

PROMOTE THE INCLUSION OF REFUGEES AND ASYLUM SEEKERS INTO THE LABOUR MARKET



On the occasion of the 2010 Ministerial Conference on Integration organised by the Spanish Presidency on 15/16 April in Zaragoza, the European Council on Refugees and Exiles (ECRE) urges Ministers to allow refugees and asylum seekers to develop their full potential by enabling them to participate in the labour market.¹

The 2010 Ministerial Conference takes place at a decisive moment, when a renewed legal and policy framework has been established in the area of integration. Under the Lisbon Treaty the EU has for the first time an explicit legal basis to adopt measures to support Member States' integration policies.² The Stockholm Programme, which lays down the strategic priorities of the EU in this area, calls for greater coordination of integration with connected policy fields, such as employment, education and social inclusion.³ As the EU enters the second phase of its common agenda on integration, there is scope for the development of ambitious and more consistent integration policies which promote social cohesion.

Inclusion in the labour market is a vital part of the integration process, and one of the key areas which have been selected to monitor the outcome of integration policies.⁴ According to the 2004 Council Common Basic Principles on Integration (CBPs) employment "is central to the participation of immigrants, to the contributions immigrants make to the receiving society and to making such contributions visible" (CBP 3).⁵ The objective of enabling labour market participation of migrants, including refugees, also calls for greater efforts in the areas of recognition of skills and qualifications, as well as language and vocational training. Most recently, the European Commission Communication "New Skills for New Jobs" emphasises that enhancing human capital at all levels constitutes a precondition for economic recovery.⁶

However, the reality is that migrants continue to face greater difficulties in finding employment, and are also more likely to be found working on short-term, low-paid jobs which fail to fulfil their skills potential.⁷ Even if both refugees and migrants' participation in the labour market is precarious, there is evidence that compared to other migrant groups refugees often face additional barriers in accessing employment and training due to the forced nature of their migration and their experiences, as well as to restrictive legislation.⁸

ECRE urges Ministers to tackle these obstacles in order to promote the rapid and effective integration of refugees into the labour market and thus bring into action the principle of fair and comparable treatment with EU citizens, as reaffirmed in the Stockholm Programme. Given the cross-cutting nature of integration, a range of governmental departments may be involved in policy formulation and implementation. However, Member States must ensure that integration issues are incorporated in a comprehensive way in all relevant policy areas, including asylum, by promoting a more consistent approach among competent Ministries both at EU and national levels. Moreover, such mainstreaming approach should aim at enhancing support and opportunities to advance social cohesion, not at legitimising restrictive policies.

Access to the labour market

Policies and practices regarding access to the labour market vary considerably for different groups of third country nationals across Europe. Refugees have unrestricted access to the labour market, but many Member States impose various restrictions to beneficiaries of subsidiary protection, while the shorter length of the residence permit available to the latter may have a deterrent effect on employers.⁹ The right to work for asylum seekers also varies across Europe and is often subject to strict limitations. Some Member States grant access to the labour market early, after three months, while others do not respect the spirit of the EU Reception Conditions Directive and impose various conditions which in practice prevent asylum seekers from working.¹⁰

Depriving subsidiary protection beneficiaries and asylum seekers of access to employment constitutes a waste of human capital. Research has shown that these persons possess a range of skills that are in demand in host countries, and would certainly contribute to increase EU economies' growth potential.¹¹ In contrast, policies restricting the right to work fuel the underground economy and force people to rely on social assistance. Enforced unemployment also leaves individuals feeling disenfranchised, with little or no opportunity to contribute to the society in which they live. In the case of asylum seekers is a missed opportunity to equip them for return to their country of origin in the event of a negative decision, which undermines the objective of promoting sustainable return policies.¹²

The European Commission presented proposals to recast (amend) the EC Directives on minimum standards for the reception of asylum seekers and for the qualification and status of third country nationals as refugees or as persons who otherwise need international protection respectively in December 2008 and October 2009.¹³ Proposed amendments to the Reception Conditions Directive require that the right to work is granted to asylum seekers within a maximum period of six months and prohibit national authorities from unduly restricting access to the labour market. The proposal to recast the Qualification Directive levels the rights of all international protection beneficiaries, allowing persons enjoying subsidiary protection status to work immediately after recognition and aligning the length of their residence permit to the one delivered to refugees. ECRE urges Ministers to support these amendments as a way to facilitate access to employment to subsidiary protection beneficiaries and asylum seekers.

Recognition of qualifications

Problems concerning the recognition of their qualifications, skills and work experience result in unemployment or underemployment for many refugees. While this also applies to other migrants, refugees may be confronted with even greater obstacles due to loss or lack of documentary evidence of their qualifications and work-related skills, and to the impossibility to contact the authorities of the country of origin to follow re-accreditation procedures.

