the quality of projects (i.e. whether projects are achieving what they set out to do). Instead, nearly all evaluations are quantitative (i.e. measuring the number of students in given course, the number of classes offered in the course, etc.), which does not reveal whether a project has had the desired impact.

## Good practices

In the UNHCR document "Note on the Integration of Refugees in Central Europe,"<sup>231</sup> the agency identifies employment development and capacity building as essential dimensions of refugee integration. Measures that allow refugees free access to the labour market and facilitate the recognition of their qualifications can serve as a foundation on which more essential services can be built. Although a supportive legal and policy framework is vital to integration, measures that build bridges between employers and beneficiaries of international protection are essential. UNHCR's "Note on Integration" recommends programmes to increase the skill level of refugees, and also to allow them to participate in the decision-making process regarding integration.

Access to other types of services, such as volunteer programmes both at the local and European levels, are particularly good practices in that they expand the network of support for beneficiaries of international protection. Poland has been able to cooperate with the EU-funded European Volunteer Service (EVS) in work with refugees. In Slovakia, out-of-work refugees have been included in a disadvantaged job-seekers category, which has given them access to subsidies for voluntary work and business start-ups. Work clubs in Poland and job fairs in Bulgaria are other examples of active measures, which can bring refugees together with potential employers or other refugees also looking for work and opportunities. The specially tailored vocational classes held in Bulgarian integration centres have the advantage of specifically targeting refugees. Another good practice being done in the four countries is the establishment of cultural mediators who are able to facilitate relationships between refugees and local communities. The people selected for these positions are holders of international protections who have been living in the host country for years, and are aware of the obstacles that arise in the integration process. Moreover, their knowledge and their experiences make them invaluable resources for newcomers.

The good practices mentioned above facilitate partnerships among integration stakeholders, raise awareness of refugee issues among employers, and create measures that will help refugees find jobs. These practices also address refugee capacity-building, which, along with employment development, should be dimensions of all economic integration programmes.

231 UNHCR, (2009), UNHCR Note on Refugee Integration in Central Europe. Budapest: United Nations High Commissioner for Refugees Regional Representation for Central Europe.

## V. Discrimination and Other Barriers to Access Employment

### Discrimination

Racial and ethnic discrimination against foreigners with a form of international protection is a major obstacle to integration in the four countries under study. In Bulgaria, experts from SAR and the National Employment Agency voiced their concerns about Bulgarian employers' reluctance to hire foreigners, especially dark-skinned or Muslim foreigners. In Poland, cases of workplace discrimination were reported and in Slovakia and Romania discriminatory practices were noted by employers and public servants. Discrimination against beneficiaries of international protection with respect to employment has many consequences. Such persons face difficulties getting jobs commensurate with their qualifications and skills. They are under-utilized and under-paid. Employers are reluctant to sign contracts with foreigners, forcing them to accept informal labour. In addition, institutional and structural discrimination is even more extensive, but also more elusive. Employers are reluctant to give jobs to asylum-seekers or holders of tolerated and temporary status because they consider them to be high-risk employees (i.e. employees whose situations and availability for work could change at any time.) Certain foreigners lack job skills that are in demand in the local market, and many do not speak the local language at an advanced level. All of these conditions, which are symptomatic of their status, tend to breed inequality and discrimination if support is not forthcoming from the state and society.

### Groups with increased exposure to discrimination

The three groups listed below have been identified as highly vulnerable in all four countries. Due to their special socio-economic background, cultural and societal norms, or other factors such as general health, and dependency condition, these groups are particularly exposed to poverty and social exclusion.

**Low socio-economic groups** have fewer economic resources to help them cope with the transition to another society. This group usually has lower levels of education,

which puts them at greater risk of underemployment, precarious employment, and low-paying jobs.

**Women with children** need extra support for economic integration when they have minors in their care. The lack of a proper support infrastructure and childcare are major impediments for them when trying to secure jobs. The integration programmes must take this group and their special needs into account in order to be able to offer more flexible conditions for participation.

**The elderly** are exposed to poverty when unable to secure formal employment before retirement. Other factors such as health problems and social isolation make it difficult for people in this group to integrate.

Integration programmes addressing each of these groups and their needs should be put in place. It is important to note that these groups suffer from structural inequality (i.e. discrimination by employers, public servants, or society as a whole) more than personal discrimination. However, even if they do not face racism on the street, their background, gender, and age makes them highly vulnerable.<sup>232</sup>

### Other barriers to employment

**Data sharing and collection** is highly relevant because it advances the understanding of the targeted population, and how policies affect its living conditions. Similarly, data sharing is crucial in assessing the success or failure of refugee integration measures, and whether laws are properly being implemented. Despite this, data collection is performed only sporadically in the region. When done, it is usually performed by institutions, which are not qualified to collect and process data.

