



ecre

European Council
on Refugees and Exiles

POLICY PAPER: THE RIGHT TO WORK FOR ASYLUM APPLICANTS IN THE EU

**ECRE'S ANALYSIS OF THE CHALLENGES
FACED BY ASYLUM APPLICANTS IN REALISING
THE RIGHT TO WORK IN EUROPE**

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INTRODUCTION

It is well established that the right to work is essential in ensuring the inclusion of refugees in their host country and in guaranteeing that people lead a life of dignity. The Refugee Convention of 1951 includes the right to work in Article 17. To meet the objectives of International Refugee Law, as well as to facilitate integration, EU asylum law obliges the EU's Member States (MS) to provide asylum applicants with access to the labour market no later than nine months after lodging the asylum application.

In practice, there are significant challenges when it comes to the realisation of the right to work and diverging practice – both good and bad – across the EU. These challenges derive from the manner in which the EU secondary law has been transposed, its implementation, and a range of structural challenges and inadequate efforts to tackle them.

After first examining legal and policy developments, this Policy Paper identifies the challenges faced by asylum applicants in accessing the right to work, shares good practices and makes recommendations to EU Member States (MS) and the European Commission (EC) to promote the right to work for asylum applicants. It is based on an analysis of 19 country reports (AT, BE, BG, DE, IE, EL, ES, FR, HR, IT, CY, HU, MT, NL, PL, PT, RO, SI, SE) in the Asylum Information Database (AIDA) and additional desk research.

THE LEGAL FRAMEWORK AND PROPOSED REVISIONS

RIGHT TO WORK

The right to work is a fundamental human right, enshrined in both international and EU legal frameworks. Article 6 of the International Covenant on Economic, Social, and Cultural Rights further recognises the right to work for everyone. This principle sets a foundation for safeguarding employment rights on a global scale, emphasizing the importance of ensuring access to work without discrimination. Within the EU, Article 15 of the Charter of Fundamental Rights of the European Union (the Charter) entitles everyone to the right to work in their chosen occupation. Member States can, however, restrict access for reasons of labour market policy and give priority to Union citizens and EEA nationals, as well as legally resident third-country nationals.

The right to work for asylum applicants and refugees is addressed through specific EU legal instruments. The Qualification Directive mandates MS to provide immediate labour market access for those with international protection. For asylum applicants specifically, the Reception Conditions Directive (RCD) requires MS to permit asylum applicants to access the labour market no later than nine months after their application, although it is not unfettered access, as some restrictions allowed. This time limit has been reduced to six months in the compromise text of the recast RCD, which also obliges MS to ensure or facilitate access to language courses, civic education courses or vocational training courses. Despite these legal safeguards, there are potential challenges posed by proposed reforms contained in the Pact. The proposed reforms, including containment at the border, increased returns and detention, will isolate asylum applicants and limit their access to the labour market.

Discrimination in accessing work within the EU is governed by anti-discrimination laws aimed at fostering equal opportunities for all. The EU's legal framework, including the Charter of Fundamental Rights, the Racial Equality Directive and the Employment Equality Directive not only underscore the importance of equal treatment but also provide a basis for addressing discriminatory practices in accessing employment, ensuring that all individuals are afforded fair and equal access to the labour market within the EU. These legal frameworks require Member States to combat discrimination in employment, ensuring that individuals are not discriminated against on the basis of specified protected characteristics. It is crucial to note that the extent of legal protection against discrimination can vary based on the status of non-EU citizens.

RIGHTS AT WORK

Once asylum applicants access the labour market, rights at work, including adequate working conditions and non-discrimination in the work place should be ensured. According to the International Convention on the Elimination of All Forms of Racial Discrimination, states parties must eliminate racial discrimination in all forms and ensure just and favourable working conditions, equal pay for equal work, without distinction based on race, colour, or national or ethnic origin. Article 11 of the Convention on the Elimination of All Forms of Discrimination

Against Women (CEDAW) mandates that States Parties must employ suitable measures to eradicate discrimination against women in employment, with the primary objective of securing equal rights between men and women.

The EU's commitment to the principle of fair and just working conditions is reinforced in the Charter, which safeguards the right to working conditions respecting health, safety, and dignity and the right to limitation of maximum working hours and annual period of paid leave (Article 31). The Employment Equality Directive require Member States to combat discrimination based on the specified protected characteristics in employment and vocational training, is instrumental in promoting a fair and inclusive labour market within the EU. It prohibits discriminatory practices in the terms and conditions of employment, including salary, working hours, and other aspects that contribute to the overall work environment and ensures that individuals are not discriminated against in terms of promotion and career advancement opportunities. It should be noted however that nationality is not a protected characteristic. The Racial Equality Directive emphasises the right to equal treatment regarding working conditions, thereby contributing to fostering a non-discriminatory work environment.

For asylum applicants, the compromise text of the recast RCD includes improvements that should support access to rights at work. It provides those applicants who have access to the labour market benefits a common set of rights based on equal treatment with nationals in certain respects, such as working conditions regarding pay and dismissal, health and safety requirements at the workplace, working hours, leave and holidays, freedom of association, access to training, and social security. It also emphasises that MS should make every effort to prevent the exploitation of applicants and any type of workplace discrimination, including practices involving undeclared labour and other severe labour exploitation. These changes could improve the conditions at work for asylum applicants.

