



# **The Future EU Action Plan on Integration and Inclusion: Ensuring an Approach Inclusive of All**

Policy Paper

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## I. Introduction

The forthcoming EU Action Plan on Integration and Inclusion, which will update the commitment expressed in 2016, represents a significant opportunity to develop a coordinated integration policy. The new Action Plan should aim to ensure that all people arriving and residing in the EU have the opportunity to build a dignified life and to actively participate in society. Expanding the conceptual framework of the Action Plan to talk about “inclusion” as well as integration is extremely welcome as it strengthens the understanding of integration as a “two-way process”, which remains to be adequately reflected in current policy approaches.

This policy paper consolidates existing positions and analysis on social inclusion of migrants and refugees by ECRE, PICUM and their member organisations,<sup>1</sup> and provides a contribution to the upcoming Action Plan with specific policy recommendations.

### Scope of the Action Plan: going beyond EU competences and involving member states

The 2016 EU Action Plan on Integration included a number of actions foreseen at EU level to support integration policies in member states. As integration and inclusion policies are determined at member state level and cut across many policy areas, it is essential that the new Action Plan is accompanied by specific commitments by

member states to mainstream migrants’ inclusion into all relevant policy areas.

First of all, an evaluation of the progress made in the past four years at the EU and national levels should be undertaken to identify successes and weaknesses and inform the goals for the next Action Plan.

Secondly, an adequate monitoring process should be set up for the next Action Plan, including instruments for reporting and monitoring on the progress of member states, and to measure the advances in the different areas of integration comparatively across the EU. Strengthening existing projects to evaluate integration, such as the Migrant Integration Policy Index (MIPEX) or the National Integration Evaluation Mechanism (NIEM) could be considered in order to contribute to the assessment of the achievement of the Action Plan objectives.

Although several European political parties recognise integration as a priority in migration and asylum<sup>2</sup> policies, some member states currently lack any integration policy,<sup>3</sup> have severely reduced their integration efforts or have switched to an opposite narrative.<sup>4</sup> The Action Plan should be complemented with Council conclusions on integration to renew member states’ commitment to progressing towards [the Common Basic Principles for Immigrant Integration Policy in](#)

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1 Relevant inputs and publications of members are included as link and footnotes to this publication.

2 The need for a better focus on integration is expressed in the visions on asylum and migration of the [European People's Party](#), [Greens/EFA](#), [Socialists and Democrats](#) and [Renew Europe](#).

3 While [Bulgaria](#) has marked the sixth consecutive year of ‘zero integration policies’ (no integration activities are planned, funded or made available to recognised refugees or subsidiary protection holders), other member states such as [Poland](#) and [Hungary](#) cut significantly their funding for integration (for more information <http://www.asylumineurope.org/>).

4 In the case of Denmark, the ruling party (Social Democrats) has adopted, since 2015, an anti-immigration narrative, prioritising return over integration also in the case of asylum seekers (see Euractiv, [Denmark's Social Democrats set to win election on anti-immigration platform](#), 2019).

[the EU](#), and lead to periodical meetings of EU ministries responsible for integration, to discuss policies and assess common objectives and strategies.

National policies, national action plans for integration, as well as existing multilevel strategies including regional and local actors<sup>5</sup> should also be assessed and monitored in cooperation with civil society to ensure policy coherence in inclusion.

### **How to deliver on EU objectives on integration and inclusion: ensuring a coherent link between EU funds and the Action Plan**

EU funding has the potential to play an important role in the functioning of the Common European Asylum System (CEAS) and in supporting EU member states to build more inclusive societies. While the need for resources for integration tends to increase, the next multiannual financial framework (MFF) of the EU (2021 – 2027), has reduced resources for integration.<sup>6</sup> As the European Commission aims to mainstream integration across a number of funding instruments,<sup>7</sup> it is particularly important that the Action Plan shapes the programming for the relevant funds, including guiding the allocation of resources in national programmes, particularly for the Asylum,

Migration and Integration Fund (AMIF) and the European Social Fund Plus (ESF+).

As migrants and refugees have been disproportionately affected by the ongoing Covid-19 pandemic,<sup>8</sup> the resources unlocked by the Next Generation EU recovery plan, and in particular the top up to the cohesion policy provided by the REACT-EU programme,<sup>9</sup> represent an important opportunity to limit the increase in exclusion and marginalisation produced by the consequent economic crisis. The Action Plan should include specific links with the use of EU funds, both in direct and shared management, in order to support integration objectives.

### **Assess integration outcomes in all asylum and migration policies**

Asylum and migration policies at both the EU and national levels have a direct impact on third country nationals' integration in Europe. In the case of the CEAS reform proposals of 2016, many of the suggested revisions would have had negative consequences for integration.<sup>10</sup> The renewed commitment to integration from the EU which appears in the New Pact on Migration and Asylum, must at least ensure that current and forthcoming legislative proposals on asylum and migration legislation, including the five legislative proposals and four recommendations in the Pact package, will be assessed for their impact on integration.

5 An example of coordination valorising local initiatives at the national level can be the [“Territorial contracts for the integration of refugees”](#) set up in France in 2019.

6 For an analysis of the needs, [ECRE – PICUM, Policy Paper – Promoting socio-economic inclusion of migrants and refugees in the next EU budget](#), December 2018.

7 Together with the Asylum, Migration and Integration Fund (AMIF), the European Social Fund Plus (ESF+) will support integration through a dedicated specific objective. Other funds involved in the integration of third country nationals will be the ERDF, the EAFRD, the Rights and Values programme and the Erasmus+.

8 For ECRE, PICUM and other civil society resources on the pandemic: [picum.org/covid-19migrantsineurope/](https://picum.org/covid-19migrantsineurope/)

9 For ECRE and PICUM recommendations on Next Generation EU: ECRE/PICUM, [Ensuring an inclusive recovery for all: ECRE and PICUM comments on the next Generation EU package and REACT-EU](#), 2020

10 For an analysis of the impact on integration, Huddleston, Tanczos, Wolffhardt, [New Asylum recast may undermine the EU's greatest impact on refugee integration](#), 2017



## II. Analysis

### A. Ensuring that no one is left behind

#### Definition of beneficiaries: avoiding limited approach based only on residence status

Many third-country nationals hold different residence statuses during the course of their residence in European countries. During status determination procedures and possible periods of irregular residence, people reside in and are de facto members of workplaces and communities.

