



# UNHCR

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

## Note on the Integration of Refugees in the European Union

### Introduction

1. The integration of refugees is a dynamic and multifaceted two-way process which requires efforts by all parties concerned, including a preparedness on the part of refugees to adapt to the host society without having to forego their own cultural identity, and a corresponding readiness on the part of host communities and public institutions to welcome refugees and meet the needs of a diverse population. The process of integration is complex and gradual, comprising distinct but inter-related legal, economic, social and cultural dimensions, all of which are important for refugees' ability to integrate successfully as fully included members of society.<sup>1</sup>

2. The 1951 Convention relating to the Status of Refugees (hereinafter 1951 Convention) and its 1967 Protocol place considerable emphasis on the integration of refugees. The 1951 Convention enumerates social and economic rights designed to assist integration, and in its Article 34 calls on States to facilitate the "assimilation and naturalization" of refugees. UNHCR's Executive Committee has recognized that integration into their host societies is the principal durable solution for refugees in the industrialized world.<sup>2</sup> This Note highlights some existing gaps in the integration of refugees in the European Union (EU), and formulates a number of policy recommendations in order to strengthen policy and practice in this area.<sup>3</sup>

3. The term "refugee" as used in this Note applies to all persons recognized by EU Member States under the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, as well as to persons who have entered EU Member States through UNHCR resettlement programmes and to those who have been granted subsidiary protection.<sup>4</sup>

4. UNHCR has consistently advocated for beneficiaries of subsidiary protection in the European Union to be accorded the same level of integration facilities as persons recognized as refugees under the 1951 Convention. Their need for international

<sup>1</sup> UNHCR Executive Committee, Conclusion on Local Integration, No. 104 (LVI) – 2005, preamble and (k).

<sup>2</sup> *Ibid.*, para. (d): The Executive Committee "[n]otes that the 1951 Convention and its 1967 Protocol set out rights and minimum standards for the treatment of refugees that are geared towards the process of integration," and "(j) Welcomes the practice in States with developed asylum systems of allowing refugees to integrate locally".

<sup>3</sup> This Note builds on comments provided by UNHCR in the past, including its comments of 1 July 2003 on Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum-seekers, OJ L 31/18, 6.02.2003 (the "Reception Conditions Directive"); and its November 2005 Observations on the European Commission Communication "A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union" (COM (2005) 389 final, 1.9.2005). Experiences and highlights of best practices relating to integration can also be found in *Refugee Resettlement: An International Handbook to Guide Reception and Integration*, UNHCR, September 2002. The Handbook, which touches upon a variety of areas including, among others, language training, housing, health, employment and managing relations with host communities, was developed in close co-operation with resettlement countries. Its content is also largely applicable to spontaneously arriving refugees.

<sup>4</sup> For relevant definitions and criteria for refugee status and subsidiary protection under EC law, see Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, OJ L 304/12, 30.9.2004 (the 'Qualification Directive').

protection is equally compelling and frequently as long in duration as that of refugees. The question therefore arises whether, at least with regard to certain rights, the existing differential treatment is justifiable in light of the principle of non-discrimination.<sup>5</sup> Integration measures for persons granted subsidiary protection would also enhance their capacity to contribute productively to the societies which have accepted them.

5. UNHCR has recently conducted assessments in several EU countries in which refugee men, women, boys and girls have participated. These assessments have revealed what refugees perceive as key obstacles to integration. These include:

- difficulties due to lack of knowledge of local languages and differing cultures;
- discrimination and unreceptive attitudes towards foreigners;
- lack of understanding within host societies of the specific situation of refugees;
- psychological impact of protracted inactivity during asylum procedures;
- limited access to rights for persons with subsidiary protection.

### **Inclusion of Refugees in General Integration Plans for Migrants**

6. Many integration challenges faced by refugees are similar to those faced by other third country nationals staying legally in the European Union. Discrimination and xenophobic attitudes affect refugees and other migrants alike, as does the need to bridge language and cultural barriers, including those relating to different gender roles. Preference given to nationals by employers as well as for housing are examples of the kinds of obstacles that both refugees and other migrants may face.