POLICY INITIATIVES

Inclusion or integration is a national competence rather than an EU competence, meaning it is not part of the EU's legal order. Nonetheless, the EU has developed policy initiatives and funding programmes that support the integration of beneficiaries of international protection and that, in some cases, also extend to asylum applicants, following the principle that inclusion should start from day one. Labour market access has been a particular focus of such initiatives.

The Action Plan on Integration and Inclusion¹ (the Action Plan) outlines specific steps for MS to promote collaboration among diverse stakeholders and the recognition of qualifications as a means of accessing vocational training and achieving successful labour market integration. Inclusion should start as early as possible² during the reception phase, earlier support measures mean faster labour market integration,³ and closing the refugee gap which describes the difference in labour market participation rates between refugees and other migrants. The European Union (EU) had initiated a comprehensive Action Plan against Racism and Discrimination⁴ addressing structural and systemic racism, including discrimination against migrants and across various areas, including employment. Moreover, given the high proportion of young adults among asylum applicants, the use of implementation schemes under the Youth Guarantee,⁵ aiming to ensure that all young people under the age of 30 receive a good-quality offer of employment, continued education, apprenticeship or traineeship, could be strengthened to address the challenges faced by young asylum applicants.

The EC proposed the creation of the EU Talent Pool,⁶ an online platform to aid the international recruitment of third-country nationals (TCNs) from outside the Union to address the challenges⁷ regarding the ageing population, labour, and skills shortage in the EU. The proposal introduces a centralised talent pool accessible to all EU MS on a voluntary base, facilitating the recruitment of individuals from third countries,

1. Action plan on Integration and Inclusion 2021-2027: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0758>
2. Federico, V., & Baglioni, S. (2021). Migrants, refugees and asylum seekers' integration in European labour markets: A comparative approach on legal barriers and enablers (p. 258). Springer Nature.
3. Martin, I., et al. (2016). From refugees to workers: mapping labour market integration support measures for asylum-seekers and refugees in EU member states. Volume I: Comparative analysis and policy findings, 2.
4. EU Anti-racism Action Plan 2020-2025: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-anti-racism-action-plan-2020-2025_en
5. Youth Guarantee: <https://ec.europa.eu/social/main.jsp?catId=1079&langId=en>
6. Proposal for a Regulation of the European Parliament and of the Council Establishing an EU Talent Pool (15.11.2023): https://home-affairs.ec.europa.eu/system/files/2023-11/Regulation%20establishing%20an%20EU%20Talent%20Pool_en.pdf
7. European Parliament Briefing (2022) Labour market integration of asylum seekers and refugees: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690651/EPRS_BRI\(2021\)690651_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690651/EPRS_BRI(2021)690651_EN.pdf)

including those seeking international protection residing outside the Union. Meanwhile, TCNs already in the EU, including refugees and asylum applicants, face significant challenges in accessing the labour market and obtaining the necessary skills. EC recognised that skilled individuals seeking international protection willing to work within Member States, represent a resource of potential job seekers that could address labour shortages.⁸ However, they are not included as a target group in the Talent Pool.

The European Skills Agenda⁹ aims to support all individuals, including migrants, in developing and leveraging superior skills effectively. The EC recently issued a recommendation on the recognition of qualifications of TCNs¹⁰ aiming to reduce barriers and ease the procedures by decreasing the cost and bureaucratic hurdles, using a skills-first approach, considering exemptions from labour market tests, ensuring rapid, clear and transparent procedures if the labour market tests are needed. During the European Year of Skills, it is critical to highlight the challenges refugees and asylum applicants encounter in accessing reskilling and upskilling opportunities and the positive outcomes their positive outcomes gap, increasing labour market opportunities and improving their overall inclusion in society.

THE CHALLENGES TO THE RIGHT TO WORK

Many challenges impede asylum applicants' right to work and undermine the principle of non-discrimination in employment. Based on the assessment of the situation across the EU, multiple challenges restricting the right to work for asylum applicants can be identified. They can be roughly grouped as follows: 1) deterrent reception policies; 2) lack of or insufficient implementation of legal obligations; 3) excessive administrative requirements; 4) practical challenges, namely language barriers, lack of recognition of qualifications, and lack of access to vocational training; and 5) discrimination. Despite these challenges, some albeit limited examples of good practice have been put in place by Member States, which are highlighted at the end of each section in boxes.

DETERRENT RECEPTION POLICIES

Restrictions on access to the labour market

Accessing employment not only sustains the dignity of asylum applicants but also contributes to improved living conditions; conversely, restrictions on their work rights may lead to degrading living conditions. How accessible the job market is for asylum applicants varies across the EU, depending on how MS transpose and implement the RCD in their legal frameworks. Nevertheless, MS need to ensure that access to the labour market remains effective.