The Action Plan should recognise that fundamental rights of all residents must be respected, protected and fulfilled, including through provision of services, and government and civil society measures to support their inclusion. Integration policies should be as inclusive as possible, to ensure that services and activities can be adapted to the needs and realities of local communities, and include all third country nationals who are continually and effectively residing in Europe. Creating pockets of exclusion within disadvantaged communities not only limits individuals' participation and opportunities to meeting their full potential, but also produces divided and weaker societies.

By including persons "with a migrant background" together with migrants and refugees, the proposed Action Plan illustrates that it is possible to overcome eligibility criteria based on residence status, and address people on the basis of their need. ECRE and PICUM recognise this approach as an improvement, which looks at people for what they may need and not exclusively for their

visa entitlements. However, once they acquire EU nationality, "second and third generations" of migrants are in all respects citizens of their countries of residence. Addressing their social inclusion needs together with migrants instead of with other nationals risks perpetuating racism and discrimination against people of colour and people of foreign origin, who are already far too often treated as 'foreigners' in their countries, with a consequent negative impact on their self-perception. Furthermore, it risks entrenching approaches that consider unequal outcomes in areas such as education and employment as stemming from supposed cultural differences and individual/ family behaviours rather than structural and institutional racism and economic inequality.

There is a risk that including "second and third generations" in migration policy would contribute to increased surveillance and disproportionate targeting in policing procedures. We therefore strongly recommend not to include references to "second and third generation" migrants in this policy framework but reiterate our support for a needs-based approach, including all migrants and refugees, and only specifying residence status when an action is directly linked to a particular immigration or asylum procedure.<sup>11</sup>

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<sup>11</sup> Many of these concerns are not limited to people of migrant background – it is already problematic that migration policy is led by the government departments responsible for internal security at EU level and in most countries, and that migrants' access to services is often governed by such authorities rather than those responsible for social inclusion, employment and public health. We urge DG Home to be clear and ambitious that implementation of this policy lies with various public authorities across policy areas and requires concrete efforts to address discrimination and ensure inclusion in mainstream public services and through targeted measures.

### Lessons from member states' approaches during the Covid-19 pandemic

The recent [socio-economic challenges](#)<sup>12</sup> triggered by the Covid-19 pandemic have highlighted how the denial of access to services and social protection on the basis of immigration status make whole societies more vulnerable.

Responses to the pandemic also highlight the intrinsic links between asylum and immigration procedures and integration. Some EU member states organised urgent regularisation processes to respond to labour shortages and the need to ensure access to healthcare and social services. For example, Portugal temporarily [extended entitlements](#) to health and social services for all asylum seekers and people who had presented a request for regularisation to the same level as permanent residents. Italy carried out a regularisation<sup>13</sup> due to shortages in the agriculture sector during the pandemic, and migrants were released from detention facilities in a number of member states.<sup>14</sup>

Conversely, a number of negative practices also were carried out,<sup>15</sup> including suspension of access to asylum and family reunification procedures, closure of reception centres and suspension of language classes and civic integration programmes.

The Covid-19 pandemic and its socio-economic impact on European societies have underlined

the importance of mainstreaming integration policies for all third country nationals to avoid marginalising people. The Action Plan should take stock of the positive advances in terms of policy initiatives and proposals from recent months and capitalise on the pragmatic recognition of migrants' rights when designing new integration solutions.

### B. Early integration and reception: enabling integration from Day 1

The Action Plan issued in 2016 states that providing support to third country nationals at the earliest steps of the migration process has proven to be an essential feature of successful integration, and promotes, when applicable, pre-departure/pre-arrival measures. The latter measures are particularly suitable in the case of refugee resettlement and should also target "receiving communities" to prepare them for new arrivals. However, early integration support is equally crucial for asylum-seekers, many of whom will be entitled to status after lengthy asylum procedures, often in isolated areas and with limited access to local networks, as well as for migrants and their families.

"Starting integration from Day 1" is a frequent expression among EU policymakers attesting the effectiveness of an early approach to inclusion. This should ensure early access to information, legal assistance, social services, education and

12 PICUM, [The COVID-19 pandemic: we need urgent measures to protect people and mend the cracks in our health, social protection and migration systems](#), 2020

13 EWSI, [Italian government adopts targeted regularisation for migrant workers](#), 18/05/2020

14 PICUM, [Non-exhaustive overview of European government measures impacting undocumented migrants taken in the context of COVID19](#), 2020

15 EASO, [COVID-19 emergency measures in asylum and reception systems](#), June 2020

employment. It is widely recognised that the sooner third country nationals get support to integrate in labour market, the more successful their integration will be.<sup>16</sup> Concerning applicants for international protection, this requires starting integration measures during the reception phase, through orientation and language training,<sup>17</sup> but also skills recognition and preparation to enter employment. Early labour market integration is considered a crucial determinant to tackle the lower employment rate of third country nationals.<sup>18</sup>

Nevertheless, a number of barriers undermine integration prospects during the phase after arrival.

First, seven member states prevent asylum seekers from accessing the labour market in the six months following their asylum application, while another seven member states go even further with a waiting period of nine months.<sup>19</sup> These provisions often even deny participation in internships and training programmes, thus not only missing an opportunity to strengthen skills, but also limiting opportunities for future employment by pushing people towards long-term unemployment.

Second, reception conditions have a substantial impact on integration of third country nationals, as rightly pointed out by the European Commission's *Toolkit on the use of EU funds for the integration of people with a migrant background*.<sup>20</sup> Inadequate reception conditions are prevalent across the EU due to lack of compliance with existing asylum *acquis*.<sup>21</sup> Institutionalised reception systems based on large and geographically isolated facilities with in-house provision of services harms people's integration by reducing their opportunities to engage with local community, long demonstrated to be a key factor in identifying job opportunities as well as developing relevant skills, including language acquisition.<sup>22</sup> These facilities often exacerbate feelings of precariousness, with a negative impact on the physical and mental wellbeing of people who have often faced hardship in their country of origin and during their journeys. European reception systems should discourage segregation models and promote accommodation centres based on dignified, small-scale reception facilities and options for independent living. The Action Plan should provide guidelines on how reception systems can foster inclusion, and include