**The economic crisis** in Central and Eastern Europe has had an enormous effect on services and material aid to beneficiaries of international protection. The economic crisis has led to budget crises, which in turn have caused cuts in social welfare payments to vulnerable groups such as the elderly, women with children, and the

<sup>232</sup> Structural inequality refers here to a condition of vulnerability and exposure to poverty and exclusion reproduced by institutions, cultural patterns, and macro-economic conditions (such as economic downturn).

unemployed. All these vulnerable groups also include refugees and asylum-seekers. Moreover, the crisis has stymied job creation, purchasing power, and the financial growth in all four countries.

## VI. Conclusions and Recommendations

The integration of beneficiaries of international protection in Central Europe is a process that demands the coordinated and synchronized work of various national and regional bodies. This process still remains flawed within individual countries, and special attention must be paid to ensure that asylum policy, the institutions implementing this policy and the needs of this volatile population are in line and balanced. During an economic downturn, the situation of foreigners with a form of protection could worsen due to low employment, reduced social services, and insufficient financial assistance.

Moreover, there is a serious problem in the region with the implementation of laws, policies, and programme strategies. All four countries have ratified international agreements and directives that both require and assist them in protecting foreigners. However, not all these agreements and directives have been properly transposed or being properly implemented.

**Compliance, proper evaluation and access to information** need to be improved. Autonomous compliance mechanisms such as independently funded watchdog organizations should be used to check for abuse by stakeholders, and overall compliance with the law. Watchdog organizations need financial support to function, as well as a well-trained staff with the necessary expertise. Autonomous groups are perfectly suited for the watchdog role because they can empower communities to act, and can lobby for justice and for access to information. But watchdogs should not work alone. The general public and the targeted group should form partnerships that promote their common interests. For example, fair employment conditions and free access to the labour market are goals that numerous groups in society share. In addition, access to information can be

promoted by identifying the types of information to be collected, and by insisting on periodic data collection.

**Legislative and institutional measures** that promote beneficiaries of international protection as a disadvantaged group within the labour market should be considered in all four countries. Such measures might include subsidies for employers who hire beneficiaries of international protection, internship programmes, special training and education, and special job-search consultations tailored to the needs of beneficiaries of international protection. Reducing the amount of bureaucratic paperwork and shortening the time asylum-seekers must wait before entering the labour market (especially in Romania and Slovakia) would speed and enhance integration. It is also recommended that institutions responsible for national security not be responsible for asylum issues, such as overseeing asylum-seekers, reception facilities, status determination procedures, and refugee integration.

**Programme changes** should clearly support this population, and promote empowerment and active-learning as key principles of integration. Furthermore, the economic integration of refugees could be greatly improved by implementing the following measures: increasing material support to asylum-seekers and refugees, offering this community intensive language classes at various levels, offering literacy classes, and making scholarships and financial subsidies available for adults pursuing primary and secondary studies. Such measures would satisfy the broad and nuanced range of needs within the beneficiary of international protection community. Integration should be supplemented by measures that make members of the host community an active part of the programmes. Refugee-specific programmes should be incorporated into larger projects. For example, neighbourhood activities where refugees live, Refugee Day events in schools, and foreign-language classes for disadvantaged minorities are all projects that could receive support from EU-structural funds, education funds, Roma integration funds, etc. The creation of general crisis-assistance programmes are also highly recommended since they could lead to worthy projects, such as creating jobs through subsidies for community work, expediting access to social programmes for disadvantaged job-seekers, and ensuring that inflation figures into financial aid. Services like these stand to reach the most vulnerable members of society as well as refugees. Furthermore, solidarity should be built within the community by including other categories of beneficiaries of international protection (i.e. holders of

tolerated or temporary protection status) and asylum-seekers in larger integration programmes, thus giving these people access to training, education, and counselling that could dramatically improve their lives.