While in some MS, access to the labour market is granted without the need for a separate work permit,¹¹ any labour market test,¹² or sectoral limitation¹³; in other MS¹⁴ there are restrictions to labour market access limiting employment to seasonal work, fields of work with recruitment difficulties,¹⁵ and areas that do not require certified skills¹⁶ (unskilled sectors), having to apply for an employment permit each time¹⁷ they want to take up employment, and different treatment of specific nationalities.¹⁸

Although many EU countries, in line with the proposed recast of the RCD, have shortened the time required to access the labour market to less than 6 months after submitting an asylum application; a recent change in

8. Commission Recommendation of 15.11.2023 on the recognition of qualifications of third-country nationals: https://single-market-economy.ec.europa.eu/system/files/2023-11/C_2023_7700_1_EN_ACT_part1_v9.pdf

9. The European Skills Agenda: <https://ec.europa.eu/social/main.jsp?catId=1223&langId=en>

10. Commission Recommendation of 15.11.2023 on the recognition of qualifications of third-country nationals: https://single-market-economy.ec.europa.eu/system/files/2023-11/C_2023_7700_1_EN_ACT_part1_v9.pdf

11. AIDA Country Report, Belgium (2022), available at <https://asylumineurope.org/reports/country/belgium/>

12. AIDA Country Report, Spain (2022), available at <https://asylumineurope.org/reports/country/spain/>

13. AIDA Country Report, Bulgaria (2022), available at <https://asylumineurope.org/reports/country/bulgaria/>

14. AIDA Country Report, Austria (2022), available at <https://asylumineurope.org/reports/country/austria/>

15. AIDA Country Report, France (2022), available at <https://asylumineurope.org/reports/country/france/>

16. AIDA Country Report, Sweden (2022), available at <https://asylumineurope.org/reports/country/sweden/>

17. AIDA Country Report, France (2022), available at <https://asylumineurope.org/reports/country/france/>

18. AIDA Country Report, Malta (2022), available at <https://asylumineurope.org/reports/country/malta/>

Cyprus¹⁹ extended the waiting period from 1 to 9 months. In Malta²⁰, asylum applicants from countries listed as safe or in Dublin procedure have access to the labour market after 9 months rather than directly after applying. The sectoral limitations (as seen in Austria, Cyprus and Sweden) may prevent the highly skilled asylum applicants from using their expertise in sectors where their skills are most needed, potentially leading to underemployment, reduced contributions to the host country's economy, and missed opportunities for social and economic integration. In the Netherlands, the restriction on working time, limited to 24 weeks per year, which undermined effective access to the labour market, has been eliminated recently by a ruling issued by the Council of State.²¹ This means that asylum seekers are now permitted to work for more than 24 weeks in the Netherlands once they have gained access to the labour market.

A summary of the situation in EUMS is provided in the table below:

	Right to work	When (m)	Labour market test	Sector limitation	Max working time per year
AT	Yes	3	Yes	Yes, tourism, agriculture, forestry	No
BE	Yes	4	No	No	No
BG, SI	Yes	3	No	No	No
CY	Yes	9	Yes	Yes, specific professions	No
DE	Yes, after initial reception centres	3	No	Yes, no self-employment	No
FR	Yes	6	Yes, excluding labour shortage sectors	Yes, defined by prefectures	No
EL, ES, PL, NL	Yes	6	No	No	No
HU	Yes, with restrictions	9	Yes	n/a	No
HR,	Yes	9	No	No	No
IT	Yes	2	No	No	No
MT	Yes	0 / 9 for appl. from safe countries /in Dublin proc.	No	No	No
PT	Yes	0	No	No	No
IE	Yes	6	No	Yes, except civil service	No
RO	Yes	3	No	No	No
SE	Yes	0	No	Yes, unskilled sector	No

Table 1: Overview: Access to the Labour Market for asylum applicants in 19 EUMS covered by AIDA © ECRE.

The table demonstrates that the right to work is in place – although not from day one in most cases. Nonetheless, the kinds of restrictions described above do severely limit the access to the labour market for certain applicants. Due to restrictive policies, only a small number of applicants have the possibility to access the labour market. For instance, in 2021, the number of applicants who could access the labour market in the Netherlands was 590 compared to the 26,520 number of applicants.²² Most MS do not gather data on the employment status of asylum applicants,²³ hindering their ability to implement effective measures.

In many MS, the conditions and procedures for being self-employed are the same as those for regular

19. EMN EVENT (30 October 2023) Presentation of the study on the integration of applicants for international protection in the labour market – limitations, challenges and best practices. https://home-affairs.ec.europa.eu/emn-events/emn-study-launch-event-2023-10-30_en

20. AIDA Country Report, Malta (2022), available at <https://asylumineurope.org/reports/country/malta/>

21. Raad van State 29-11-2023, 202303122/1/V6, ECLI:NL:RVS:2023:4341: <https://raadvanstate.nl/uitspraken/@140445/202303122-1-v6/>

22. EMN EVENT (30 October 2023) Presentation of the study on the integration of applicants for international protection in the labour market – limitations, challenges and best practices.