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16 Bertlesmann Stiftung, *From Refugees to Workers Mapping Labour-Market Integration Support Measures for Asylum Seekers and Refugees in EU Member States*, 2016

17 Lack of language and social orientation training during the asylum stage is indeed a major issue in many EU countries. See: NIEM, *'The European benchmark for refugee integration : A comparative analysis of the National Integration Evaluation Mechanism in 14 EU countries, Evaluation 1 : comprehensive report'*, 2020

18 IRC, *'Getting Back on Track : A Renewed and Improved EU Action Plan on Integration'*, 2019

19 Croatia, Hungary, Latvia, Luxembourg, Malta, Slovakia and Slovenia impose a waiting period of 9 months, while Cyprus, Czech Republic, Denmark, Estonia, France the Netherlands and Spain have a time limit of 6 months (cf. Huddleston, Tanczos, Wolffhardt, *New Asylum recast may undermine the EU's greatest impact on refugee integration*, 2017 and *updated Aida country reports*, 2019)

20 European Commission, *Toolkit on the use of EU funds for the integration of people with a migrant background*, 2018

21 ECRE, *Making the CEAS work, starting today*, 2019

22 See ECRE, *Housing out of reach? The reception of refugees and asylum seekers in Europe*, 2019

investments from EU funding on how to support these approaches.

A number of member states are limit integration programmes to those people with a high chance of recognition, largely based on an assessment of their nationality.<sup>23</sup> Similarly, both public debate and Member State and EU legislative proposals include lower standards of reception and integration provisions for certain categories of applicant, including those from safe countries of origin.

This undermines the principle of the individual right to asylum and disadvantages many asylum seekers who may in the end be granted international protection. Early integration measures and services should be provided to all applicants without discrimination on the basis of their country of origin.

Any reform of member states' inclusion, labour market and reception systems<sup>24</sup> should also aim at removing the obstacles to integration in the labour market by reducing waiting periods for accessing employment, removing barriers such as labour market tests, and removing restrictions on employment sectors accessible to asylum seekers, people who have moved for family reunification, or people granted "tolerated" status. In the meantime, the Action Plan on integration of third country nationals should aim at mitigating the effects of belated labour market access by promoting training, apprenticeships, skills

recognition, and coaching activities to prepare people for the labour market.

## C. Employment and education

### Language learning as an ongoing process accompanying integration

Learning a language is often a prerequisite for accessing the labour market, and also necessary to communicate in and relate to the country of residence. It thus needs to be started as soon as possible, and, in the case of asylum seekers, before the final decision on their request for international protection.

The language classes provided to third country nationals are often not sufficient to equip individuals to enter the job market or the education system. In some member states, even EU-funded programmes targeting young people who are not in employment, education or training (NEETs), such as the Youth Guarantee,<sup>25</sup> include language requirements which are not met by the classes provided in their integration pathway.

Priority should be given to language classes which are adapted to an individual's competences and specific needs, when possible connected to the development of other skills, as recently implemented in The Netherlands <sup>26</sup>. The Action Plan should ensure that the provision of language classes is timely and comprehensive, and allows full access to educational institutions, labour

23 In the Netherlands, for example, "pre-integration" services in the reception centre is reserved to "Asylum seekers with a high probability of obtaining a permit", see <https://www.coa.nl/nl>.

24 ECRE, [Comments on the Commission Proposal to recast the Reception Conditions Directive](#) COM(2016) 465, 2016

25 In France, despite being legally eligible to benefit from the Youth Guarantee, many young refugees have been often excluded from the Youth Guarantee due to insufficient level of French (see also Aurélien TACHÉ, 72 [PROPOSITIONS Parlementaires Pour une politique ambitieuse d' intégration des étrangers arrivant en France](#), 2018).

26 The recent [New Civic Integration Act](#) introduced last July (2020) in the Netherlands, is a good example of how learning a language needs to be included in a tailored made process including multiple subjects which will help refugees in their further steps towards integration in the society and in employment.



market and training programmes and should also recommend the provision of additional language modules complementing formal education. Existing initiatives that include language classes before or during programmes such as the Youth Guarantee should be promoted and supported by the EU.<sup>27</sup>

To acknowledge the contributions of migrants and refugees to our societies, and for many other reasons, more recognition should be given to multilingualism. Reception and orientation classes for newly arrived pupils should be made available also in their mother tongue, to facilitate learning, and fostering a sense of community. Additionally, for many children who have never attended formal education in their mother tongue, learning to write in their own language is a way to support their own self-confidence and sense of belonging, but also to get more practically acquainted with languages learning. The Action Plan should promote multilingual education and the use of the native language, with full access for children from the ‘welcoming’ society. Far from creating segregation, there is a body of evidence demonstrating that these measures are crucial for integration into mainstream schooling of new arrivals (as well as playing a role in supporting educational outcomes for other minorities).

### **Ensuring access to employment by reducing legal and administrative barriers and ensuring skills recognition**

Employment is widely recognised as a major element of participation in a country’s economic and social life. Matching skills, aspirations and workplaces is still a challenge due to a number of obstacles faced by migrants and refugees in the labour market. In 2019, the employment rate for migrants born outside the EU was 6.3 % lower than the employment rate for the native-born population.<sup>28</sup>

Recognising the need of personal social guidance, enabling each refugee to get the appropriate, tailor made support in their integration process is crucial for durable participation of newcomers in the labour market (and in the society).<sup>29</sup> The Action Plan should aim at mainstreaming these efforts, generally carried out with the active engagement of civil society and through adequate public funding.

Besides the delayed access to the labour market, other barriers to labour market integration persist. First, regulated access to many employment sectors systematically excludes third-country nationals, including beneficiaries of international protection.<sup>30</sup> Lack of skills recognition creates a serious mismatch between offers and job seekers. This means that people are often obliged to work in lower-qualified jobs while their skills and capacities are not recognised, especially when

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27 An example is the rather limited programme *Garantie Jeunes Réfugiés*, experimented in the department of Rhône (France).

28 Eurostat ‘[Migrant integration statistics – labour market indicators](#)’ (Data extracted in April 2020)

29 The long-standing experience of Social guidance for refugees by local volunteers by the Dutch Council for Refugees is a good example of a tailor made and holistic approach to integration (<https://globalcompactrefugees.org/article/social-guidance-refugees-local-volunteers>).