# 8/ Annex 1 – Analytical Matrix

Country	Bulgaria	Poland	Romania	Slovakia
<b>I. Legal Framework</b>				
Main Legal documents	<ul style="list-style-type: none"> <li>• Law on Asylum and Refugees</li> <li>• Law for Encouragement of Employment</li> <li>• Law for Health Insurance</li> <li>• Law for Social Support</li> <li>• Protection against Discrimination Law</li> </ul>	<ul style="list-style-type: none"> <li>• Law on Social Assistance</li> <li>• Law on Promotion of Employment and Labour Market Institutions</li> <li>• Law on Granting Protection to Foreigners within the Territory of the Republic of Poland</li> </ul>	<ul style="list-style-type: none"> <li>• Integration Law 44/2004</li> <li>• Asylum Law 122/2006</li> <li>• Law on the Status of Foreigners 157/2011</li> <li>• National Multiannual Strategy for Integration 2008-2013</li> </ul>	<ul style="list-style-type: none"> <li>• Act on Asylum</li> <li>• Act on Residence of Aliens</li> <li>• Act on Employment Services</li> </ul>
Labour and Social Rights according to Status	<ul style="list-style-type: none"> <li>• Refugee status – full labour rights, free movement in EU up to three months (no labour rights without a work permit), access to healthcare and social benefits, right to register as unemployed, right to access the Integration Programme</li> <li>• Humanitarian status – permanent residents rights, same rights as refugees (except citizenship application and social support access)</li> <li>• Asylum-seekers – temporary residents rights, full labour rights 12 months after application (with a work permit and only on first instance application). Right to accommodation in reception centres, financial aid, health care, right to enrol in language classes in the Integration Programme (if available) and complementary classes by NGOs</li> <li>• No status of vulnerable group in terms of employment</li> </ul>	<ul style="list-style-type: none"> <li>• Refugee status – full labour rights, free movement within EU up to three months (no labour rights without a work permit), access to healthcare and social benefits, right to register as unemployed, access to the Individual Integration Programme</li> <li>• Subsidiary protection – same rights as refugees, right to enrol in the Individual Integration Programme since 2008</li> <li>• Tolerated status – full labour rights, access to education and health care, no right to the Individual Integration Programme, this is not a status of international protection but an institution established by the Polish law</li> <li>• Temporary protection – full labour rights, no right to the Individual Integration Programme</li> <li>• Asylum-seekers – temporary resident rights, gets social benefits and access to healthcare, can stay in reception centres (food, public transport tickets, education materials, school fees, “pocket money”, one-time financial subsidy). They can apply for financial and social support. Work permit granted on request six months after the asylum application submission</li> </ul>	<ul style="list-style-type: none"> <li>• Refugee status – full labour rights, access to social benefits, free movement within EU up to three months (no labour rights without a work permit), right to register as unemployed, right to access the Integration Programme</li> <li>• Subsidiary protection – same as refugees except with respect to access to citizenship and residence permit</li> <li>• Tolerated status – full labour rights, no right to social benefits, no right to access the Integration programme</li> <li>• Asylum-seekers – full labour rights 12 months after application, financial aid, accommodation in reception centre</li> </ul>	<ul style="list-style-type: none"> <li>• Refugee status – access to social benefits, full labour rights, access to health care and social benefits, free movement within EU up to three months (no labour rights without a work permit), access to long-term residence and citizenship. Refugees are recognized as disadvantaged jobseekers and eligible for active labour market measures.</li> <li>• Humanitarian status – permanent residents rights, full labour rights, access to social benefits, access to long-term residence and citizenship</li> <li>• Subsidiary protection – temporary residents rights, renewed every year, obligatory work permit up to April 2013, full labour rights (will come into force in May 2013), limited access to long-term residence (from May 2013)</li> <li>• Asylum-seekers – temporary residents rights, labour rights 12 months after application</li> </ul>