23. European Migration Network (2023). Integration of applicants for international protection in the labour market – EMN Study

employment, however in some MS and regions there are some additional restrictions regarding self-employment. In Hungary, asylum applicants are not allowed engaging in self-employed. In Belgium, they are eligible for self-employed labour if they apply for a professional card, with a focus on small-scale and risk-free projects which requires additional documentation, however in the Flanders region²⁴ they are no longer allowed to be self-employed. In Ireland,²⁵ undertaking a business partnership is not possible for self-employed applicants. In Germany,²⁶ after 2020 Residence Act provides permission for self-employment to those with permission to stay or tolerated stay, but it mainly applies to individuals living outside of initial reception centres. Similar to regular employment, in Slovenia,²⁷ once asylum applicants gain access to the labour market, they can engage in self-employment without additional requirements.

Good Practice:

- » In Portugal, the High Commissioner for Migration has introduced the Refujobs online platform,²⁸ aiming to connect potential employers with asylum applicants seeking employment or self-employment opportunities while also providing capacity-building support.

Restrictive housing policies

Isolated accommodation²⁹ structures located in areas with a high level of unemployment³⁰, movement restrictions,³¹ and lack of convenient transportation³² negatively affect access to the labour market. When it comes to travel costs for job interviews, lack of child care services which affect women disproportionately, and other resources can also be an additional obstacle in securing a job.³³ Asylum applicants might lose their jobs because of being subjected to frequent moves³⁴ from one centre to the other. Other challenges are not being permitted to obtain a driver's license,³⁵ and the cost and language challenges to passing the driving test, particularly where people live in remote areas.³⁶ In Ireland,³⁷ denying the applicant the means to learn how to drive and, therefore, earn a living was found to be indirect discrimination. In the context of the reception crisis,³⁸ some applicants face homelessness. In the absence of an address, obtaining a residence permit is very difficult, and without this permit, the status holder can encounter many difficulties in accessing the labour market.

Good Practices:

- » In France,³⁹ a programme provides individualised support for refugees towards employment and housing.
- » In Sweden,⁴⁰ if an asylum applicant secures a job offer in a different location within the country, they can relocate there and receive financial assistance for living expenses.

24. European Migration Network (2023). Integration of applicants for international protection in the labour market – EMN Study

25. European Migration Network (2023). Integration of applicants for international protection in the labour market – EMN Study

26. AIDA Country Report, Germany (2022), available at <https://asylumineurope.org/reports/country/germany/>

27. AIDA Country Report, Slovenia (2022), available at <https://asylumineurope.org/reports/country/slovenia/>

28. UNHCR GCR Good practices, Refujobs: matching refugees' profiles to the labour market: <https://globalcompactrefugees.org/good-practices/refujobs-matching-refugees-profiles-labour-market>

29. AIDA Country Report, Greece (2022), available at <https://asylumineurope.org/reports/country/greece/>

30. AIDA Country Report, Poland (2022), available at <https://asylumineurope.org/reports/country/poland/>

31. AIDA Country Report, Greece (2022), available at <https://asylumineurope.org/reports/country/greece/>

32. AIDA Country Report, Cyprus (2022), available at <https://asylumineurope.org/reports/country/cyprus/>

33. AIDA Country Report, Austria (2022), available at <https://asylumineurope.org/reports/country/austria/>

34. AIDA Country Report, the Netherlands (2022), available at <https://asylumineurope.org/reports/country/netherlands/>

35. AIDA Country Report, the Netherlands (2022), available at <https://asylumineurope.org/reports/country/netherlands/>

36. AIDA Country Report, Ireland (2022), available at <https://asylumineurope.org/reports/country/republic-ireland/>

37. AIDA Country Report, Ireland (2022), available at <https://asylumineurope.org/reports/country/republic-ireland/>

38. AIDA Country Report, Belgium (2022), available at <https://asylumineurope.org/reports/country/belgium/>

39. AIDA Country Report, France (2022), available at <https://asylumineurope.org/reports/country/france/>

40. European Parliament Study (2023), Reception Conditions Across the EU: [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU\(2023\)755908_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU(2023)755908_EN.pdf)

LACK OF OR INSUFFICIENT IMPLEMENTATION OF LEGAL OBLIGATIONS

The lack of or inadequate implementation of asylum policies can significantly hinder the successful integration of asylum applicants in host countries. When policies to meet legal obligations are not effectively put into practice, applicants may face prolonged processing times, uncertain legal statuses, and limited access to essential services and opportunities, ultimately impeding their ability to contribute positively to their new communities. Delays and administrative barriers to register asylum claims, lengthy duration of the asylum procedures which in some MS could be up to three years for a first instance decision,⁴¹ long periods spent in detention⁴² before accessing the reception system without any possibility to access the labour market, and the precarity of their residence status have negative consequences for refugees' short and long term integration into the labour market.⁴³ In Hungary, asylum applicants face a challenge in their employability due to the short validity of their humanitarian residence permits (usually 2 or 3 months) requiring employers to renew the work permit very frequently which deters many from hiring asylum applicants. In Italy,⁴⁴ the law makes a generic reference to the right to access employment without indicating any limitations. However, in practice, asylum applicants face difficulties obtaining a residence permit that allows them to work due to the delay in registering their asylum applications or the renewal of their permits. Additionally, many MS lack specific policies and governance structures⁴⁵ to integrate asylum applicants into the labour market, leading to a lack of visibility and attention to their unique needs.