30 This is the case, for example, of sectors requiring the inscription into professional associations, taking national-level exams or not foreseeing recognition of diplomas for certain professions.

official documents from their country of origin are missing. Despite the preparation of useful instruments like the [EU Skills Profile Tool for Third Country Nationals](#)<sup>31</sup> and the [Council of Europe's European Qualifications Passport for Refugees](#),<sup>32</sup> in a number of member states, many highly skilled sectors do not provide for procedures to recognise qualifications. The Action Plan should call for a specific evaluation on the use of such profiling materials, to improve coordination at the member states.

The Covid-19 pandemic has also demonstrated that a different approach is possible. Some member states set up mechanisms allowing health professionals with refugee status to practice in healthcare institutions despite the lack of formal recognition of their diplomas,<sup>33</sup> following the recommendations of the [Council of Europe and the UNHCR](#).<sup>34</sup> In practice, however, many refugees who offered to help hospitals were denied this opportunity.

Second, labour market and work permit restrictions limit people's mobility in the labour market, an essential tool for matching job offers and workforce, promoting good working conditions, as well as professional development. The Action Plan should promote national policies that facilitate access to the labour market for third

country nationals in all sectors, allow for change of employer and in-country applications, without burdensome visa and permit procedures or labour market tests.

Thirdly, discrimination is a key factor undermining migrants' integration in employment. A recent Eurobarometer survey<sup>35</sup> found that 63% of European citizens believe that migrants' integration could be severely hampered if they face discrimination or difficulties in finding a job. Training stakeholders and member states' employment agencies in setting up strategies against discrimination should be one of the actions funded by the Action Plan. Programmes involving employers committed to hire refugees and asylum seekers represent a way to ensure their inclusion on equal footing.

Specific, targeted support in entering employment should be given to women who are seekers or beneficiaries of international protection, as they face multiple, intersectional discriminations linked to their gender, nationality and residence status.<sup>36</sup> Third country national women are over-represented in low-paid jobs, may have increased carer responsibilities (especially in the lack of adequate childcare services) and feel the impact of barriers to employment more acutely than men or other women.<sup>37</sup>

31 <https://ec.europa.eu/migrantskills/#/>

32 The [European Qualifications Passport for Refugees](#) is a Project based on the Council of Europe Lisbon Recognition Convention. For more details, see <https://www.coe.int/en/web/education/recognition-of-refugees-qualifications>

33 From April 2014, France granted to refugees who graduated outside Europe and worked as a physician or pharmacist in the past the right to work as doctors in the French public health system, see <https://accueil-integration-refugies.fr/2020/04/14/les-refugies-peuvent-contribuer-au-service-public-de-sante/>

34 UNHCR, [The Council of Europe and UNHCR support Member States in bringing refugee health workers into the COVID-19 response](#), 14 April 2020

35 TNS opinion & social, [Special Eurobarometer 469 on the Integration of immigrants in the European Union](#), 2018

36 For information on the multiple discrimination in employment affecting undocumented women, see: PICUM, [Strategies to end double violence against undocumented women – Protecting rights and ensuring justice](#), 2009

37 For evidence: IRC, [RescueWorks: Unlocking Refugee Women's Potential](#), 2019

The Action Plan should continue to target funding and promote the implementation of projects focused on empowering refugee and migrant women, including through increased access to childcare.<sup>38</sup>

### **Access to higher education and vocational training**

Obstacles to higher education put the lives of a number of young people on hold. Migrant and refugee young people should be first and foremost approached as a target of youth policies together with their peers, and therefore be quickly provided access to higher education systems.<sup>39</sup> Policies which block access to internships and trainees to third-country national youth because they do not have a work permit or authorisation to access to labour market, or that charge them international student fees or require them to apply for student visas, are highly discriminatory to young residents who have progressed through a country's education system. For example, undocumented students are usually barred from doing traineeships<sup>40</sup> due to their residence status even when they are in compulsory education, and despite being fluent in the local language. The Action Plan should promote non-discriminatory access for all residents to higher education, vocational education, training and internships, including through the Youth Guarantee. Specific provisions for improving the effectiveness of training programmes, such as holistic support and – for instance – allowing for

longer grants in the case of third country nationals, should be considered.

Efforts to close the gap in language and education levels when compared to nationals, which is often due to discrepancies with the education system of their country of origin, should be prioritised by universities. In addition, EU-funded programmes should promote the establishment of specific grants and access to student housing for beneficiaries of international protection and migrant youth, in order to encourage and support the access of migrant and refugee young people to higher education.

### **Tackling discrimination in employment and labour exploitation regardless of migrants' status**

Integration in the labour market is not only a question of accessing employment but accessing quality employment. Migrants are significantly more vulnerable to precarity in employment: for many migrants losing a job can mean losing their residence permit as well as their only source of income. This condition makes them particularly dependent on their employer, and therefore highly vulnerable to exploitation, including restrictions on their movement and confiscation of documents. Migrant workers often experience discrimination in terms of pay, hours, rest periods, holidays, etc. For many, lack of access to

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38 For a more detailed set of recommendations on promoting labour market participation of refugee women: IRC, [Getting Back on Track. A Renewed and Improved EU Action Plan on Integration](#), 2019

39 For a generation perspective on young refugees, Ebtehal Mansur, [Education as an instrument of integration for refugee millennials in the European Union](#), 2019

40 PICUM, [Protecting undocumented children: Promising policies and practices from governments](#), 2018

social assistance when losing a job can easily turn into severe destitution.

This is situation for people in a variety of circumstances: those working irregularly; people with dependent work permits; asylum seekers; people in the early stages of their family reunification procedure; and “tolerated” people who cannot be returned although their application for international protection was rejected.

Exploitation is particularly endemic in certain sectors, including hospitality (hotels, restaurants, cafes, catering); building and construction; cleaning and maintenance; delivery services; fishing, agriculture and meat processing; care and domestic work;<sup>41</sup> and sex work.<sup>42</sup>

Abusive employment conditions are a circumstance disproportionately affecting migrant women. Women who migrate for work are often confined to occupations that are under-regulated, with few rights and protections. A survey<sup>43</sup> of 400 migrant women carrying out domestic work in the Czech Republic revealed that 53% did not have any employment contract. This exposes them to economic hardship, unsafe working conditions and exploitation, with limited options for redress, particularly if they are undocumented. It’s because domestic work continues to be undervalued and unpaid that labour protections and the provision of social services are lacking, and that work permit schemes for

domestic and care workers are highly restrictive or non-existent.