7. Integration policies for refugees should, therefore, be mainstreamed in general integration plans drawn up for third country nationals generally. At EU level, important steps have been taken towards the development of common policies, approaches and tools on integration across Member States, which can also assist the integration of persons in need of international protection.<sup>6</sup> In other policy areas, strategies to combat

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<sup>5</sup> The principle of non-discrimination is set out in a number of human rights instruments including Article 2 of the Universal Declaration of Human Rights, Articles 2 and 26 of the International Covenant on Civil and Political Rights, Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 2 of the International Covenant on Economic, Social and Cultural Rights, Article 2 of the Convention on the Rights of the Child. The UN Human Rights Committee (General Comment No. 18: Non-discrimination, para. 13) expressed a general principle of human rights law according to which differentiation of treatment is only allowed if “the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant”. This approach has essentially also been taken by the European Court on Human Rights, affirming that in the exercise of a right laid down in the Convention the “principle of equality of treatment is violated if the distinction has no objective and reasonable justification” (see *Belgian Linguistic case*, Judgment of 23 July 1968, Series A, No. 6, paragraph 10). In *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, the Court held that “a difference of treatment is discriminatory if it ‘has no objective and reasonable justification’, that is, if it does not pursue a ‘legitimate aim’ or if there is not a ‘reasonable relationship of proportionality between the means employed and the aim sought to be realized’” (judgment of 28 May 1985, Series A, No. 94, para. 72).

<sup>6</sup> Existing policies and materials developed by the European Union on integration should be applied where relevant to guide the integration of refugees and subsidiary protection beneficiaries. These include the Common Basic Principles adopted by the JHA Council on 19 November 2004 ([http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/jha/82745.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf)); the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on immigration, integration and employment, COM/2003/0336 final, 3.6.2003; Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – A Common Agenda for Integration – Framework for the Integration of Third-Country Nationals in the European Union, COM(2005) 389 final, 1.9.2005; and the European Communities (Directorate-General for Justice, Freedom and Security) *Handbook on Integration for Policy-Makers and Practitioners*, Luxembourg: Office for Official Publications of the European Communities, 2004 ([http://ec.europa.eu/justice\\_home/doc\\_centre/immigration/integration/doc/handbook\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/immigration/integration/doc/handbook_en.pdf)). From 2008, the Integration Fund which is part of the EC’s Framework Programme on Solidarity and Management of Migration Flows for 2007-2013 will also provide significant financial resources to support integration activities in Member States which should also address

racism and xenophobia, policies aimed at strengthening gender equality, measures to enhance participation in community activities, in particular of women and adolescents, and confidence-building initiatives with host communities can also benefit refugees as well as other migrants, particularly if they are planned in consultation with refugee and other immigrant communities themselves. Similarly, policies recognizing that each individual may need different forms of integration support, depending on personal circumstances, are likely to provide a more targeted response. Close cooperation among actors working in the field of refugee protection and those involved in the planning and implementation of integration policies at national or regional level is therefore required.

### **Reception of Asylum-seekers and Integration**

8. There are important differences between refugees and other newcomers. First of all, in regard to those refugees who arrive in EU Member States as asylum-seekers, there is a need to understand the implications of reception policies for integration.<sup>7</sup> While it is not UNHCR's position that the full range of integration programmes for refugees should be extended to asylum-seekers, the Office considers that reception policies are more effective if they are guided by the potential longer-term outcomes of the process: the integration of asylum-seekers who are ultimately recognized as refugees or beneficiaries of subsidiary protection, and sustainable return and re-integration of those whose claims are unsuccessful.<sup>8</sup>

9. By the time of recognition, refugees may have been in their host countries for prolonged periods, sometimes for many years, awaiting the outcome of their asylum claims. During this time they will have gathered experiences and impressions of the host community which may or may not enhance their prospects of successful integration. Being admitted to an asylum procedure does not mark the end of insecurity: factors such as homelessness, life in a reception or detention centre, isolation and separation from family, restrictions on the right to work, dependency on in-kind benefits, and the stigma often associated with being an asylum-seeker can have lasting and debilitating effects on asylum-seekers, compelling them to conduct their lives on the margins of society. Nor does recognition automatically mean a return to normality; it may be difficult for both the refugee and the host community to begin anew.

10. Reception policies for asylum-seekers should be designed to minimize isolation and separation from host communities and should provide for effective language and vocational skills development, and assistance to pursue employment. Access to employment should be granted progressively, taking into account the duration of asylum procedures. Where procedures are lengthy, asylum-seekers should have access

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people in need of international protection.

<sup>7</sup> For more information on reception conditions, see UNHCR Executive Committee, Conclusion on Reception of Asylum-seekers in the Context of Individual Asylum Systems, No. 93 (LIII) – 2002; UNHCR, Reception of Asylum-seekers, including Standards of Treatment, in the Context of Individual Asylum Systems, paper prepared in the context of the Global Consultations on International Protection, EC/GC/01/17, 4 September 2001 and the documents listed in note 3.