EXCESSIVE ADMINISTRATIVE REQUIREMENTS

In practice, very often asylum applicants face obstacles caused by excessive administrative requirements and a lack of knowledge of these requirements when searching for employment. Employers are reluctant to hire an asylum applicant due to the administrative hurdles,⁴⁶ the lack of information⁴⁷ provided to the employers regarding their legal status⁴⁸ and their right to work, and the unclarity of their future status. High unemployment rates⁴⁹ in some MS also impact asylum applicants' possibilities in the job market. In some cases, they are not able to register as a person searching for work at the public employment services, which makes them rely on their limited social networks.

Asylum applicants are often unable to open the bank accounts necessary if they obtain employment.⁵⁰ Due to the requirement to present documents⁵¹ such as a residence permit,⁵² valid travel document, language barriers and the lack of application of consumer protection regulations, the banks are reluctant to accept⁵³ or directly reject asylum applicants as their clients. In Greece, only 3% of residents of an accommodation program had managed to open a bank account.⁵⁴ The practical challenges for the issuance of fiscal numbers/social security numbers hinder applicants' access to the labour market, despite some positive efforts. (i.e. in Portugal)⁵⁵ such as providing clear guidance, simplifying and digitalising the processes. There are notable examples of success in addressing these issues.

Good Practices:

- » The employment offices in Slovenia employ special staff responsible for asylum applicants and other migrants.⁵⁶
- » A handbook for employers on the employment of refugees and asylum applicants was prepared.

41. European Union Agency for Fundamental Rights, 2023, Asylum and Migration: Progress Achieved and Remaining Challenges: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-asylum-migration-progress-challenges_en.pdf

42. AIDA (2023). Seeking Refuge in Poland: A Fact-Finding Report on Access to Asylum and Reception Conditions for Asylum Seekers

43. World Bank. 2023. World Development Report 2023: Migrants, Refugees, and Societies. Washington, DC: World Bank. doi:10.1596/978-1-4648-1941-4.

44. AIDA Country Report, Italy (2022), available at <https://asylumineurope.org/reports/country/italy/>

45. European Migration Network (2023). Integration of applicants for international protection in the labour market – EMN Study

46. AIDA Country Report, the Netherlands (2022), available at <https://asylumineurope.org/reports/country/netherlands/>

47. AIDA Country Report, Cyprus (2022), available at <https://asylumineurope.org/reports/country/cyprus/>

48. AIDA Country Report, Portugal (2022), available at <https://asylumineurope.org/reports/country/portugal/>

49. RSA & Stiftung PRO ASYL (2023) Beneficiaries of international protection in Greece Access to documents and socio-economic rights

50. AIDA Country Report, Cyprus (2022), available at <https://asylumineurope.org/reports/country/cyprus/>

51. AIDA Country Report, Portugal (2022), available at <https://asylumineurope.org/reports/country/portugal/>

52. AIDA Country Report, Belgium (2022), available at <https://asylumineurope.org/reports/country/belgium/>

53. AIDA Country Report, Slovenia (2022), available at <https://asylumineurope.org/reports/country/slovenia/>

54. AIDA Country Report, Greece (2022), available at <https://asylumineurope.org/reports/country/greece/>

55. AIDA Country Report, Portugal (2022), available at <https://asylumineurope.org/reports/country/portugal/>

56. AIDA Country Report, Slovenia (2022), available at <https://asylumineurope.org/reports/country/slovenia/>

in Cyprus⁵⁷ as a part of a project being carried out with the EU Structural Reform Support Programme.

- » In Portugal,⁵⁸ several services provided by multiple institutions, such as free legal support and information on employment are available for asylum applicants to access at a one-stop-shop.
- » In different MS, local authorities with the support of CSOs⁵⁹ apply a one-stop-shop approach where asylum applicants and refugees can access various services in the same spaces, providing a more holistic approach to facilitate their access to socio-economic rights, including the labour market.

PRACTICAL CHALLENGES:

Lack of language knowledge and language courses

The most often mentioned and commonly occurring barrier across all MS is the lack of knowledge of the country's language(s) which may be essential for access to the labour market. To overcome this barrier, states often provide language courses. Unfortunately, the evidence shows that language training is often inadequate⁶⁰ or poorly tailored⁶¹ to the needs of the asylum applicants depending on educational and language proficiency levels and the labour market alike. There are also some restrictions such as in Hungary⁶² where there is no language training provided either during the reception phase or after the recognition and in the Netherlands,⁶³ where language classes are provided for asylum applicants who are likely to receive international protection, but not for all. The courses are mainly offered by NGOs in most of the MS, not by the national/local authorities, and access often depends on the location of the centres.⁶⁴ In light of the challenges, it is encouraging to see that some MS have found effective strategies to navigate these issues, especially in cooperation with NGOs.