The Action Plan issued in 2016 does not recognise the need for a specific focus on protection of labour rights in migration policies, besides identification, protection and integration of third-country nationals who are victims of trafficking.

The new Action Plan should recognise that social inclusion can only be achieved if people have decent work, living wages and work-life balance. To uphold minimum labour standards, it is essential that labour complaints and monitoring mechanisms protect all workers, regardless of status and without any risk of immigration enforcement.<sup>44</sup> Actions to provide information on workers’ rights, support organising and access to complaint mechanisms should be considered in each initiative that promotes labour market integration to ensure that all workers are empowered to enforce their labour rights.<sup>45</sup>

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41 PICUM et al, [Shared concerns and joint recommendations on migrant domestic and care work](#), 2019

42 PICUM, [Safeguarding the human rights and dignity of undocumented migrant sex workers](#), 2019

43 Ezzeddine, Semerák, [The situation of migrant women on the Czech market of domestic work](#), 2016

44 PICUM, [Firewall and labour, fighting exploitation, promoting decent work](#), 2019

45 For more information on protecting the rights of migrant workers from exploitation, PICUM, [a Worker is a Worker](#), 2020, also available in several languages as [executive summary](#) (FR, SP, NL, CZ).

## D. Access to services

### Healthcare

The COVID-19 pandemic has shown that public health issues cannot be addressed without ensuring that all people within society have access to health care. The pandemic has also turned the focus on health exclusion, experienced by a number of groups. In some cases, urgent measures expanding healthcare coverage were implemented at the national<sup>46,47</sup> and local levels, however measures to reduce risks of infection with Covid-19 often did not result in an increase in health protection.

While the [Reception Conditions Directive](#) specifies that Member States have to ensure the necessary healthcare for all asylum applicants, obstacles to effective access to health are common.

Dealing with unfamiliar health systems is not the only challenge for migrants and refugees. Language barriers are often reported as an important obstacle in accessing healthcare, while the provision of interpretation services is inadequate in many EU hospitals.<sup>48</sup> Administrative difficulties, including lack of information among

healthcare providers about people's entitlements, often discourage beneficiaries of and applicants for international protection from approaching health services.<sup>49</sup> Additionally, delays in access result from the link between healthcare and the attribution of a tax code (Italy) or a social security number (Greece).<sup>50</sup> Lastly, the remote location of some reception centres often impedes access to healthcare. Poor quality is often reported in the case of services delivered in the reception facilities.<sup>51</sup>

Undocumented migrants face great challenges in accessing health care across the EU. As opposed to the asylum *acquis* which outlines asylum seekers' access to health care, there is no EU directive regulating the provision of health care for undocumented migrants across the EU, but rather 27 different national systems. Among these, only a handful of member states<sup>52</sup> offer comprehensive health coverage for people in an irregular situation.

While no EU member states deny undocumented migrants' access to emergency care,<sup>53</sup> migrants often have to pay and sometimes even for emergency care. Even in countries where undocumented migrants are entitled through legislation

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46 ECRE, [Information Sheet 28 May 2020: Covid-19 Measures Related to Asylum and Migration across Europe](#).

47 PICUM, [Non-exhaustive overview of European government measures impacting undocumented migrants taken in the context of COVID19](#), 2020

48 For more information, [NIEM project, The European benchmark for refugee integration. Evaluation 1: Comprehensive report](#), 2020

49 Ibid.

50 Since July 2019 and until April 2020, distribution of social security numbers to Greek refugees and asylum seekers was suspended, with subsequent stall in services delivering.

51 ECRE, [Housing out of reach? The reception of refugees and asylum seekers in Europe](#), 2019

52 Comparing to what extent member states provide health care to undocumented migrants is not a straightforward exercise as national definition of universal healthcare differs across countries. the most "comprehensive" coverage available (but with administrative hurdles) is in France and Belgium, with strong coverage also in Spain (though concerns there now with implementation of the new law) and Italy. For a comprehensive view on healthcare coverage we suggest the following Oxford COMPAS report: Spencer, Outside and In: Legal Entitlements to Health Care and Education for Migrants with Irregular Status in Europe, 2015

53 FRA – European Union Agency for fundamental rights, [Migrants in an irregular situation: access to healthcare in 10 European Union Member States](#), 2011



or policies to health services beyond emergency care, many administrative and practical barriers can prevent them from receiving the care to which they are entitled.

One of the biggest challenges for undocumented migrants in accessing health care is the lack of a “firewall”<sup>54,55</sup> provision to separate the delivery of healthcare from the enforcement of immigration rules. It is thus primordial to support actions aiming at granting basic healthcare to all, such as local clinics for marginalised communities and open consultations provided by NGOs with volunteering professionals. The Action Plan should ensure adequate mention of these practices<sup>56</sup> and promote projects to guarantee the right to health regardless of individuals’ residence status. Other barriers that undocumented migrants face in accessing health care include lack of adequate information and complex or burdensome bureaucratic procedures.<sup>57</sup> Additionally, people in some cases are denied care due to a lack of awareness among administrative personnel about what type of care they are entitled to, or inconsistent application of the law because of ambiguity in the legislation or complicated procedures. Migrants are also singled out to pay heavy out-of-pocket costs in some contexts that can deter access to needed services.

Negative legislative developments restrict access to care also in the framework of international protection. For instance, waiting periods for accessing healthcare were recently introduced in France,<sup>58</sup> with a considerable impact on the identification of vulnerabilities and the risk of deterioration of physical/mental health for vulnerable asylum seekers.

As the upcoming European Social Fund Plus (ESF+) will be able to cover funding programmes which promote access to basic healthcare for people in vulnerable situations, the Action Plan should guide member states’ preparation of operational programmes and ensure that all member states invest in facilities for basic mainstream healthcare. Specific focus should also be given to mental health.