<sup>8</sup> UNHCR, Reception of Asylum-seekers, including Standards of Treatment, in the Context of Individual Asylum Systems, paper prepared in the context of the Global Consultations on International Protection, EC/GC/01/17, 4 September 2001, para. 13. See also UNHCR's comments of 1 July 2003 on Council Directive 2003/9/EC of 27 January 2003 laying down Minimum Standards for the Reception of Asylum-Seekers (OJ L 31/18, 6.02.2003 (the 'Reception Conditions Directive'). The Reception Conditions Directive does not address the link between reception policies and integration.

to a broader range of benefits and services, in view of the negative impact of an extended period of insecurity.<sup>9</sup> Such an approach would build on individual skills and resources and empower asylum-seekers and refugees to become active members of society, thus increasing their chances of successful integration in the host state or re-integration in their own country upon return.

11. Language is vital for integration; it facilitates the active participation of children in school, is important for accessing employment in the host country and may also be a valuable additional asset upon return home. Language training not only helps adults to adjust to their new environment; it also reduces the burden on children who are often called upon to serve as interpreters for adult family members. In UNHCR's view, language training should generally be provided upon commencement of the asylum procedure, unless it is reasonably foreseen that the asylum-seeker will stay in the country for a period not exceeding a few weeks. To increase its efficiency, language training should be adapted to the divergent learning capacities of asylum-seekers and convey key information about the host society and its functioning.

12. Vocational training also has an empowering effect. It enables asylum-seekers to meet the host population on equal terms rather than as recipients of services, and facilitates access to employment in case permission to remain is granted. Vocational training may also be beneficial for reintegration upon return of rejected asylum-seekers, as it can open new employment opportunities in the home country.

13. Accommodation which allows for relations to be built with the host community is important for future integration. Detention, even if for a short period of time, may have lasting effects on individuals and on their ability to adjust to and integrate in the host society, particularly in the case of children and traumatized persons.<sup>10</sup> Collective reception centres, while meeting the asylum-seekers' immediate housing needs, may have the effect of isolating them from host communities. Frequent changes of place of residence exacerbate instability and hinder active participation of children at school. UNHCR encourages the establishment of mentoring programmes and of schemes involving host communities and asylum-seekers, such as local development projects, sports or arts and crafts, and encourages EU Member States to support these. Such projects can boost self-esteem and the sense of belonging, which is important for future integration.

14. The workplace offers extremely important opportunities for positive socialization and for the development of resourcefulness. Employment provides the individual not only with an income but also with independence, social status, and recognition. UNHCR's Executive Committee has recognized that promoting the self-reliance of refugees from the outset will enhance the sustainability of any future durable solution.<sup>11</sup> UNHCR therefore welcomes initiatives such as the EQUAL Programme

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<sup>9</sup> This approach has been adopted in Article 11 of the Reception Conditions Directive. *Op. cit.*, note 3.

<sup>10</sup> UNHCR Executive Committee has reaffirmed the need for limits on detention of asylum-seekers. See UNHCR Executive Committee, Conclusion on Detention of Refugees and Asylum-seekers, No. 44 (LIII) – 1986 and also UNHCR Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum-seekers, February 1999.

<sup>11</sup> UNHCR Executive Committee, Conclusion on Local Integration, No. 104 (LVI) – 2005, preamble, indicates that self-reliance is beneficial if promoted before official recognition as a refugee. UNHCR Executive Committee, Conclusion No. 93 (LIII), para. (b)(vii) has also recognized that “reception arrangements can be mutually beneficial where they are premised on the understanding that many asylum-seekers can attain a certain degree of self-reliance, if provided with the requisite opportunities.”

established under the European Social Fund, which allowed for the extension of certain employment-related projects to asylum-seekers. UNHCR suggests that six months be set as a maximum period beyond which a ban on access to the labour market should not extend.<sup>12</sup> Providing access to the labour market can reduce reception costs, discourage informal employment and facilitate reintegration into the country of origin by allowing asylum-seekers who return home to do so with a degree of financial independence or acquired work skills.<sup>13</sup>

### **Length of Asylum Procedures**

15. An extended asylum procedure can be one of the main obstacles to the successful social, economic and cultural integration of spontaneously arriving refugees. The status determination procedure is often characterized by insecurity and inactivity. Long periods during which refugees are restricted from leading full and active lives may be damaging to mental health and provoke conditions such as depression, dependency syndrome, apathy and lack of self-confidence, hindering employment and social skills after recognition. Lengthy procedures have a particular impact on children, for whom stability is especially important.