Country	Bulgaria	Poland	Romania	Slovakia
Institutions	<ul style="list-style-type: none"> <li>• State Agency for Refugees</li> <li>• Ministry of Labour and Social Policy</li> <li>• Employment Agency and regional Employment Bureaux; Social Support Directorate</li> <li>• Ministry of Education, Youth and Science: National Centre for Information and Documentation and Regional Inspectorates</li> <li>• Integration Committee (inter-institutional body)</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Interior, Office for Foreigners</li> <li>• Ministry of Labour and Social Policy, Department of Assistance and Social Integration</li> <li>• The inter-ministerial Committee on Migration</li> <li>• Ministry of Education</li> <li>• Ministry of Health</li> <li>• The Ombudsman Office, with Expert Commission for Migration</li> <li>• the Government's Plenipotentiary for Equal Treatment</li> <li>• At the local level: District Centres for Family Assistance (running the Individual Integration Programme), Local Centres for Social Assistance, local and regional authorities, Regional and District Employment Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Interior: Inspectorate for Immigration</li> <li>• Ministry for Labour, Family, Social Protection and the Elderly: National Employment Agency; National Authority for Social Services</li> <li>• Ministry of Education: National Agency for Qualifications</li> <li>• Ministry of Health</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Interior, Migration Office</li> <li>• Ministry of Labour, Social Affairs, and Family: Centre for Coordination and Integration of Foreigners; Central Office of Labour, Social Affairs and Family</li> <li>• Ministry of Education: Centre for Recognition of Diplomas</li> </ul>
II. Policy Framework	<ul style="list-style-type: none"> <li>• National Strategy on Migration, Asylum and Integration 2011-2020</li> <li>• National Programme for the Integration of Refugees 2011-2013</li> <li>• ERF Multiannual Programme 2008-2013</li> </ul>	<ul style="list-style-type: none"> <li>• Migration Policy of Poland (2012) – the current state of play and further actions</li> <li>• Currently the Ministry of Labour and Social Policy works on an integration policy that will cover issues of integration of beneficiaries of international protection</li> </ul>	<ul style="list-style-type: none"> <li>• National Multiannual Strategy for 2008-2013</li> <li>• Annual programmes 2008, 2009, 2010, 2011</li> </ul>	<ul style="list-style-type: none"> <li>• Migration policy of the Slovak Republic Perspective 2011-2020 (2011)</li> <li>• Action Plan of Migration Policy in Domain of the Ministry of Labour, Social Affairs and Family of the Slovak Republic 2012 – 2013 (2012)</li> <li>• The Concept of Foreigners integration in the Slovak Republic (2009)</li> <li>• The Concept of Migration Policy of the Slovak Republic (2005)</li> <li>• Complex Solution for the Process of Integration of Foreigners with Refugee Status (1996)</li> </ul>

Country	Bulgaria	Poland	Romania	Slovakia
<b>III. Funding schemes</b>	<ul style="list-style-type: none"> <li>• European Refugee Fund – 75%</li> <li>• State Agency for Refugees – 25%</li> <li>• UNHCR (advocacy funding)</li> </ul>	<ul style="list-style-type: none"> <li>• State budget</li> <li>• European Fund for the Integration of the Third Country Nationals</li> <li>• European Refugee Fund</li> <li>• Batory Foundation</li> <li>• County funds</li> <li>• Municipal money</li> </ul>	<ul style="list-style-type: none"> <li>• European Refugee Fund – 75%</li> <li>• Ministry of Interior, Immigration Office – 20%</li> <li>• 5% funding from the prospective grantee</li> <li>• UNHCR (advocacy funding)</li> </ul>	<ul style="list-style-type: none"> <li>• European Refugee Fund – 75%</li> <li>• Ministry of Interior: Migration Office and Foreign Aid Department – 25%</li> </ul>
<b>IV. National Strategies</b>				
Objectives	<ul style="list-style-type: none"> <li>• Integration measures, vocational training, orientation sessions, assistance</li> <li>• Employment: non-discrimination principle and treatment equal to all Bulgarian citizens</li> </ul>	<ul style="list-style-type: none"> <li>• Increased cohesion of actions undertaken towards foreigners, adaptation of migration policy to labour market priorities, recommended to introduce pre-integration programmes for persons applying for refugee status, as well as streamlining of integration programmes</li> <li>• Monitoring of migration phenomena in Poland, including the collection of data and carrying out regular analyses of individual aspects of migration by state bodies</li> </ul>	<ul style="list-style-type: none"> <li>• Counselling and assistance in finding housing, employment, healthcare, social and psychological care</li> <li>• Developing vocational classes and professional training programmes, recognizing previous academic and professional experience</li> </ul>	<ul style="list-style-type: none"> <li>• Priorities: activities consisting of social and legal counselling, equal opportunities, language courses, vocational training, support with accommodation and economic integration</li> </ul>
Gaps	<ul style="list-style-type: none"> <li>• Long list of activities enumerated in the national integration strategy, not all have been implemented</li> <li>• No clear distribution of responsibilities between institutions</li> <li>• The Programme only takes place in the Integration Centre in Sofia</li> <li>• Contradiction within the law regarding the integration programme duration (the law allows six months, the programme allows twelve)</li> </ul>	<ul style="list-style-type: none"> <li>• The issue of integration of foreigners is not high in the agenda of the government</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of focus, especially when specifying tangible actions to tackle employment issues.</li> <li>• the minimal financial aid reserved for these groups which is problematic</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of awareness on integration specifics</li> <li>• Fragmentation of responsibility among several institutional players</li> <li>• Concentration on persons recognized as refugees, overlooking rights of persons with a subsidiary protection</li> <li>• Missing broader integration coverage such as social and cultural trainings provided to beneficiaries of international protection</li> <li>• Lack of local and municipality level involvement in policy making and responsibility sharing</li> </ul>