Good Practices:

- » In Portugal, the online language platform⁶⁵ is accessible for asylum applicants.
- » In Spain,⁶⁶ language training at the reception centres combines labour integration supportive schemes including services like personalised guidance interviews, pre-employment occupational training.
- » In Malta,⁶⁷ the national employment agency implemented several AMIF projects focusing on language training and job placement.
- » There are local initiatives providing language courses for asylum applicants such as:
 - the SOLAS Orientation and Learning for Asylum applicants programme in Ireland⁶⁸
 - the Help Centre for Foreigners⁶⁹ in Poland.

Challenges concerning recognition of asylum applicants' qualifications and validation of their skills

Practical obstacles about the recognition of asylum applicants' qualifications and validation of their skills include: the limited possibility of obtaining official documents⁷⁰ from their countries of origin; a lack of relevant information on diplomas; difficulties in obtaining certified translations⁷¹ of existing documents; and long,

57. Inclusive Labour Market: A handbook for employers on the employment of refugees and asylum seekers (2023)

58. AIDA Country Report, Portugal (2022), available at <https://asylumineurope.org/reports/country/portugal/>

59. Mosaico Front office, available at: <https://mosaicorefugees.org/en/front-office/>

60. AIDA Country Report, Poland (2022), available at <https://asylumineurope.org/reports/country/poland/>

61. AIDA Country Report, Portugal (2022), available at <https://asylumineurope.org/reports/country/portugal/>

62. AIDA Country Report, Hungary (2022), available at <https://asylumineurope.org/reports/country/hungary/>

63. AIDA Country Report, the Netherlands (2022), available at <https://asylumineurope.org/reports/country/netherlands/>

64. AIDA Country Report, Ireland (2022), available at <https://asylumineurope.org/reports/country/republic-ireland/>

65. Online Platform for Portuguese, available at: <https://pptonline.acm.gov.pt/>

66. AIDA Country Report, Spain (2022), available at <https://asylumineurope.org/reports/country/spain/>

67. AIDA Country Report, Malta (2022), available at <https://asylumineurope.org/reports/country/malta/>

68. AIDA Country Report, Ireland (2022), available at <https://asylumineurope.org/reports/country/republic-ireland/>

69. Fundacja Ocalenie, Help Center for Foreigners, available at: <https://en.ocalenie.org.pl/help-center-for-foreigners>

70. AIDA Country Report, the Netherlands (2022), available at <https://asylumineurope.org/reports/country/netherlands/>

71. AIDA Country Report, Portugal (2022), available at <https://asylumineurope.org/reports/country/portugal/>

complicated and often expensive procedures.⁷² Even if they can manage to present proofs of their previous education, many foreign diplomas are not considered equivalent to the national ones⁷³ so it makes it hard to be employed in positions that reflect their professional background.⁷⁴ Overqualification is a common phenomenon among asylum applicants and refugees,⁷⁵ which hinders their long-term integration.

People seeking asylum are a very diverse group with different skills and educational backgrounds. A pilot project in Greece⁷⁶ has shown that asylum applicants and refugees possess skills in 20 different sectors, including trade, engineering, manufacturing, and social work. Only 7 percent of the participants stated that they had no previous occupations or skills. By prioritizing skill development and simplifying the skills validation process, the integration of these individuals into the workforce can be made smoother.

In November 2023, the EC issued a recommendation on recognizing qualifications and skills for TCNs,⁷⁷ aiming to simplify and expedite skills validation and qualifications recognition obtained outside the EU; as a part of the recommendations, the EC encourages MS to reduce or eliminate costs for asylum applicants. In some MS, there are established practices to facilitate the recognition of qualifications for asylum applicants.

Good Practices:

- » In Belgium,⁷⁸ asylum applicants are exempt from paying administrative fees for the recognition process.
- » In Austria,⁷⁹ the Act on Recognition and Evaluation accelerates the procedure to facilitate access to the labour market for asylum applicants even if they cannot provide the documents as proof.
- » The EC, together with the Council of Europe, supports Italy in fostering reforms to increase recognition of refugees' qualifications.⁸⁰

In April 2022, the EC adopted a recommendation on recognizing qualifications for those fleeing from Ukraine. In line with this recommendation, MS have introduced innovative practices⁸¹ to aid labour market access of temporary protection beneficiaries, and several MS have implemented changes in skills assessment and recognition, streamlining processes, reducing costs, and improving outreach.

- » Germany and Austria actively engage in skills assessments for better validation, training, and employment opportunities.⁸²
- » Portugal has waived recognition-related fees.

Restriction on access to vocational training

Article 16 of the RCD states that MS may allow applicants access to vocational training irrespective of whether

72. AIDA Country Report, Spain (2022), available at <https://asylumineurope.org/reports/country/spain/>

73. AIDA Country Report, Belgium (2022), available at <https://asylumineurope.org/reports/country/belgium/>

74. AIDA Country Report, Poland (2022), available at <https://asylumineurope.org/reports/country/poland/>

75. OECD (2019), Ready to Help?: Improving Resilience of Integration Systems for Refugees and other Vulnerable Migrants, OECD Publishing, Paris, <https://doi.org/10.1787/9789264311312-en>.