16. An efficient status determination procedure is necessary not only to legitimize the asylum system but also to end the precarious situation of asylum-seekers, and is therefore in the interest of States as well as applicants for protection. In UNHCR's view, the essential first step towards this goal is to ensure high quality first instance procedures.<sup>14</sup> Improved decisions at first instance can, over time, reduce the number and duration of appeals and thus the overall length of asylum procedures. UNHCR stands ready to support Member States in this regard.<sup>15</sup>

### **Following Recognition: Integration Challenges Specific to Refugees and Beneficiaries of Subsidiary Protection**

17. The predominance of non-economic imperatives to move to another country distinguishes forced movement from voluntary migration. Refugees are less likely than other migrants to move to countries where they have already some cultural, linguistic or economic links. Unlike other migrants, refugees do not enjoy the protection of their countries of origin and have to rebuild their lives in new countries of residence, without – at least in the short term – the option of returning home. Often refugees are compelled to flee at short notice, leaving behind belongings and documents. They may have lost contact with family members and with social support structures in the country of origin. These facts need to be taken into account in planning and implementing integration measures. The following sections outline the main areas in which a differentiated

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<sup>12</sup> UNHCR considers the one year period included in Article 11(2) of the Reception Conditions Directive to be too long and encourages EU Member States to consider shorter time frames when establishing deadlines according to Article 11 (1) of that Directive.

<sup>13</sup> See UNHCR Global Consultations document "Reception of asylum-seekers", *op. cit.*, note 7, paras. 9 and 13.

<sup>14</sup> *Ibid.*, para. 9.

<sup>15</sup> Schemes such as the "Quality Initiative" in the UK, or the monitoring function of UNHCR's Sub-Office in Nuremberg, Germany, are examples of support that UNHCR can provide to refugee status determination authorities to enhance their effectiveness.

approach between refugees and other migrants is called for.

▪ **Residence Status**

18. The timely grant of a secure legal status and residency rights are essential factors in the integration process.<sup>16</sup> UNHCR has observed that the duration of residence permits has a considerable impact on refugees' attitudes. Short-term residence permits are detrimental to refugees' security and stability. UNHCR is therefore concerned that provisions in the Qualification Directive<sup>17</sup> on the duration of residence permits, particularly for family members of refugees and persons granted subsidiary protection, may not be conducive to integration.

19. The Council Directive concerning the Status of Third Country Nationals who are Long-Term Residents<sup>18</sup> grants a conditional right to permanent residency after five years' residence on the territory of a Member State. The Directive does not apply to refugees. Refugees and persons granted subsidiary protection who reside lawfully in and have contributed to communities in Member States for many years do not at present enjoy the same rights under EU law as other legally resident third country nationals, such as freedom of residence within EU territory and other rights including, among others, in respect of employment, education, vocational training and recognition of professional qualifications.

20. A proposal for amendment to the Long-Term Residence Directive is expected from the European Commission before July 2007. In UNHCR's view, in order to take into account the special position of refugees, permanent residence should be granted to them at the latest at the end of the three year residence period established by the Qualification Directive.<sup>19</sup> UNHCR considers that the same three year deadline should apply to persons granted subsidiary protection. The adoption of such an amendment would close a long-standing gap in the legal framework established in the first phase of asylum harmonization.

21. Refugee status should not in principle be subject to frequent review, to the detriment of the security which it is intended to provide.<sup>20</sup> Regular reviews with the objective of ending refugee status can create considerable uncertainty, making it difficult for a refugee to focus on the longer term, and are thus not conducive to integration. UNHCR urges EU Member States to administer cessation policies in a limited fashion so as to minimize disruptive effects for refugees.

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<sup>16</sup> UNHCR Executive Committee, Conclusion No. 104, para. (j). UNHCR Executive Committee calls on States with developed asylum systems to support refugees' ability to integrate "through the timely grant of a secure legal status and residency rights, and/or to facilitate naturalization".

<sup>17</sup> Qualification Directive, *op. cit.*, note 4, Article 24 (2) and (3).

<sup>18</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the Status of Third-Country Nationals who are Long-Term Residents, OJ L 16/44, 23.01.2004 (the 'Long-Term Residence Directive').

<sup>19</sup> Council Directive 2004/83/EC, *op. cit.*, note 4, Article. 24 (1): "As soon as possible after their status has been granted, Member States shall issue to beneficiaries of refugee status a residence permit which must be valid for at least three years and renewable unless compelling reasons of national security or public order otherwise require, and without prejudice to Article 21(3)."