## Housing

Ensuring dignified, safe, and non-segregated housing has a major influence on people’s health, employment options, education opportunities and participation in local life. Nevertheless, housing represents an area of great disadvantage for migrants and refugees. Basic accommodation is not adequately granted even for applicants and beneficiaries of international protection despite the legal obligation under articles 32 and 34 of the Qualification Directive. Homelessness and precarious housing in unsanitary, overcrowded, and poor conditions at exploitative prices is a widespread problem. The lack of available housing and adequate support can prevent people from leaving the reception system, slowing

54 PICUM, [Data protection and the “firewall”: advancing the right to health for people in an irregular situation](#), 2020

55 PICUM, [FIREWALL and HEALTH Creating safe spaces, addressing health inequalities](#), 2019

56 PICUM, [CITIES OF RIGHTS: Ensuring health care for undocumented residents](#), 2017

57 PICUM, [The sexual and reproductive health rights of undocumented migrants: narrowing the gap between their rights and the reality in the EU](#), 2016

58 A new decree in December 2019 modified the access to healthcare services for asylum seeker. Since January 2020, a 3-month residence requirement applies to all asylum seekers over the age of 18, before accessing universal healthcare.

down their integration, but also, in cases of strict policies on limit of stay in accommodation for asylum seekers, can lead to destitution and homelessness.<sup>59</sup>

Additionally, in a number of countries, legal constraints and administrative requirements, such as specific identification documents, hamper the process of accessing private accommodation after obtaining international protection.<sup>60</sup> Both refugees and migrants tend to suffer from high levels of discrimination in the housing market. Such a situation can force third country nationals to accept inadequate housing conditions, often offered way above market prices. Undocumented migrants have very limited possibilities to enforce their rights as tenants and to access justice without risking deportation, which enables exploitative housing markets to thrive. People renting to undocumented migrants can in some countries risk administrative fines or criminal sanctions, further reducing options as well as bargaining power with landlords. Organisations and individuals providing shelter and assistance to undocumented migrants also face the risk of criminalisation.

Undocumented families with children can experience the impacts of inadequate and insecure housing disproportionately, having to move frequently and often rely on friends and family, with a long-lasting effect on children's physical and mental health.<sup>61</sup>

Segregated and inadequate housing for migrant workers is a major challenge in some countries and sectors in particular. For example, agricultural workers in Spain, Greece and Italy often live in informal settlements separated from the local communities and lacking in basic amenities, such as running water, sanitation and electricity.<sup>62</sup> As well as violating their basic rights, these situations create exclusion and tensions between workers and local communities.

The Action Plan should adopt a "housing first strategy", by recognising the central role of this issue in people's lives and include actions to tackle discrimination in the private rental market. Specific focus should be given to monitoring the provision of targeted support to beneficiaries to access accommodation, also through rental allowances. Housing support should prioritise independent living, with a specific focus on families and children. Specific investment to improve living conditions for migrant workers is also urgently needed.

To fully tackle housing shortages in accommodation for refugees, it is important to promote a model which engages each municipality in investing in housing for refugees – ideally while responding to wider housing needs. Innovative accommodation solutions to tackle shortages in the reception facilities, also involving the local population with host family schemes, cross-generational house sharing and joint student

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59 For a comparative analysis on housing and reception, ECRE, [Housing out of reach? The reception of refugees and asylum seekers in Europe](#), 2019

60 Ibid.

61 PICUM, [Housing and Homelessness of Undocumented Migrants in Europe: Developing Strategies and Good Practices to Ensure Access to Housing and Shelter](#), 2014

62 See for example, Open Society Foundations, [COVID-19, Agri-food Systems, and Migrant Labour](#), 2020

housing,<sup>63</sup> should be encouraged. Studies on such models have proved that staying with families and friends contributes to a more rapid start in building a new life for holders of a temporary residence permit.<sup>64</sup> Support should be granted to projects giving support to searching for housing, access to information and consultation on tenants' rights for all, providing an intermediary between landlords and tenants and providing reasonable prices.

When it comes to housing for undocumented migrants, it is particularly urgent to ensure decriminalisation of renting. Charging landlords with sanctions for renting to undocumented migrants creates the conditions for enduring poor, overcrowded and substandard housing conditions at exploitative rates: landlords may take advantage of their situation to exploit their undocumented tenants, charge them well over the market rates for sub-standard conditions and threaten or even physically abuse them. Such insecurity means that undocumented migrants and their families have to move frequently, perhaps relying on friends and family, staying in squats or spending nights rough sleeping.

## **E. Active participation in political, social and cultural life**

### **Empower migrant and refugee-led organisations and foster the opportunities for exchanges across communities**

Designing integration strategies is a complex process further complicated by the fact that in many cases experts lack direct experience of specific needs. An effective integration strategy needs to put the person at the centre of the process, and respond to individual conditions, needs, aspirations, and skills. Therefore, refugees and migrants must be involved in the preparation, implementation, monitoring and evaluation of integration plans, including the Action Plan on integration and inclusion. Their diversity should be recognised as much as possible, including through adequate representation of women, children and young people, including unaccompanied minors, persons belonging to religious and ethnic minorities, as well as LGBTQI+ migrants and refugees.

ECRE and PICUM warmly welcome the establishment of an expert group to provide advice and expertise on policies in the field of migration, asylum and integration of migrants and refugees. Actively involving migrants, including asylum applicants and refugees, in the design and implementation of policies<sup>65</sup> in this field is essential to making them more effective and better tailored to needs. It is important to facilitate these contacts by removing barriers to

63 An example of a shared living concept which brings local young people and asylum seekers to live together is the Utrecht Refugee Launchpad (<https://www.compas.ox.ac.uk/project/utrecht-refugee-launchpad/>)

64 AIDA, *Country Report Netherlands, 2018 Update*, March 2019

65 An example of promoting meaningful participation of refugees on a specific policy is the Refugee Advisory Group (RAG) which promotes the participation of resettled refugees in the UK (<https://www.globalcompactrefugees.org/index.php/article/promoting-meaningful-refugee-participation-uk>).

refugee and migrant participation in integration policies at the European, national, regional and local level, including the programming of EU funded programmes.<sup>66</sup>

Also, involvement of migrant activists and organisations should take into account that many individual advocates and many migrant-led and refugee-led organisations operate on a voluntary basis, with people doing this work in addition to their main employment. Providing compensation, arranging opportunities for their participation outside working hours, and ensuring specific spaces and platforms for their contribution are steps that EU institutions and member states should take.