76. AIDA Country Report, Greece (2022), available at <https://asylumineurope.org/reports/country/greece/>

77. Commission Recommendation of 15.11.2023 on the recognition of qualifications of third-country nationals: https://single-market-economy.ec.europa.eu/system/files/2023-11/C_2023_7700_1_EN_ACT_part1_v9.pdf

78. AIDA Country Report, Belgium (2022), available at <https://asylumineurope.org/reports/country/belgium/>

79. AIDA Country Report, Austria, (2022), available at <https://asylumineurope.org/reports/country/austria/>

80. EC Reform Support, Supporting the development of a national coordination mechanism for recognising refugees' qualifications in Italy: https://reform-support.ec.europa.eu/what-we-do/labour-market-social-protection-and-migration/supporting-development-national-coordination-mechanism-recognising-refugees-qualifications-italy_en

81. Assessment of Commission Recommendation (EU) 2022/554 Of 5 April 2022 on the Recognition of Qualifications for People Fleeing Russia's Invasion of Ukraine (June 2023)

82. European Parliament Study (2023), Reception Conditions Across the EU: [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU\(2023\)755908_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU(2023)755908_EN.pdf)

they have access to the labour market. In some countries, asylum applicants have limited⁸³ or no access⁸⁴ to vocational training. In other countries, they are allowed to participate in vocational training, but face several challenges such as obtaining a short-term residence permit, getting a work permit within a limited time frame,⁸⁵ being unable to register as a job seeker,⁸⁶ and not having the necessary documentation.⁸⁷ The time limitations⁸⁸ to accessing the labour market might hinder their participation in vocational training, making potential employers hesitant to offer the training to asylum applicants. For instance, in Austria, when asylum applicants cannot be registered as unemployed persons, they are not entitled to vocational training provided by the public employment services.⁸⁹

Some examples tackling these challenges:

- » In Belgium,⁹⁰ asylum applicants with access to the labour market can register as jobseekers, entitling them to a free assistance programme and vocational training.
- » Employability programmes have been implemented in Spain⁹¹ and Hungary⁹² that aim at helping beneficiaries of international protection gain new skills and work experience through training and internship opportunities so they have a better chance of finding a job. Such programmes established by multi-stakeholders, including the private sector, should be expanded and include asylum applicants as a target group.

DISCRIMINATION

Asylum applicants in the EU grapple with a complex array of multifaceted challenges at the intersection of discrimination in accessing work, discrimination at work, and poor working conditions.

Discrimination in access to work involves barriers such as limited information on labour rights, insufficient support mechanisms, and a lack of gender and cultural sensitivity in recruitment procedures. Asylum applicants are often at risk of discrimination on the basis of certain characteristics, for instance, due to their nationality, religion⁹³ or gender. The Employment Equality Directive enforces equal treatment for both men and women in employment, including recruitment, working conditions, and career opportunities. However, asylum-seeking women face a double barrier to employment⁹⁴ and need special efforts for their inclusion. The employment rate for refugee women is about 45%, while refugee men have an employment rate of 62%.⁹⁵ It is very likely that these percentages are notably lower for asylum applicants, but that the gender gap is similar. Lack of gender and cultural sensitivity in the recruitment procedure,⁹⁶ and working conditions hinder their access to employment.

Discrimination at work encompasses unequal treatment, impacting both working conditions, and career opportunities, often perpetuating gender disparities. Asylum-seeking women, in particular, encounter difficulties in coping with professional and family obligations, including unpaid domestic and reproductive responsibilities,⁹⁷ especially in the cases of increased vulnerability due to being a single mother or a survivor of gender-based violence, the lack of day-care for children and lack of safe public transportation⁹⁸ are classified by asylum-

83. AIDA Country Report, Cyprus (2022), available at <https://asylumineurope.org/reports/country/cyprus/>

84. AIDA Country Report, Hungary (2022), available at <https://asylumineurope.org/reports/country/hungary/>

85. AIDA Country Report, Germany (2022), available at <https://asylumineurope.org/reports/country/germany/>

86. AIDA Country Report, Austria (2022), available at <https://asylumineurope.org/reports/country/austria/>

87. AIDA Country Report, Greece (2022), available at <https://asylumineurope.org/reports/country/greece/>

88. AIDA Country Report, France (2022), available at <https://asylumineurope.org/reports/country/france/>

89. AIDA Country Report, Austria (2022), available at <https://asylumineurope.org/reports/country/austria/>

90. AIDA Country Report, Belgium (2022), available at <https://asylumineurope.org/reports/country/belgium/>

91. AIDA Country Report, Spain (2022), available at <https://asylumineurope.org/reports/country/spain/>

92. AIDA Country Report, Hungary (2022), available at <https://asylumineurope.org/reports/country/hungary/>

93. AIDA Country Report, Spain (2022), available at <https://asylumineurope.org/reports/country/spain/>

94. European Parliament Briefing (2022) Labour market integration of asylumseekers and refugees: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690651/EPRS_BRI\(2021\)690651_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690651/EPRS_BRI(2021)690651_EN.pdf)

95. European Institute for Gender Equality, Policy areas: Migration, available at: <https://eige.europa.eu/gender-mainstreaming/policy-areas/migration>