<sup>20</sup> UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status, re-edited, January 1992, para. 135. See also "Summary Conclusions on Cessation of Refugee Status, Global Consultations on International Protection, Lisbon Expert Roundtable", May 2001, no. B (17): "The practice under Article 1C(5)-(6) has hitherto been for cessation to be declared on a group basis, and not applied to individual cases selected from among a larger group of the same nationality. While nothing in the Convention precludes its use with respect to an individual refugee, such an approach would require further analysis if it were to be used, not least because of the need to respect a basic degree of stability for individual refugees."

22. An important difference between refugees and other migrants concerns the application of sanctions for non-fulfilment of integration obligations, such as the withdrawal of residence permits for failure to pass language tests. Such sanctions should not be applied to refugees, as they have the effect of eroding the minimum set of rights which States must accord to them based on international and/or regional refugee and human rights norms.

▪ **Addressing the Consequences of Trauma**

23. People in need of protection are more likely than other migrants to have experienced traumatic events. Persecution, exposure to brutality and violence, displacement and forced separation from family and friends are all factors that can have a serious impact on mental health. These factors may also affect the capacity to learn, and may fuel despondency or aggression, including within the family.

24. This reality has to be taken into account in designing and implementing integration policies. Unless the consequences of trauma are addressed, refugees may not be in a position fully to participate in integration programmes, and their ability to become active members of society may be seriously hampered. Specialized care, counselling, and other types of health facilities should be provided, where possible as part of mainstream services, to address the psychological needs of refugees. Cross-cultural mediators and interpreters may be needed to enable refugees to benefit from such services.

25. Inadequate reception as well as integration policies can exacerbate or perpetuate the effects of trauma. Continued separation from family members, absence of work, social exclusion and marginalization, anxiety about the future, exposure to ignorance, hostility and humiliation are all factors which may aggravate the psychological state of the person concerned. It is important to remove obstacles that maintain effects of trauma. As incorrect actions may cause significant impairment and long-term suffering, specific training should be organized for professionals working in areas linked to integration, particularly in the areas of health, education and employment, to assist them in dealing with refugees' psycho-social needs, reactions to traumatic experiences and pathological conditions.

▪ **Administrative Assistance and Recognition of Qualifications**

26. According to Article 25 of the 1951 Convention, dealing with administrative assistance, host country authorities "shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities." Refugees have highlighted problems in obtaining official documents necessary for marriage, certification of good character and other similar papers. UNHCR strongly encourages EU Member States to put in place effective mechanisms to ensure that refugees have access to documents that they require to exercise their rights.

27. In many situations, refugees are unable to provide documentary evidence of previous studies. They may have had to leave their personal belongings and papers behind. There may be no way to communicate safely with the institution(s) where their qualifications were earned, or relevant files and archives may have been destroyed in acts of war or violence. Information may also be withheld for political or other reasons.<sup>21</sup> European institutions responsible for recognition of qualifications have acknowledged the specific problems of certifying previous studies by refugees and highlighted the lack of documentary evidence as the main challenge.<sup>22</sup>

28. In the absence of documentary evidence of previous studies, decisions as to the level of enrolment in primary and secondary schools can be a challenging task. Limited resources and competence within schools or local authorities sometimes may result in the use of inappropriate criteria to determine the level at which to enrol a child, such as knowledge of the host country language, the age of the child or other narrow tests. UNHCR strongly encourages the use of flexible criteria, based on the child's educational level and needs.<sup>23</sup>

29. Access to the labour market can often be facilitated if vocational qualifications and relevant work experience can be assessed against national standards by a competent national body. UNHCR welcomes initiatives facilitating such assessment or certification, through competency tests or other appropriate methods.

30. With regard to higher education, Article VII of the Lisbon Convention<sup>24</sup> obliges State Parties "to take all feasible and reasonable steps [...] to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education, further higher education programmes or employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence." UNHCR calls upon State Parties to the Lisbon Convention<sup>25</sup> to implement this provision by adopting flexible assessment measures, such as those suggested in the Explanatory Report to the Lisbon Convention<sup>26</sup> as well as by the Lisbon Recognition Convention Committee.<sup>27</sup> Pursuant to Article 22 (2) of the 1951 Convention and in light of the recommendation by the Executive Committee<sup>28</sup>

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<sup>21</sup> See Explanatory Report to the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region, adopted in Lisbon on 11 April 1997 (ETS No. 165), Article VII.