The Commission has urged to increase the effectiveness of labour-matching policies by promoting appropriate mechanisms for the recognition of the professional qualifications that migrants obtain outside the EU.¹⁴ However, existing mechanisms for the recognition of professional qualifications at EU level have not yet fully included third country nationals as a target group.¹⁵

The Commission proposal to recast the Qualification Directive encourages Member States to ensure that refugees and subsidiary protection beneficiaries who cannot provide documentary evidence of their qualifications have access to appropriate schemes for the assessment, validation and accreditation of their prior learning. It also calls on national authorities to remove economic obstacles by granting financial assistance or waiving applicable fees, so that limited financial capacity does not prevent refugees from having their qualifications recognised. ECRE believes that this amendment constitutes a step forward in addressing the practical obstacles that refugees face in trying to attest their prior learning and experience and urges Ministers to support its adoption.

Employers may not always be in a good position to recognise the value of refugees and asylum seekers' qualifications and work experience. Skills audits and competence portfolios have been used in a number of Member States, and have proven a cost-effective way of enhancing refugees and asylum seekers' participation into the labour market, especially when conducted in partnership with the private sector.¹⁶ Other good practices include the setting up of "recognition centres" to improve the recognition of refugees' and migrants' skills and qualifications.¹⁷ Ministers should promote the further development of these and other mechanisms to make refugees and asylum seekers' skills more visible to employers.

On the other hand, recent research by the Fundamental Rights Agency shows that employment represents the domain where persons from migrant or ethnic minority background experience the greatest levels of discriminatory treatment, both when looking for work and at the workplace.¹⁸ The Stockholm Programme emphasises the value of diversity and Member States' obligation to provide a safe environment where differences are respected. Accordingly, ECRE calls on Ministers to strengthen their efforts to identify and tackle discrimination in the area of employment, including through improved legal enforcement of anti-discrimination legislation and awareness-raising campaigns.

Vocational training

Within a context of growing concern about mismatches between skills and labour market needs, it is essential that refugees and subsidiary protection beneficiaries are able to follow suitable training in order to upgrade their skills and adjust them to employment opportunities in the host country. The Commission proposal to recast the Qualification Directive requires Member States to ensure access to employment-related education opportunities and vocational training, for instance through the provision of grants and loans or by offering the possibility to work and study part-time. Since knowledge of the host country language is essential for accessing a skilled job, the Commission proposal also represents a step forward to enhance and tailor language tuition to the needs of beneficiaries of international protection. ECRE thus welcomes these amendments and urges Ministers to support their adoption.

Member States should also ensure that refugees and subsidiary protection beneficiaries have access to adequate information, advice and guidance on vocational training and educational opportunities. Employers should be involved in training initiatives in order to increase the likelihood of employment

following on from the completion of courses. For example, some countries have established units within existing employment offices to design vocational orientation courses for migrants and provide incentives to employers to hire them.¹⁹

The Reception Conditions Directive allows national authorities to give asylum seekers access to vocational training irrespective of whether or not they have access to employment and almost half of the Member States have done so.²⁰ However, there are still many asylum seekers in the EU who cannot benefit from training opportunities, despite their high motivation to follow courses.²¹ In conjunction with restrictions on the right to work, lack of access to vocational training prevents asylum seekers from maintaining and developing their skills, and is detrimental for their long-term integration prospects. ECRE urges Ministers to go beyond the minimum standards of the Directive and support the opening up of new education opportunities during the reception phase.

Integration indicators

ECRE endorses the need for developing clear goals, indicators and evaluation mechanism to assess integration policies as called for in CBP11, and would like to stress that the input of civil society is essential to the development and monitoring of such indicators, in particular migrants' associations and refugee groups. However, European governments are increasingly placing the onus on newcomers to demonstrate their willingness to integrate, and attaching sanctions to non-compliance with certain integration measures. Against this backdrop, benchmarking should not become an additional tool to reinforce the trend to draw linkages between integration policies and (restrictive) migration management.²² Instead, integration indicators should focus on assessing and monitoring whether Member States' policies and practices are effectively promoting equal opportunities, access to rights and social inclusion. Where appropriate, indicators should take into consideration the specific position of refugees due to past experiences of persecution and flight.²³

Summary of Recommendations

ECRE urges Ministers to take into account the following **recommendations** when discussing integration issues during the Zaragoza Ministerial Conference:

- Promote the **adoption of the amendments proposed by the European Commission to the Qualification Directive** to align the rights of subsidiary protection beneficiaries to those of refugees regarding access to employment and the length of their residence permit, and to facilitate access of international protection beneficiaries to schemes for the recognition of professional qualifications, vocational training and tailored language tuition.
- Support the **adoption of the amendment proposed by the European Commission to the Reception Conditions Directive** to allow asylum seekers' access to employment within 6 months
- Advance the **opening up of new education opportunities for asylum seekers during the reception procedure**, irrespective of whether access to employment has been granted.
- Ensure that refugees and asylum seekers have **access to adequate information, advice and guidance** on vocational training and educational opportunities.
- Promote the further **development of mechanisms to make refugees and asylum seekers' skills more visible to employers**, for example through the use of skill audits, the building of competence portfolios and the involvement of employers in training courses.
- Devote increasing efforts to **identify and address discrimination in access to employment and in the work place**, including through improved legal enforcement of anti-discrimination legislation and by raising awareness of the value of diversity.
- Support the **development of integration indicators** as a tool to evaluate and monitor whether Member States' policies and practices are effectively promoting equal opportunities, access to rights and social inclusion.

