

# ASYLUM SEEKERS IN THE EU LABOUR MARKET: THE EXAMPLE OF SWEDEN

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## 1. INTRODUCTION

European Union (EU) countries are destination countries for many people seeking asylum or in search of better living conditions. During the past decade, the number of applicants for asylum in Europe increased significantly. To illustrate, in 2015 the number of applicants for asylum in Europe reached its highest at over one million people.<sup>1</sup> Out of the ten top European countries receiving asylum seekers between 2014 and 2017, Sweden comes in at number eight whereas Germany, as the country receiving the largest number of applicants, comes in at number one.<sup>2</sup> In Sweden, 21,502 asylum seekers applied for asylum in 2018.<sup>3</sup>

Given the relatively large amount of asylum applicants in certain EU MS, integration has become an essential part of receiving applicants. The European Commission has put an Action Plan on the integration of third-country nationals' (Action Plan)<sup>4</sup> Built on the 2011 European Agenda on Integration, this Action Plan sets out policy priorities and the tools to support the implementation of these priorities targeting five key areas of action: 1. pre-departure and pre-arrival measures, 2. education, 3. labour market, 4. access to basic services and 5. active participation and social inclusion.

According to the Action Plan, employment and early direction into vocational training are core parts of the integration process. Finding a job is fundamental to becoming part of the host country's economic and social life.

In light of the importance of employment for the integration of third country nationals, and specifically asylum seekers, this research will look at the example of asylum seekers in Sweden, a country whose legislation encourages access to the labour market for those seeking asylum. Such encouragement is not necessarily the case in other European countries. For instance, in the UK, most asylum seekers are denied the right to work.<sup>5</sup> However, notwithstanding Sweden's promotion of work for asylum seekers, statistics demonstrate that Sweden fails to execute its own methods.

## 2. THE IMPORTANCE OF ASYLUM SEEKERS ACCESS TO THE LABOUR MARKET

According to Swedish legislation, there is no time limit for the Swedish Migration Agency to make a decision on an asylum application.<sup>6</sup> For certain nationalities, the waiting time to receive a decision on an asylum application, often after going through a series of appeal procedures, could last - in some cases - over 10 years. There is, thus, an urgent need for asylum seekers to use this waiting time efficiently, for example, to improve their social network, invest in their human capital and self-development, put their skills to use and prepare for labour market integration after residence approval. Even where a person does not receive residency and may eventually have to return to his or her country of origin, they will have benefited from having worked in the meantime.

There is a tendency in some EU MS of only offering employment support to those asylum seekers who the authorities think are likely to get status (principally on the basis of their nationality) thereby creating a hierarchy between asylum seekers. In Germany, for example, asylum seekers from countries who are considered Safe

1. Eurostat, Asylum applications (non-EU) in the EU-28 Member States, 2008–2018, March and April 2019, available at: <https://bit.ly/2CiPXzh>.

2. Ibid.

3. Swedish Migration Agency, Applications for asylum received in 2018, January 2019, available at: <https://bit.ly/2XSZ4Qe>.

4. European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The Action Plan on the integration of third-country nationals, June 2016, available at: <https://bit.ly/2lqM7xB>.

5. TENT, UK Employers' Guide to Hiring Refugees, 2018, available at: <https://bit.ly/2QYOSXI>.

6. Asylum Information Database (AIDA), Country Report: Sweden, March 2018, available at: <https://bit.ly/2GLWh72>.

Countries of Origin are subject to special reception conditions. Asylum seekers from these countries are obliged to stay in initial reception centres for the whole duration of their procedure. Since asylum seekers are barred from access to the labour market as long as they are obliged to stay in an initial reception centre, these provisions also mean that these groups are effectively excluded from employment for the duration of their stay in these centres.