<sup>22</sup> See, for instance, the introduction to the Council of Europe Working Party on Refugee Qualifications, *Guidelines for the recognition of refugees' qualifications* (1999) at: [http://www.aic.lv/ace/ace\\_disk/Recognition/leg\\_aca/ref\\_guid.pdf](http://www.aic.lv/ace/ace_disk/Recognition/leg_aca/ref_guid.pdf).

<sup>23</sup> The city of Vantaa, Finland, for instance, draws up an individual integration plan for each refugee child, which is based on a specific assessment of his or her learning requirements.

<sup>24</sup> *Op. cit.*, note 21.

<sup>25</sup> As of April 2007, the Convention has been ratified by 22 EU Member States.

<sup>26</sup> *Op. cit.*, note 21. Article VII suggests the following two measures "provisional recognition of the qualifications claimed on the basis of a sworn statement [...] or the provision of special examinations to allow refugees, displaced persons and persons in a refugee-like situation to prove the qualifications they claim to have acquired."

<sup>27</sup> See Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications adopted by the Lisbon Recognition Convention Committee at its second meeting, Riga, 6 June 2001, paragraph 19: "In cases where refugees, persons in a refugee-like situation or others for good reason cannot document the qualifications they claim, credential evaluators are encouraged to create and use a Background Paper giving an overview of the qualifications or periods of study claimed with all available documents and supporting evidence." See also paragraph 28: "Such measures [...] could include ordinary or specially arranged examinations, interviews with staff of higher education institutions and/or the competent recognition authority and sworn statements before a legally competent authority." See also the Guidelines quoted in note 22.

<sup>28</sup> UNHCR Executive Committee, Conclusion No. 104, para (m) (iii) encourages States, wherever possible, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by refugees prior to entry into the



UNHCR encourages EU Member States also to extend the use of such flexible assessment measures to refugee qualifications obtained in countries other than those covered by the Lisbon Convention.<sup>29</sup>

31. Another challenge relating to the recognition of refugee qualifications is the lack of information to enable competent educational authorities to make appropriate assessments. Such information may include details of the curriculum followed by refugee students, textbooks used, qualifications of their teachers, and standards and supervision arrangements for examinations taken. While this challenge is of a general nature, it is exacerbated in countries affected by armed conflicts. UNHCR welcomes initiatives which make information about qualifications easily available<sup>30</sup> and encourages the development of tools such as handbooks, manuals or databases to assist educational institutions and other bodies responsible for re-certification. Member States could consider sharing the knowledge gained or tools developed in this area.

#### ▪ Right to Work

32. As stated above, employment is a key factor supporting integration. UNHCR therefore welcomes the Qualification Directive provision requiring that 1951 Convention refugees in the European Union have generally the same level of access to the right to work as nationals.<sup>31</sup> Where this is not the case, UNHCR encourages States to consider removing restrictions to employment by granting residency as soon as possible to recognized refugees, and extending employment opportunities in the public sector.

33. UNHCR would also like to stress the importance of removing, as far as possible, practical barriers that may make it difficult for refugees fully to enjoy the right to work. The Executive Committee<sup>32</sup> has encouraged anti-discrimination policies and awareness-raising activities aimed at combating institutionalized discrimination. In the area of wage-earning employment, in addition to the qualification problems identified above, there may be a need to ensure that employers are aware of the fact that refugees are allowed to work. As regards self-employment, refugees planning to open a business may find it difficult to obtain start-up loans as they may not be able to provide the necessary guarantees required by banking institutions. Mentoring programmes established in a number of countries<sup>33</sup> have demonstrated an added value and UNHCR encourages States to support such programmes, and to promote in particular those which address the specific challenges faced by women seeking to enter the labour market.

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host country.

<sup>29</sup> The Recommendation adopted by the Lisbon Recognition Convention Committee (*op. cit.*, note 27) at para. 21 also recommends that “[s]pecial measures aimed at low income groups, refugees and displaced persons and other disadvantaged groups should be considered in order to ensure that no applicant is prevented from seeking recognition of his or her foreign qualifications because of the costs involved.”

<sup>30</sup> See for instance the database established by the Swedish National Agency for Higher Education, which contains the results of evaluations done in recent years: <http://www.hsv.se>.

<sup>31</sup> Council Directive 2004/83/EC (*op. cit.*, note 4), Article 26. See also UNHCR’s annotated comments on this Directive.

<sup>32</sup> UNHCR Executive Committee, Conclusion on Local Integration, No. 104 (LVI) – 2005, para. n (i).

<sup>33</sup> In Denmark, for instance, the Junior Chamber International (JCI) launched a project supported financially by the Ministry of Integration in 2005, whereby people from the Danish business-community are using their networks to help refugees and other newcomers to find a job and teach them how the Danish business community works.