The Action Plan should ensure effective opportunities for exchange and consultation with migrants' communities for policymaking, at all governance levels. Participation should be supported by reducing the existing barriers mentioned above.<sup>67</sup>

Programmes aiming at promoting exchanges and shared activities between third country nationals and local communities through volunteering, sports and cultural activities have a strong potential in social innovation. Such initiatives should be offered from the very beginning of refugees' arrivals, support the construction of more cohesive societies able to overcome prejudice and

discrimination by fostering mutual understanding and should be further promoted and expanded.<sup>68</sup> Policymakers at the national, regional and local level need to realise the importance of investing in social contacts for refugees and building networks also from 'day one'.

### **Tackle persisting discrimination and ensure synergies with anti-racism measures**

Third country nationals experience disproportionate levels of discrimination based on racist and xenophobic attitudes. The lack of full coverage by anti-discrimination legislation in most EU member states, puts them in a particularly vulnerable position. The Action Plan on Integration and Inclusion should embrace common objectives and strategies with the European Anti-Racism Action Plan 2020-2025,<sup>69</sup> with regards to participation and non-discrimination of migrants.

In many cases migrants' access to justice to report discrimination and racist treatment, and other forms of abuse, can prove to be difficult. Undocumented migrants face a significant risk of being exposed to immigration enforcement throughout the EU if they come forward to report mistreatment, while also facing lack of familiarity with the justice system, as well as fear of contact with authorities due to discriminatory approach that can also discourage people who have a regular status. The need for safe access to legal

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66 For a look at how migrant and refugee organisations should be involved in the planning on EU funding, ECRE and PICUM, [Partnership in practice: the role of civil society in EU funded actions for the inclusion of migrants and refugees](#), 2020

67 For further information on refugee-led organisations in Europe: Masooma Torfa, [Refugee-led organisations \(RLOs\) in Europe: policy contributions, opportunities and challenges](#), 2019

68 Good practices are widespread both with EU and member states' resources. In France, 'Volont'R', a civic service with and for refugees was launched by the *Inter-Ministerial delegation for the reception and integration of refugees*.

69 For some additional notes on anti-racism measures to be addressed, PICUM, PICUM input to consultation meeting: Action plan against racism, 2020

support for victims of racist discrimination and abuses, and other types of mistreatment, should be addressed in the Action Plan on Integration.

The Action Plan on Integration and Inclusion should also align with the EU's Gender Equality Strategy and Victims' Rights Strategy. The latter expressly recognises the systematic factors that undermine undocumented migrants' ability to safely report a crime due to their irregular status. Inclusion cannot be achieved in the absence of feeling safe and of being equally protected. Both the Victims' Rights and Gender Equality Strategies put an important focus on addressing gender-based violence. The Action Plan on Integration and Inclusion should address this priority, and other factors hindering migrant women's safety and their opportunities.

## F. Investing in children and youth

### Education

The 2016 Action Plan gives an important focus to children's education, affirming that all children, regardless of their family or cultural background or gender, have the right to education to further their development. Both compulsory education and non-compulsory education, such as early childhood education and care, are considered fundamental for the integration of families and children.

Although children have the right to basic education under international and human rights law, in practice, 'the type, quality and duration of schooling offered to asylum-seeking, refugee and migrant children depends more on where they are in the migrant/asylum process than on their educational needs'.<sup>70</sup> Children of undocumented parents may experience several barriers due to documentary requirements for registration that cannot be provided, limitation of access to exams and lack of awareness amongst educational staff about children's rights to education.<sup>71</sup> Access to non-compulsory education can prove even more problematic.<sup>72</sup> Administrative barriers can delay access to school even to children seeking asylum and unaccompanied children when deadlines are not flexible enough.

As migrant children face the significant challenge of adapting to different education systems, often in a new language, and sometimes catching up on missed periods of schooling, they need specific support, such as catch-up classes and preparatory programmes, after-school programmes, trained teachers and adequate language support (see p. 5). Providing specific spaces and engaging with parents can also be a key way to support them to navigate the education system and to provide additional support their children's education at home.

The Action Plan should take stock of existing good practices in helping refugee and migrant children to access education and learn and promote specific measures in all member states.<sup>73</sup> In addition to ensuring the right to access education for all asylum seeking, undocumented or refugee children – both those who are unaccompanied as

70 UNHCR, UNICEF, IOM, [Access to education for refugee and migrant children in Europe](#), 2019

71 PICUM, [Protecting undocumented children: Promising policies and practices from governments](#), 2018

72 Ibid.

73 A number of promising practices at national and local level are enlisted in: UNHCR, UNICEF, IOM, [Access to education for refugee and migrant children in Europe](#), 2019



well as those with their parents – focus should also be given to children with an irregular status turning 18. Furthermore, it should be ensured that the enforcement of immigration decisions does not interfere with the academic year, allowing children to finish their school year even if the authorities decide to deport or relocate them for immigration purposes.

Education needs, including preventing schooling drop-out and underperformance, should be taken in account when assessing the best interests of children.

### **Addressing child poverty**

As the 2016 Action Plan pointed out, children in migration are at particularly high risk of poverty. Even more so when they or their parents have a precarious residence status that limits parents' access to the labour market or when they are undocumented.

That recognition of children's needs in the 2016 Action Plan should be both preserved and strengthened in the new Action Plan. As the [2017 Commission Communication on the protection of children in migration](#) states, "early integration of children is crucial to support their development into adulthood. It is a social investment and essential factor contributing to societal cohesion overall in Europe."

The 2.4 million children who benefit from some kind of residence permit ([2018 data](#)) would benefit greatly from a dedicated child rights approach in the Integration and Inclusion Action Plan, without prejudice to the comprehensive child rights strategy. This means that the particular rights and needs of children, unaccompanied, separated and with their families, should be considered in each section of the Action Plan. In line with the approach adopted in 2016, it is crucial that the Integration and Inclusion Action Plan applies to

all children in migration, irrespective of residence status.

Poverty negatively affects children's well-being and [long-term development](#). In the next MFF, the Child Guarantee will offer a concrete instrument to ensure that all member states take measures to reduce child poverty. Children in migration represent one of the most vulnerable groups, as highlighted by the [child guarantee feasibility study](#). To ensure an adequate programming under this priority, the Action Plan should link with this instrument and provide specific recommendations to ensure the wellbeing of children in migration.