Country	Bulgaria	Poland	Romania	Slovakia
<b>V. State Integration Programmes</b>	<ul style="list-style-type: none"> <li>• State Agency for Refugees Integration Centre: language and some vocational training, financial support, health care, rent subsidies or free accommodation</li> <li>• National Employment Agency and the Social Protection Directorate do not provide targeted services for beneficiaries of international protection, NGO involvement is complementary and minor</li> </ul>	<ul style="list-style-type: none"> <li>• Individual Integration Programme (IIP) run by the District and Local Centres for Family Assistance for 12 months</li> <li>• Assistance: financial, subsidy for Polish language courses, counselling, assistance with accommodation search, social work</li> </ul>	<ul style="list-style-type: none"> <li>• Immigration Office integration programme for nine months, which also involves the participation of the National Employment Agency and other ministries, all responsible for the integration of foreigners with a form of protection in their domain of expertise</li> </ul>	<ul style="list-style-type: none"> <li>• Accommodation, food, health care for asylum applicants, expenditures on integration process</li> <li>• After refugee status recognition: placement in the integration centre (for six months) or apartments, language and vocational training, social assistance with job search and accommodation</li> <li>• After six months (may last longer) NGOs provide integration activities: material support, social counselling, vocational trainings, language trainings, etc. from ERF sources</li> </ul>
Counselling	<ul style="list-style-type: none"> <li>• Social counselling and orientation. No social workers or social mediators. Experts working in the Integration centre and mediators for asylum-seekers take on the role informally</li> <li>• ERF-funded social mediators working with asylum-seekers provide consultations and assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Information provision to refugees regarding assistance available within the programme (IIP)</li> <li>• Supporting refugees in their integration with the local environment and in initiating contact with the local centre of social care agency (IIP)</li> <li>• Providing refugees with other types of assistance depending on their unique situation (IIP)</li> </ul>	<ul style="list-style-type: none"> <li>• National Employment Agency: counselling sessions</li> <li>• General Inspectorate for Immigration</li> <li>• Cultural orientation, history and geography, and hygiene sessions are not regularly offered. These topics are covered during the Romanian language course or by the counsellor in individual sessions</li> <li>• GII: Refugee labour market integration counselling and information sessions are offered at the centre</li> </ul>	<ul style="list-style-type: none"> <li>• Asylum-seekers and beneficiaries of international protection have access to social, psychological and legal counselling both in and outside of reception centres. The counselling is mainly provided by NGOs</li> <li>• Labour market integration counselling for beneficiaries of international protection provided by NGOs as a complementary service to other integration support</li> <li>• Social and cultural orientation courses provided by IOM in Bratislava and Košice</li> </ul>
Active Support	<ul style="list-style-type: none"> <li>• Vocational training at the Integration centre includes three courses: hairdressing, tailoring, and cosmetics</li> </ul>	<ul style="list-style-type: none"> <li>• Social work with the refugee and his or her family</li> <li>• Assistance in housing search</li> </ul>	<ul style="list-style-type: none"> <li>• ANOFM: qualification and re-qualification classes (vocational classes) only in Romanian, they are not for free</li> </ul>	<ul style="list-style-type: none"> <li>• Language and vocational trainings</li> <li>• Employment agency offers vocational classes for categories of disadvantaged people; refugees cannot access them</li> </ul>