34. The Qualification Directive<sup>34</sup> allows EU Member States to maintain substantial restrictions to the enjoyment of rights by persons granted subsidiary forms of protection. While it is acknowledged that countries are allowed to introduce work permits or other mechanisms governing access to work which can be linked to citizenship and/or residence status, UNHCR considers that any such rules must take into account the need of the person concerned for alternative means of survival.<sup>35</sup> The protection needs of beneficiaries of subsidiary protection are often of equal duration to those of refugees, and return to the home country is not a likely option for most such persons. Therefore, adequate means of survival can only be achieved either by allowing access to the labour market or through assistance schemes. Given the costs involved as well as the negative social consequences of dependency, UNHCR strongly favours access to the labour market, at the latest from the time a person is recognized as needing subsidiary protection.

#### ▪ Family Unity

35. In UNHCR's experience, the possibility of being reunited with one's family is of vital importance to the integration process. Family members can reinforce the social support system of refugees and, in so doing, promote integration.<sup>36</sup> In this connection the UNHCR Executive Committee has called upon countries of asylum and countries of origin to "support the efforts of the High Commissioner to ensure that the reunification of separated refugee families takes place with the least possible delay".<sup>37</sup>

36. Refugees do not have the option of returning home to enjoy the right to family life. UNHCR welcomes the fact that 1951 Convention refugees are allowed to bring nuclear family members to join them in their country of asylum, and encourages Member States to grant the arriving family members the same level of rights as refugees. However, family reunification rights are generally limited to core family members, while in other cultures extended family links can be very strong. UNHCR therefore encourages Member States to adopt a pragmatic and flexible approach to requests for family reunification with other dependent family members who were living in the same household as the refugee prior to flight.<sup>38</sup>

37. The Family Reunification Directive<sup>39</sup> includes some limiting provisions, such as the possibility that family reunification may be refused on grounds of public health<sup>40</sup>

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<sup>34</sup> Qualification Directive, *op. cit.*, note 4, Chapter VII, Articles 20 – 34.

<sup>35</sup> See Committee on Economic, Social and Cultural Rights, General Comment No. 12: The right to adequate food at para. 15: "The obligation to *fulfil (facilitate)* means the State must proactively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security".

<sup>36</sup> UNHCR Executive Committee, Conclusion No. 104 (LVI), 2005, para. (n)(iv).

<sup>37</sup> UNHCR Executive Committee, Conclusion No. 24 (XXXII), 1981, para. 2.

<sup>38</sup> UNHCR Executive Committee has recommended that States apply liberal criteria in identifying those family members who can be admitted with a view to promoting a comprehensive reunification of the family. Accordingly, the notion of "family" should not be limited to the so-called "nuclear family", but should also encompass those dependent family members who are living in the same household, and should encompass not only legally married couples but also couples forming a genuine and stable unit (including couples of the same sex). This approach would also follow the logic adopted for accompanying dependents by the Qualification Directive in Article 23(5). While not excluding this possibility, the Family Reunification Directive (see note 39) leaves such decision to the discretion of EU Member States (Article 10(2)).

<sup>39</sup> Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification, OJ L 251/12, 3.10.2003 ('Family Reunification Directive'). See also UNHCR's Comments on the Amended Proposal of the European Commission for a Council Directive on the Right to Family Reunification (COM (2002) 225 final, 2 May 2002), UNHCR Geneva, 10 September 2002.

<sup>40</sup> *Ibid.*, Article 6, para. 1.

and the requirement of having “reasonable prospects of obtaining the right to permanent residence”.<sup>41</sup> Such requirements should not be considered as an automatic bar to family reunification and in weighing interests of public health, the possibility of treatment either in the country of origin, if feasible, or in the host country should also be considered. UNHCR encourages Member States to limit the grounds for refusal of family reunification in the case of refugees, in view of their special circumstances.

38. DNA testing is increasingly relied upon as a means of establishing family relationships for reunification purposes. In UNHCR’s view, DNA testing should be done with the consent of the refugee and the applicant(s) for reunification with a full explanation of the reasons for such testing. The results of the tests should only be used for the explicit purpose of verification of relationship, and confidentiality requirements should be respected. DNA tests should be used only where other means of verification have proven to be inadequate. Cultural differences in the definition of “family” should be kept in mind, which in some cases might include members of a household with whom there might not be biological links. The high cost of DNA testing should also be considered as a reason for limiting its use.