Statistics have shown that nationals from third countries who arrive to EU countries face a range of problems when accessing the labour market; they are therefore at a higher risk of poverty and exclusion in comparison to EU nationals.<sup>7</sup>

There are several reasons why it is important for asylum seekers to enter the labour market. As observed in several cases, inaccessibility to the labour market results in:

- » Damage to the psychological, economic and social situation of asylum seekers;
- » Squandering of many potential skills and competences that are needed in the labour market;
- » Increased risks of depression, anger and frustration due to inactive waiting periods;
- » Exclusion from cultural and social life and prevention of personal development;
- » Dependence on funding from the government, which could arguably be reduced if asylum seekers were more economically independent.

### 3. EXAMPLES FROM EU MEMBER STATES

Asylum seekers access to the labour market is a common challenge in all EU Member States (MS). Moreover, access to the labour market varies between MS and the specific domestic context.

In **Germany**, asylum seekers are not allowed to access the labour market as long as they live in initial reception centres, a period often lasting six months but which can be extended, subject to certain conditions, to 24 months in some federal states. However, this is not the case for asylum seekers from safe countries of origin, who are obliged to stay in those centres for the entire duration of their asylum-seeking process. Asylum seekers are not allowed to be self-employed during the asylum process either. However, it is important to mention that there are no clear statistics on the numbers of asylum seekers employed or unemployed in Germany.<sup>8</sup>

In **Belgium**, asylum seekers may have access to the labour market four months after lodging their asylum application if they have not yet received a first instance decision. Asylum seekers fulfilling the above conditions are permitted to work in all sectors and for any employer they so wish. They can register as job seekers at the regional office for employment, which grants them access to a free assistance programme and vocational training. Even with supportive legislation in place, it is still very difficult for asylum seekers to enter the labour force in Belgium. This is mainly due to discrimination in the labour market; asylum seekers lacking one of the official languages of Belgium, and an absence of mutual recognition of foreign diplomas. In addition, despite the possibility to be self-employed with a professional card, only low risk and small-scale projects are granted.<sup>9</sup>

In **France**, from March 2019 onwards, access to the labour market will be allowed only if OFPRA (French Office for the Protection of Refugees and Stateless Persons) has not ruled on the asylum application within 6 months after the lodging of the application and only if this delay cannot be attributed to the applicant. This means that persons who do not lodge an asylum application, such as asylum seekers under a Dublin procedure, are excluded from access to the labour market. In this case, the asylum seeker is subject to the rules of law applicable to third-country national workers for the issuance of a temporary work permit. Prior to being able to work an applicant must have applied for and received a temporary work permit. That permit can be obtained only in case the asylum seeker provides proof of a job offer or contract.<sup>10</sup>

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7. European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The Action Plan on the integration of third-country nationals, June 2016, available at: <https://bit.ly/2lqM7xB>.

8. AIDA, Country Report: Germany, April 2019, available at: <https://bit.ly/2TeO01s>.

9. AIDA, Country Report: Belgium, March 2019, available at: <https://bit.ly/2nmu1yi>.

10. AIDA, Country Report: France, March 2019, available at: <https://bit.ly/1RQR39q>.

## 4. THE SITUATION IN SWEDEN

The Swedish labour market is known to have a low rate of unemployment and a strong safety net meaning that the Swedish model safeguards citizens' autonomy and independence and prevents power imbalances. This is not only a matter of employee – employer relationships but also between individuals and their families. Through the welfare system and regulation of various power structures, the model aims to create a society in which individuals can maintain a good standard of living and favourable opportunities for development, independent of the family and with a strong position in relation to employers. The social safety net is, therefore, present regardless of the individual's relationship to their family, their employer or charitable institutions. The model, thus, minimises the immediate ties of dependency on family, neighbours, employers and civil society organisations.<sup>11</sup>