### III. Recommendations

#### For the overall Action Plan on Integration and Inclusion:

- Clear commitments are required by EU member states to complement the European Commission efforts. The Action Plan should include an adequate monitoring process, which should contain instruments for reporting and monitoring the progress of member states in integration in order to provide a comparative assessment of advancements in the different areas of integration across the EU.
- In order to promote greater coordination of integration with connected policy fields, such as employment, education and social inclusion, periodical ministerial meetings should be organised in cooperation with the member state holding the Council Presidency. Such meetings should be the opportunity to discuss member states' progression in their integration objectives.
- The Action Plan should avoid eligibility requirements to integration based on migration status, by adopting an approach which recognises specific entitlements and rights but also existing needs of inclusion. Social inclusion initiatives through EU funding should be targeting all migrants regardless of their status.
- The Action Plan should include specific provisions to guide member states' programming on EU funds for the integration of third country nationals, including access to basic services to all.

#### For specific policy areas within the Action Plan on Integration and Inclusion:

##### Reception and early integration

- Keep supporting measures for early integration as pre-departing and post-arrival measures in member states;
- Recognise that reception conditions are intimately linked to the outcome of integration, and the delay in access to the labour market affects long term inclusion of asylum applicants;
- Prioritise models of reception which favour the development of contacts and exchanges with the local community and access to mainstream services provided in the communities and not just within the reception centres themselves;
- Endorse measures to mitigate the effects of delayed integration in the labour market, such as access to trainings and internships;
- Promote reception systems based on independent living and community-based approaches, also allocating financial resources through EU funded projects;
- Discourage the investment on isolated reception facilities and increase, when necessary, transport and services provided to the clients of reception centres.

### Employment, Education and Training

- Combine language learning with the development of other skills for employment where possible. Knowledge of the language needs to be kept at the core of the Action Plan, but should be included as much as possible in all other inclusion measures;
- Ensure that the language classes provided allow a pathway to access the level of education and training desired in all member states;
- Promote multilingual education in reception and integration classes, as well as programmes teaching children in their native language, when possible, which improves educational outcomes and fosters a sense of belonging and confidence including for language learning;
- Strengthen the existing instruments for assessment of skills and recognition of diplomas across the EU. Past efforts to provide uniformed tools should be evaluated with a study identifying existing barriers in member states;
- Strengthen skills recognition and assessment by making this part of a holistic approach to employment integration, including through coaching programmes involving expertise from local communities;
- Recommend national policies that facilitate access to the labour market for third country nationals in all sectors, allow for change of employer and in-country applications, without overburdensome visa and permit procedures or labour market tests;
- Provide direct support to member states' employment agencies and stakeholders in the employment sector to set up strategies against discrimination of migrants and refugees and promote participation of migrants and refugees all levels of their organisations;
- Promote access to apprenticeships, traineeships, vocational education and training and higher education to all young people physically residing in a member state, having pursued the required education degrees, regardless of their migration or residence status;
- Ensure that programmes aiming at facilitating young people's access to the labour market, such as the Youth Guarantee, have specific provisions to support third country nationals by including resources for further languages learning, providing dedicated coaching or allow grants extension for those needing a longer training experience;
- Promote migrant workers' empowerment regardless of their migration status by programming actions to provide information on labour rights, access to complaint mechanisms and safe reporting against labour rights violation and exploitation without any risk of immigration enforcement;
- Target funding to strengthen the empowerment and access to employment of migrant and refugee women, regardless of status; Formulate specific actions to protect and integrate victims of exploitation and human trafficking, taking into consideration individual vulnerabilities.

### **Access to services**

- Recommend member states to remove barriers to accessing health services by improving communication about the health system and how to navigate it effectively and overcoming delays in services provision. Activities to improve the wellbeing and access to health in reception facilities should be programmed in the preparation of the new Health Programme of the EU;
- Ensure the use of EU funding, such as the ESF+, in the establishment and provision of health services to the most marginalised communities which are denied access to mainstream healthcare and promote the use of EU resources in local programmes granting health services to undocumented migrants;
- Promote EU-funded programmes granting affordable housing to third country nationals in the framework of integration policies, as well as organisations facilitating migrants' access to housing;
- Ensure that EU funds are used to set up mechanisms for accessing justice in cases of exploitative housing within one-stop shops for integration, guaranteeing the separation between such services and migration authorities;
- Set clear guidelines for the non-criminalization of landlords renting to undocumented migrants as well as individuals and organisations providing undocumented migrants shelter and assistance.

### **Active participation in political, social and cultural life**

- Facilitate the participation of migrants and refugees, including migrants and refugee-led organisations, in the design and evaluation of integration programmes by providing specific spaces for their contribution and removing potential barriers to their involvement;
- Foster the participation and the role of migrants and refugees in projects aiming at education, employment and access to services by recommending member states to involve migrants in implementation, monitoring and evaluation of EU-funded actions;
- Uphold the sense of belonging and participation by promoting social inclusion programmes facilitating exchanges and meetings between migrant and local communities by deploying dedicated funding and displaying good practices.

### **Investing in all children and youth**

- Recommend member states to support access to education of migrant children, including to non-compulsory education by promoting family participation and involvement of migrant children in post-school programmes;
- Commit to the non-discrimination of all migrant children on the basis of the migration status and the specific targeting by all member states in programmes for reducing child poverty in line with the upcoming objective of the Child Guarantee;
- Recommend member states to ensure that the processing and enforcement of immigration procedures respects the child's right to education, meaning that actions required as part of the immigration procedure should not interfere with school hours as well as the completion of a school year.



## IV. Additional sources

- [ECRE – PICUM, Policy Paper – Promoting socio-economic inclusion of migrants and refugees in the next EU budget](#), December 2018
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  - » [Making the CEAS work, starting today](#), 2019
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- International Rescue Committee, [Getting back on track: A renewed and Improved EU Action Plan on Integration](#), 2019
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  - » [Housing and Homelessness of Undocumented Migrants in Europe: Developing Strategies and Good Practices to Ensure Access to Housing and Shelter](#), 2014
  - » [The sexual and reproductive health rights of undocumented migrants: narrowing the gap between their rights and the reality in the EU](#), 2016
  - » [Guidelines for developing an effective complaints mechanism in cases of labour exploitation or abuse](#), 2017
  - » [CITIES OF RIGHTS: Ensuring health care for undocumented residents](#), 2017
  - » [Protecting undocumented children: Promising policies and practices from governments](#), 2018
  - » [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), 2020





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