39. In UNHCR’s view the largest gap with regard to family unity relates to the situation of persons granted subsidiary protection, as the Family Reunification Directive excludes beneficiaries of subsidiary protection from its scope of application.<sup>42</sup> UNHCR does not see any justification for different treatment of refugees and beneficiaries of subsidiary protection, as neither category can return home to enjoy the right to family unity. It can be questioned if rules which prohibit or severely restrict family reunification in the host country of persons granted subsidiary protection would be contrary to the right to family life as set forth in Article 8 of the European Convention on Human Rights and Article 23 of the International Covenant on Civil and Political Rights, particularly in those cases where the family member remains in the country of origin and reunification is only feasible in the host country.

#### • **Naturalization**

40. Naturalization concludes the legal dimension of the integration process, as it leads to cessation of refugee status in accordance with Article 1C (3) of the 1951 Convention. Article 34 of the 1951 Convention provides that States shall make every effort to expedite naturalization proceedings for refugees and reduce fees. A similar provision is also contained in Article 6(4)(g) of the European Convention on Nationality, according to which each State Party “shall facilitate in its internal law the acquisition of its nationality for [...] stateless persons and recognized refugees lawfully and habitually resident on its territory”. The Council of Europe’s Explanatory Report to the Convention contains some examples of favourable conditions, which include a reduction of the length of required residence, less stringent language requirements, a simpler procedure and lower procedural fees.<sup>43</sup>

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<sup>41</sup> *Ibid.*, Article 3 para. 1. This provision could lead to an erosion of the right to family reunification if read in conjunction with Article 24 of the Qualification Directive (Council Directive 2004/83/EC) which does not entitle refugees to a ‘permanent residence’ permit, but only to a renewable three years residence permit.

<sup>42</sup> *Ibid.*, Article 3, para. 2(c).

<sup>43</sup> See Explanatory Report to the European Convention on Nationality, adopted in Strasbourg on 6 November 1997 (ETS No. 166), para. 52.

41. Several EU Member States have translated the spirit of these provisions into their national laws by reducing waiting periods and naturalization fees and/or removing requirements for the renunciation of the citizenship of the country of origin. UNHCR encourages other Member States to follow and consider, when reviewing their nationality legislation, the possibility of facilitating the acquisition of citizenship by refugees. Given that refugees are likely to remain outside their home country for long periods of time, UNHCR welcomes the fact that the European Convention on Nationality introduces a provision whereby the required period of lawful and habitual residence before the lodging of an application for naturalization should not exceed 10 years,<sup>44</sup> and would like to highlight good practice in some EU countries which include the time spent as an asylum-seeker in calculating the waiting period required for refugees to submit an application for citizenship.<sup>45</sup>

42. Article 34 of the 1951 Convention implies that State Parties should make good faith efforts to assist refugees to meet the requirements for naturalization. Read in conjunction with Article 25 of the 1951 Convention, this entails that States shall waive or replace requirements for documentation to be obtained from the refugee's home country. This is particularly important with regard to certification of renunciation of the home country nationality, as protection reasons demand that refugees be exempted from this requirement.

43. While not specific to refugees, the introduction of stringent language tests and examinations on the history and culture of the host country may penalize certain categories of refugees, in particular elderly or illiterate persons. Similarly, requirements to demonstrate self-reliance before submitting an application for naturalization may also be difficult for certain categories of refugees to meet. UNHCR therefore calls on EU Member States to apply flexibly such requirements in order to make naturalization reasonably achievable for refugees with specific needs.

## Conclusion

The integration of refugees as a durable solution is an important part of the commitments of States under the 1951 Convention. UNHCR encourages EU Member States to include refugees in general integration plans and policies, while also providing for targeted actions for refugee-specific needs. Integration can also be enhanced through reception policies for asylum-seekers which promote social inclusion, rather than isolation and separation from host communities. There are also compelling reasons to align the rights of persons granted subsidiary protection with the rights of refugees in a number of areas, including access to the labour market, integration support and family reunification. Drawing on these considerations, UNHCR encourages the EU to develop further its policies and practices on integration, to the benefit of persons in need of international protection and their host communities in Member States alike.

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<sup>44</sup> *Ibid.*, Article 6 (3). In this context, UNHCR also welcomes the provision at Article 6 (4) (e) of the Convention on Nationality, which states that each State Party shall facilitate in its internal law the acquisition of its nationality for "persons who were born on its territory and reside there lawfully and habitually", as this provision will facilitate the acquisition of the host country nationality for second generation refugees, in cases where their parents have not acquired such nationality.

<sup>45</sup> This is for instance the case in Austria and Ireland and, in certain circumstances, in Belgium.