Country	Bulgaria	Poland	Romania	Slovakia
Language	<ul style="list-style-type: none"> <li>• Language training (daily four hour course, morning and afternoon groups)</li> <li>• Asylum-seekers can enrol in the courses as well, if there are free places</li> <li>• Six month-cycle, no appropriate level placement</li> </ul>	<ul style="list-style-type: none"> <li>• Within the Individual Integration Programme, individuals receive money to cover the cost of language courses organized by state and private institutions (12 months)</li> </ul>	<ul style="list-style-type: none"> <li>• IGI: twice a week at a local school, situated in the vicinity of the centre. Each session lasts for two hours. The language programme lasts for one year and it is not organized by language level</li> </ul>	<ul style="list-style-type: none"> <li>• Slovak language training in reception facilities for asylum applicants and beneficiaries of international protection</li> <li>• Six hours per week and testing every three months</li> </ul>
Education	<ul style="list-style-type: none"> <li>• National Centre for Information and Documentation recognizes BA and MA degrees obtained abroad. Since 2010 PhD's are recognized individually by the respective employer or higher education institution</li> <li>• Recognition of primary and high school education is coordinated by an expert committee of the regional inspectorates of the Ministry of Education. A decision is issued within two months. Applicants need a legalized and translated diploma and a detailed transcript for a completed Degree.</li> <li>• New Chance Programme</li> </ul>	<ul style="list-style-type: none"> <li>• Slow diploma recognition procedures</li> <li>• Requirements to take additional courses and pass additional exams to have a degree recognized</li> <li>• Frequent cases when documents certifying education are lost and impossible to retrieve</li> </ul>	<ul style="list-style-type: none"> <li>• ANOFM: competency evaluation tests in Romanian, not for free</li> <li>• Diplomas are hard to recognize</li> <li>• Second Chance Programme</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Education: Centre for Recognition of Diplomas</li> <li>• Diploma recognition is subject to Apostille (super-legalization)</li> <li>• Diploma recognition relatively complicated, long, expensive, and bureaucratic process</li> </ul>

Country	Bulgaria	Poland	Romania	Slovakia
VI. Partner NGOs	<ul style="list-style-type: none"> <li>• NGOs work primarily in Sofia (with the exception of legal support)</li> <li>• Projects cover flexible language training, health care for uninsured beneficiaries of international protection, legal support, labour exchanges, business trainings, media campaigns, and trainings for public servants, judges and health care specialists</li> </ul>	<ul style="list-style-type: none"> <li>• District and Local Centres for Family Assistance cooperate with NGOs that provide services such as language courses, psychological counselling, skill trainings and labour market assistance</li> <li>• NGOs initiate many programmes and projects aimed at foreigners' integration on their own, they assess the existing needs independently of state institutions and programmes</li> <li>• Most NGOs working on foreigners' integration are located in Warsaw</li> </ul>	<ul style="list-style-type: none"> <li>• Between 2007 and 2011 there were 17 projects, including: Romanian language classes for foreigners, a study on the social integration of foreigners in Romania, financing a series of information sessions for public workers, and a media campaign for the general public. Eleven projects were focused on dissemination of information and counselling</li> <li>• Overlapping of activities and actions between these projects, which cover only three urban areas (Bucharest, Timisoara, and Galati), excepting the one nationwide media campaign</li> <li>• From 2012 on: have increased in length, having projects that cover up to 3 years</li> </ul>	<ul style="list-style-type: none"> <li>• Partner NGOs play crucial role with implementation of integration measures and activities</li> </ul>
Counselling	<ul style="list-style-type: none"> <li>• The Migrant and Refugee Service of the Bulgarian Red Cross (BRC) offers social counselling in English, Arabic and French</li> <li>• BRC employs social mediators for asylum-seekers under an ERF project</li> <li>• Council of Refugee Women provides social counselling and mediation with one employee and many volunteers</li> </ul>	<ul style="list-style-type: none"> <li>• All NGOs in Warsaw and outside of Warsaw provide counselling to foreigners, there is a division of labour between NGOs in Warsaw, some specialize more in labour counselling, others in legal counselling, psychological counselling or cultural mediation. Outside Warsaw particular NGOs try to provide a comprehensive set of counselling services since there are fewer organizations (e.g. Caritas and Fundacja Edukacji i Twórczości in Białystok)</li> </ul>	<ul style="list-style-type: none"> <li>• Counselling and information sessions are listed as primary activities in five out of six programmes</li> <li>• Educational and sanitary counselling (ICAR), information seminars for journalists (Intercultural Centre Timisoara)</li> <li>• Labour Market Counselling and Information Sessions offered by ARCA. ARCA is mostly specialized on advocacy and lobbying. Training takes place in the centre</li> </ul>	<ul style="list-style-type: none"> <li>• Slovak Humanitarian Council (SHR) implements several projects directly targeted at legal assistance and vocational training</li> <li>• Human Rights League (HRL) provides free and comprehensive legal counselling</li> </ul>