However, there is still a gap in terms of employment between the native population and third country nationals, specifically refugees. A recent analysis shows that the unemployment rate in Sweden is up to five percent whereas it is fifteen percent amongst third country nationals.<sup>12</sup> The most pressing challenge in respect of integrating newly arrived people into the labour market are: housing; language training; recognition of foreign education and skills validation. During the period where persons await a decision on their application from the Swedish Migration Agency, Sweden supports asylum seekers with accommodation, basic needs for living and expenses. As for the work permit, Sweden has secured a work permit exemption known as AT-UND in order to facilitate asylum seekers' access to work in the Swedish labour market. This exemption allows asylum seekers to work immediately after arrival until a decision is made on the asylum application. In order to obtain the exemption, asylum seekers must have ID documents or proof of identity, be over 16 years of age and that Sweden is responsible for their asylum application and that there are solid reasons for their application in Sweden. An asylum seeker will not be able to work in Sweden if he or she has received a refusal of entry decision with immediate effect, including if he or she falls within a Dublin procedure i.e. that another EU MS is responsible for the applicant's asylum claim, or has a claim considered manifestly unfounded. This right lasts until a final decision on their asylum application is taken, including during appeals procedures, and can extend beyond that if the applicant cooperates in preparations to leave the country voluntarily. If the applicant refuses to cooperate and the case is handed over to the police for expulsion procedures, then the right to work is discontinued.

If a person has been employed with AT-UND during the asylum process for at least four months, he or she can apply for a work permit after the asylum application is rejected, provided that he or she presents an offer of extended employment for further 12 months. The employment conditions are in line with collective agreements which determine the monthly salary to not be any less than SEK 13,000 = EURO 1,365 before tax. In addition, the appropriate trade union has the opportunity to make a statement about the employment conditions.<sup>13</sup> In 2018, the Swedish Migration Agency granted 11,651 of the above-mentioned work permits to asylum seekers. In 2017, the number was 15,552 work permits. These temporary permits allow for family reunification and the right of the spouse to work but do not require a sufficient income to support and accommodate the family.<sup>14</sup>

The ability to switch from an asylum seeker to a labour migrant was introduced by the previous government as part of its policy to develop labour migration of third-country nationals to Sweden. The idea was to respond to situations where highly qualified persons were receiving negative decisions on their asylum applications but had sought after skills in Sweden and would have a chance to access the labour market. Such persons had also shown through work experience that they had the required proficiency and knowledge needed. Indeed, the fact that such a person has desired labour market skills has no influence on the assessment of the asylum grounds and eventual decision.<sup>15</sup> A total of 1,268 work permits were granted in 2018 to persons with an asylum application that had been refused and entered into final legal force.<sup>16</sup>

In addition, there are programs and projects that support social inclusion and integration in the labour market such as 'Tidiga insatser för asyl sökande' or 'Early intervention for asylum seekers and other groups' (TIA).

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11. Government Offices of Sweden, The Ministry of Finance, The Swedish Model, 2017, available at: <https://bit.ly/2GPcVKS>.

12. Svenskt näringsliv, En analys av utrikes föddas arbetsmarknadsdeltagande/ An analysis of foreign-born labour market participation, March 2019, available at: <https://bit.ly/2INa9io>.

13. European Commission, Follow-up visit to the Swedish PES (Arbetsförmedlingen) on 'PES initiatives around skills- competencies and qualifications of refugees and asylum seekers', 2017, available at: <https://bit.ly/2WaRobD>.

14. AIDA, Country Report: Sweden, April 2019, available at: <https://bit.ly/2GLWh72>.

15. Ibid.

16. Swedish Migration Agency, Swedish Migration Agency Granted Work Permit Statistics 2018, available at: <https://bit.ly/2vsGUZq>.

This project is administrated by the County Administrative Board whose activities are directed to adults seeking asylum or who have a residence permit but still live in one of the Migration Board's accommodation facilities in anticipation of the municipal area. These measures aim at remedying the negative situation for asylum seekers which arises out of the long waiting periods and, instead, takes advantage of these periods by allowing participants to quickly settle into Swedish society. Education associations, sports clubs, religious organisations and other civil society organisations are among several key players offering Swedish education, public information and social participation in the local association and cultural life. The State Provincial Offices, Employment Service, Immigration Service and the Adult Education Council has specific duties relating to asylum seekers. The assignments include coordinating efforts, mapping skills and allocation of grants to organisations carrying out activities for the target group.<sup>17</sup>

## 5. MAIN OBSTACLES FOR ASYLUM SEEKERS TO ACCESS THE SWEDISH LABOUR MARKET

Despite the will of the Swedish state in wanting asylum seekers to have access to the labour market, there are obstacles that prevent this will from being implemented practically and efficiently.