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¹ More information on ECRE's position on integration is available at: <http://www.ecre.org/topics/integration>

² Consolidated version of the Treaty on the Functioning of the EU, Article 79.

³ Council of the European Union, *The Stockholm Programme – An open and secure Europe serving and protecting the citizen*, Council document 17024/09, 2.12.2009.

⁴ Swedish Presidency, *Conference Conclusions: Indicators and monitoring of the outcome of integration policies*, 14-16 December 2009 in Malmö, Sweden.

⁵ Council of the European Union, *Immigrant Integration Policy in the European Union*, Council document 14615/04, 19.11.2004.

⁶ European Commission, *New Skills for New Jobs: Anticipating and matching labour market and skills needs*, COM (2008) 868 final, 16.12.2008.

⁷ See e.g. European Foundation for the Improvement of Living and Working Conditions (Eurofund), *Counting the cost: working conditions of migrants*, November 2008.

⁸ In France, a survey of the Directorate of research, studies, evaluation and statistics on a sample of 6280 new comers highlighted that refugees were the category of new coming migrants that suffers the most of unemployment together with beneficiaries of family reunification – see Dress, *Enquête Parcours et profils des migrants*, vague 1, 2006.

⁹ See ELENA, *The Impact of the EU Qualification Directive on International Protection*, October 2008.

¹⁰ ECRE, *Proposals for revision of the Reception Conditions Directive*, May 2008 (“ECRE Recommendations Reception”); Odysseus Academic Network, *Comparative Overview of the Implementation of the Directive 2003/9 of 27 January 2003 laying down minimum standards for the reception of asylum seekers in the EU Member States*, 2007 (“Odysseus Overview”).

¹¹ Refugee Council, *I hate being idle: Wasted skills and enforced dependence among Zimbabwean asylum seekers in the UK*, July 2009.

¹² Research from the European Training Foundation, a EU Agency, concludes that the skills learnt by returnees at work abroad are among the most valuable elements in their migration experience and contribute to their successful reintegration upon return. European Training Foundation, *Migration, Education And Work: European Training Foundation studies the human resources contribution to migration policy*, September 2008.

¹³ See COM (2008) 815 final/2, 9.12.2008 and COM(2009) 551 final/2, 23.10.2009

¹⁴ European Commission, *A Common Immigration Policy for Europe: Principles, Actions and Tools*, COM (2008) 386 final, 17.6.2008.

¹⁵ The Directive 2003/109/EC on the recognition of professional qualifications does not apply to third country nationals. The scope of the European Qualifications Framework for lifelong learning, a reference tool which aims to increase the consistency and portability of qualifications across the EU, is similarly restricted. On the other hand, the Council of Europe's Convention on the recognition of qualifications (Lisbon Convention), which requires authorities to take reasonable steps to facilitate the assessment of refugees' qualifications, has been ratified by 22 Member States but its application is limited to qualifications obtained in one of the contracting parties.

¹⁶ For good practice examples see ECRE, *Policy Briefing on Assessment of skills & recognition of qualifications*, March 2007.

¹⁷ There are plans to create such a centre in Scotland (information facilitated by the Scottish Refugee Council)

¹⁸ European Union Agency for Fundamental Rights, *EU Minorities and Discrimination Survey*, 2009.

¹⁹ A pilot project has been set up in Hungary to this effect (information facilitated by Menedek); France has set up a professional assessment meeting with all newcomers, including refugees, in which professional orientation is provided. In addition, the Immigration Ministry has signed agreements with professional organisations in a number of sectors in order to promote access to employment opportunities by migrants. Professional organisations can also provide advice or vocational training. Since 2004, language is recognised as a professional skill and employers can thus provide language training within the framework of work (Information facilitated by France Terre d'Asile).

²⁰ See Odysseus Overview and ECRE Recommendations Reception.

²¹ The results of the Equal Initiative give evidence of this.

²² See e.g. Sergio Carrera, *Benchmarking Integration in the EU: Analyzing the debate on integration indicators and moving it forward*, Gütersloh: Bertelsmann Foundation, 2008.

²³ The Evaluation Tool developed by MPG for UNHCR to assess the impact of integration policies in Central Europe constitutes an example.