Country	Bulgaria	Poland	Romania	Slovakia
Active Support	<ul style="list-style-type: none"> <li>Labour fairs</li> <li>Professional training</li> <li>Entrepreneurship: Forum</li> </ul> <p>Association offered a course, funded by ERF</p> <ul style="list-style-type: none"> <li>In March 2013 the Red Cross started a project on small business start-up assistance for disadvantaged job seekers (including beneficiaries of international protection)</li> <li>Alternative professional training is to be developed in cooperation with the Integration Centre through contacts with the National Chamber of Crafts and NGOs offering different courses.</li> </ul>	<ul style="list-style-type: none"> <li>Work Clubs, labour market workshops, CV writing workshops, programmes with internship placements, active job search assistance, training courses: cosmetics, cuisine, computer courses, tailoring</li> <li>PAH – Work Club</li> <li>Fundacja dla Somali - active job search and devising strategies to place foreigners in various companies, active promotion of foreigners in various workplaces, maintaining contact with employers by an informal monitoring of their experience with the employed foreigners, a new project to teach foreigners how to run their own business in Poland.</li> <li>Fundacja Edukacji i Twórczości in Białystok – ran a project in 2009 to place beneficiaries of international protection as interns in various companies. Also runs vocational training courses and employs refugees</li> <li>SINTAR – employs refugees</li> </ul>	<ul style="list-style-type: none"> <li>Registration for vocational courses (IOM)</li> <li>Subsidies for vocational classes offered by JRS and intercultural counsellor positions offered to foreigners with a form of protection</li> <li>Intercultural Centre Timisoara, JRS, and ARCA all offer papers confirming their status and their rights (most of the times these are printed version of the law)</li> <li>JRS is organizing vocational classes and integration programmes for refugees and asylum-seekers, with a focus on accessing the labour market</li> </ul>	<ul style="list-style-type: none"> <li>Supporting activities to labour market integration (such as preparation for a job interview, direct communication with an employer), assistance related to work permits for subsidiary protection holders, assistance with administration and bureaucracy related to beneficiaries of international protection. Slovak Humanitarian Council also provides material assistance and social counselling</li> <li>HRL provides language courses and vocational trainings</li> <li>Lobbying</li> <li>Watchdog activities related to policymaking</li> </ul>
Service providers of Language Training	<ul style="list-style-type: none"> <li>'Flexible form' language courses provided by Caritas Bulgaria. The course is twice a week, in the evenings</li> <li>Social Centre Adelante also offers alternative language courses on a voluntary basis</li> </ul>	<ul style="list-style-type: none"> <li>Polish language courses are provided by a number of NGOs, private schools and volunteers</li> </ul>	<ul style="list-style-type: none"> <li>JRS and ARCA provide language courses</li> </ul>	<ul style="list-style-type: none"> <li>SHR and HRL provide language courses</li> </ul>



## 9/ Annex 2 – Methodology

The research was conducted between February and March 2013 in Bulgaria, Poland, Romania, and Slovakia. Therefore, the information collected covers the latest available data by the time of the research. However, in case of significant legislative, policy or data changes, this information was added after the research was concluded in order to portray the situation as accurately as possible. The research was structured in three stages as detailed below. For the interviews with beneficiaries of international protection, the participants received financial compensation.

### Desk research

- Analysis of legal and policy developments in each country pertaining to migration management and labour market integration of beneficiaries of international protection.
- Overview of previous reports and academic literature on migration trends, with a special focus on refugees and asylum-seekers reception, integration and employment, and the way these issues relate to the general labour market dynamics in the respective countries.

### Quantitative research

- Analysis of existing statistics on refugee employment in receiving states of Central Europe: 1) labour market trends 2) asylum trends 3) refugee labour market participation trends.

### Qualitative Research

- Analysis of micro level practices in order to trace the implementation of employment-related integration policies and the effect they have on the experience of individual beneficiaries of international protection.
- Analysis of particular state and non-governmental initiatives for integration and employment and the way they are applied in practice.
- Interviews: In each country, Minimum six interviews with stakeholders and minimum ten with beneficiaries of international protection were conducted in both group and individual interviews setting.