**No official counterpart:** Since 1 January 2017, the Swedish Migration Agency stopped administering work experience opportunities for asylum seekers and employers who had the opportunity to offer jobs for asylum seekers have no authority to be a counterpart any longer. Yet, some municipalities offer to pay the insurance for asylum seekers that the Swedish Migration Agency, before 2017, used to pay. However, this is only in case the asylum seeker has found and secured a job offer by themselves. Therefore, the main work experience placements and job offers tend to be reserved for those with a residence permit. This demonstrates that asylum seekers have a much lower possibility to receive job offers.<sup>18</sup>

**No incentives for employers:** Another factor that hinders asylum seekers from accessing the labour market is the absence of any kind of financial support for employers from the system when hiring asylum seekers. The result is that employers are less inclined to hire asylum seekers on account of the increased costs compared to those with residence permits whose employment is supported with different sorts of funding by the state. In addition, when an asylum seeker is not presented to employers by official authorities, such as municipalities, the Swedish Migration Agency or Labour Agency, there is nothing that guarantees the identity and abilities of the potential employee to employers. Furthermore, for the Swedish social and labour system, social networks are not an important factor in assisting persons to enter the labour market. Despite this, social networks are arguably the main factor that has allowed some asylum seekers to access work places thus far.

**Asylum seekers who lack language skills:** A hindrance, which commonly influences the decision of whether to hire asylum seekers, is their lack of language skills. In response, there are programs that attempt to help asylum seekers learn the Swedish language and culture. As previously mentioned, one project currently being implemented by civil society organisations and municipalities is the TIA project. This project is funded by the county government. However, there is little interest from municipalities to work with asylum seekers through funded programs. For example, in 2018 and 2019 in the district of Skaraborg comprised of 15 municipalities, only the city of Mariestad coordinates the TIA project for asylum seekers in the whole area.

**Skills documentation:** JOBSKILLS.se is a digital platform that helps newcomers and asylum seekers to document their skills and helps employers in Sweden to search for new competences. The service is developed by The Swedish Public Labour Agency to make it easier for people who are new in Sweden to establish themselves in the labour market.

In Jobskills.se digital platform<sup>19</sup> an asylum seeker can:

- » Publish and share his or her 'competence profile' with employers and employment agents;
- » Get his or her 'competence profile' automatically translated from the asylum seeker's language to Swedish;
- » Receive information about jobs and education based on the asylum seeker's profile;
- » Receive information about the Swedish labour market and receive assistance with writing CVs.

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17. Länsstyrelsen, Tidiga insatser för asyl sökande, 2019, available at: <https://bit.ly/2LbqaR9>.

18. AIDA, Country Report: Sweden, March 2018, available at: <https://bit.ly/2GLWh72>.

19. Available at: <https://jobskills.se/>.

However, according to a Jobskills source in the Västra Götaland region, in November 2018 “The Jobskills project was progressing well until the middle of 2018. Then the project was subject to a series of criticism which basically revolve around the lack of confidentiality in respect of the information provided by asylum seekers. Indeed, the asylum seeker’s information could be easily disclosed since there is no real option in the Jobskills application to receive the applicant’s explicit consent.”

According to the source “The real problem emerged when persons in charge of the program in the National Labour Agency tried to solve the point of contention through disabling the effectiveness of the Jobskills tool and suspending the accessibility for the people working on the project themselves and the case workers in the Public Swedish Employment Service. Thus, they deactivated the most important role of Jobskills; the matching role between the employers and asylum seekers.