## Bulgaria

### Interviews with stakeholders

1. State Agency for Refugees, Integration Centre, Integration expert
2. State Agency for Refugees, Integration Centre, Employment expert
3. State Agency for Refugees, Integration Centre, Director
4. State Agency for Refugees, Integration Centre, Bulgarian language teacher
5. Ministry of Labour and Social Policy, Employment Agency, expert
6. Ministry of Labour and Social Policy, European Integration Fund for Third Country Nationals, expert
7. Bulgarian Red Cross, Migrant and Refugee Service, head of unit
8. Bulgarian Red Cross, Migrant and Refugee Service, social counsellor
9. Bulgarian Red Cross, Migrant and Refugee Service, social mediator
10. Caritas, migration expert
11. The Council of Refugee Women in Bulgaria, head
12. PhD anthropology student working on issues pertaining to asylum-seekers in Bulgaria

### Interviews with asylum-seekers and beneficiaries of international protection

1. Total number of people interviewed – 16
2. Number of asylum-seekers – 6
3. Number of beneficiaries of international protection – 10
4. Collective interview in groups of two, three, or four people – 4 (12 people altogether)
5. Individual interviews – 4

The gender ratio is seven women (three asylum-seekers and four beneficiaries of international protection) and nine men (three asylum-seekers and six beneficiaries of international protection). Countries of origin: Iraq, Afghanistan, Syria, Somalia, Rwanda, and Cameroon.

Collective interviews with asylum-seekers were conducted in informal settings (in a flat and in a café), one of the collective interviews with recently recognized beneficiaries of international protection took place in the Integration Centre, the other

one in a café. Two of the interviews took place in the Council of Refugee Women, and two in informal settings. A translator from Arabic was used for one of the collective interviews and for two of the individual interviews. The rest of the interviews were conducted in English or Bulgarian.

## Poland

### Interviews with stakeholders

1. Polish Humanitarian Action in Warsaw, labour advisor
2. Fundacja “Ocalenie” in Warsaw, expert from the Centrum Pomocy Cudzoziemcom in Warsaw
3. Fundacja dla Somalii in Warsaw, cultural mediator and translator
4. Instytut Spraw Publicznych in Warsaw, expert on migration and refugees
5. Stopwarzyszenie Interwencji Prawnej in Warsaw, legal advisor
6. Caritas in Białystok, labour advisor
7. Fundacja Edukacji i Twórczości in Białystok, cultural mediator
8. District Labour Office in Gdańsk, expert
9. Ministry of Labour and Social Policy, Department of Labour Market, expert

### Interviews with asylum-seekers and beneficiaries of international protection

1. Total number of people interviewed – 11
2. Number of asylum-seekers – 2
3. Number of refugees – 6
4. Number of persons with tolerated status – 2
5. Number of people with subsidiary protection – 1
6. Number of women – 4
7. Number of men – 7

Two focus groups were conducted. The first focus group comprised of three Chechens (two men and one woman). The second group comprised of four Chechens (two men and two women) and three Belarusians (three men). Both focus groups were conducted according to a standardized interview scenario and were recorded. The first focus group lasted for two hours; the second focus group lasted for over

three hours. Additionally, an in-depth interview with a female asylum-seeker from Iran was conducted.

## Romania

### Interviews with stakeholders

1. ARCA, NGO, two social workers and a legal counsellor
2. JRS, NGO, labour councillor
3. ADO SAH ROM, NGO, social worker
4. National Employment Agency, two labour councillors
5. General Inspectorate for Immigration, an integration agent, a psychologist
6. Reception Centre, integration agent

### Interviews with asylum-seekers and beneficiaries of international protection

1. Total number of people interviewed – 10
2. Number of asylum-seekers – 1
3. Number of refugees – 6
4. Number of persons with tolerated status – 3
5. Number of women – 4
6. Number of men – 6

Two group interviews and three individual interviews were conducted. Countries of origin: Afghanistan, Egypt, Palestine, Nigeria, Rwanda and Iran.

## Slovakia

### Interviews with stakeholders

1. Centre on Coordination of Integration of Foreigners, Ministry of Labour, Social Affairs and Family, representative
2. The Goodwill Society, representative
3. Migration Office, Department of Migration and Integration, representative
4. Migration Office, Department of Foreign Aid and Project, three representatives

5. Slovak Humanitarian Council, two social workers
6. Legal Expert, representative (consultation)

### Interviews with asylum-seekers and beneficiaries of international protection

1. Total number of people interviewed – 10
2. Number of refugees – 6
3. Number of subsidiary protection holders: 4
4. Number of men – 6
5. Number of women – 4

Two group interviews and six in-depth interviews with individuals were conducted.

Continents of origin: Europe, Asia and Africa

Region of stay: Eastern, Central and Western Slovakia.



# Access to Employment

for Beneficiaries of International Protection in Bulgaria, Poland, Romania and Slovakia

This report is available online at:  
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Layout & design: studio KUTULULU



This Project is co-financed by the European Refugee Fund