The project -as discussed- is going to be handed over to the partners, such as study-associations or civil society actors, that have previously been enforcing and facilitating the role of matching that was inherently allocated to the Jobskills team. The project is still available for registering those interested but it is working with a weak mechanism in terms of connecting the asylum seeker with the employer. The concerned partners are going to manage Jobskills as a part of their usual tasks in mapping and guiding without making any special effort in respect of the matching question”.

In addition to all the above, obstacles to obtaining employment for asylum seekers in Sweden also includes, besides the lack of language skills, a complicated processes for validating diplomas, a lack of low-skill job opportunities and the attitudes of the host society.<sup>20</sup> As mentioned, there is no clear mechanism to promote asylum seekers access to the labour market or lead these people to find jobs or even work experience placements. In theory, the approach is good, yet, without the required methods, the theory is lost in practice.

## 6. RECOMMENDATIONS

As the example of Sweden and several other European countries illustrates, , despite having policies to facilitate asylum seekers entrance to the labour market in some cases, putting such theories in practice is a real challenge. Indeed, there are not many successful examples that work in practice.

Some of the main factors limiting asylum seekers successful access to the labour market derive either from national legislation (e.g. Germany), or from the unwelcoming approach of the labour market towards asylum seekers (e.g. Belgium). The following sets out how these obstacles can be addressed:

### **Step 1: Skills need to be documented**

The identification of asylum seekers skills should take place in the reception process. To illustrate, in Finland asylum seekers skills are already identified in reception centres, so that their skills are taken into consideration when choosing a settlement area where those skills can be used.. This approach is not present in the Swedish asylum process which prioritises examination of the asylum application. Documenting skills comes later and through programs such as Job skills where asylum seekers have the option not to register or are unaware of the site since they do not use digital platforms.

### **Step 2: Developing a mechanism to promote asylum seekers access to the labour market**

A mechanism to promote asylum seekers access to both public and private sectors is required and should be developed in conjunction with current programs that support asylum seekers with language courses, information about Sweden and the labour market, namely the TIA project and digital skills documentation tools such as Jobskills. In Belgium, asylum seekers can register themselves with the Belgian Labour Agency and receive vocational training and a free assistance programme. It is suggested that such an example can be implemented by the Swedish Public Labour Agency or local authorities in Sweden and other EU countries.

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20. AIDA, Country Report: Sweden, April 2019, available at: <https://bit.ly/2GLWh72>.

### **Step 3: Asylum seekers are to be represented and supported by an authority**

As mentioned above, there is nothing that guarantees to an employer that the particular asylum seeker applying for a job is capable and suitable for the job. A service that makes the process of matching easier and gives both the employer and the asylum seeker more confidence when dealing with possible misunderstandings in the work place, can be done through mediators that provide language support, guidance in the work place and facilitate communication. Such a service can be provided by the municipalities and could play a crucial role in initiating the hiring of asylum seekers by employers.

### **Step 4: More focus is needed on the employers themselves and not only on the applicants**

There is a need to encourage employers and raise awareness of the importance of having employees and workers with different backgrounds. This leads to diversity in the work place which in turn improves performance and raises the level of creativity.

### **Step 5: Having civil society contribute**

Most recruitment is done through networks. Asylum seekers are, thus, at a disadvantage since they lack contacts in the labour market or in the host society. Civil society, via their networks, can be an important part of promoting asylum seekers access to the labour market.

### **Step 6: Job proximity increases the likelihood of employment.**

Most asylum-seekers are housed outside cities and densely populated communities. This makes their access to workplaces unavailable and costly.

### **Step 7: The Support group example**

Programs led by civil society and supported by authorities in which asylum seekers have organised themselves into active groups and developed their human capital and skills such as the Support Group network (SGN). SGN started as an initiative in Vänersborgs reception facility by asylum seekers themselves. This initiative was based on an effective method that caught the attention of employers and companies in that area resulting in asylum seekers being invited and offered work experience placements. That example should be supported to be applied in more areas.<sup>21</sup>

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21. Available at: <https://www.supportgroup.se/>.



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