96. AIDA Country Report, Cyprus (2022), available at <https://asylumineurope.org/reports/country/cyprus/>

97. Kabir, R. and Klugman, J. (2019) RescueWorks Unlocking Refugee Women's Potential: Closing Economic Gaps to Benefit All, available at reportrescueworksunlockingrefugeewomenspotential.pdf

98. Kabir, R. and Klugman, J. (2019) RescueWorks Unlocking Refugee Women's Potential: Closing Economic Gaps to Benefit All, available at reportrescueworksunlockingrefugeewomenspotential.pdf

seekers, especially women, as the main barrier to finding employment.⁹⁹ The absence of gender-sensitive data hampers efforts to understand and address the specific challenges faced by women asylum applicants in accessing the labour market, perpetuating inequalities and hindering the development of tailored policies and support mechanisms. Measures under the European Child Guarantee have the potential to tackle issues related to the absence of day-care services for children since it stipulates that Member States must ensure that children in need have free and accessible access to early childhood education and care.

Asylum applicants face poor working conditions in some MS,¹⁰⁰ such as long working hours, unsafe working conditions, being forced to be employed in the shadow economy, and low wages. Lack of appropriate information with respect to the terms of labour rights, the lack of, or insufficient complaint mechanisms or support to use them make asylum applicants more vulnerable.¹⁰¹ In Poland,¹⁰² the national authority investigates the legality of work rather than offering support in the event of exploitation or abuse. The promising revisions in the compromise text of the recast RCD are intended to address the challenges regarding accessing rights at work.¹⁰³

Good examples which could be expanded to benefit other groups and MS addressing challenges stemming from information gaps include:

- » The information platforms¹⁰⁴ targeting displaced people from Ukraine
- » The handbook for refugees and asylum applicants on working in Cyprus

RECOMMENDATIONS

It is important to remove any challenges that prevent asylum applicants from working so that they can live with dignity. Policies should prioritise self-sufficiency and social inclusion, focusing on sustainable, long-term integration into the labour market beyond just finding employment. This will ensure stability and upward mobility for asylum applicants. Early access to the labour market is crucial for the long-term integration of refugees, as years spent outside of it can hinder their sustainable integration. The EU should build on its existing momentum and political commitment to attract global talent to include asylum applicants who are already present within the Union. Based on the analysis provided, this Policy Note recommends the following recommendations:

To Member States (MS):

- » MS should examine and acknowledge the adverse effects of restrictive reception policies, such as detention.
- » MS should direct efforts towards alleviating administrative burdens related to access to the labour market, such as the need to request a work permit and limitations on the maximum days of work per year, to ease the recruitment procedures for asylum applicants.
- » MS should invest more in the asylum procedure to eliminate delays and administrative barriers to registering asylum claims and to decrease the lengthy duration.
- » MS should reconsider the dispersal policy, which leads to housing the asylum applicants in remote areas with no transportation facilities and frequent movements from one centre to another.
- » MS should address the language barrier by providing quality general and job-specific language courses free of charge from day one and should facilitate asylum applicants' attendance at vocational training.
- » MS should increase efforts to provide efficient and straightforward recognition of qualifications and validation of skills processes by using the available tools effectively (e.g. European Qualification Passport

99. AIDA Country Report, Greece (2022), available at <https://asylumineurope.org/reports/country/greece/>

100. AIDA Country Report, Belgium (2022), available at <https://asylumineurope.org/reports/country/belgium/> & AIDA Country Report, Malta (2022), available at <https://asylumineurope.org/reports/country/malta/>

101. AIDA Country Report, Cyprus (2022), available at <https://asylumineurope.org/reports/country/cyprus/> & AIDA Country Report, Poland (2022), available at <https://asylumineurope.org/reports/country/poland/>

102. 41st session of the Human Rights Council Universal Periodic Review of Poland – 4th cycle Third-party joint submission by: Association for Legal Intervention, Lambda Warsaw, Birmingham City University, Global Detention Project

103. European Parliament Study (2023), Reception Conditions Across the EU: [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU\(2023\)755908_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU(2023)755908_EN.pdf)

104. AIDA Comparative Report: Access to socio-economic rights for beneficiaries of temporary protection (2023).

for Refugees) and to reform their national systems in line with the EC's recently released recommendations.

- » MS should strengthen or construct multi-stakeholder partnerships, including people with an asylum applicant background, private sector, labour unions, chambers of commerce, CSOs and universities at all levels of policy-making, implementation, and evaluation to address challenges regarding accessing the vocational training, recognition of qualification, and administrative barriers (including opening bank accounts).
- » MS should facilitate the registration of asylum applicants as job seekers at public employment services to enable them to access job placement assistance and information regarding their rights in the labour market, language and skills training, and a broader range of job opportunities. AMIF funding could be used to support these measures, such as developing guidelines and setting up and implementing complaint mechanisms to counter labour exploitations.
- » MS should regularly and systematically collect data disaggregated by sex to measure the labour market integration of asylum applicants, including when their status changes, to identify areas where support is needed and to address the challenges causing over-qualification, and gender and refugee gaps. Eurostat could support data collection and publications.
- » MS should assess and revise their domestic laws and policies to promote gender equality in the labour market and improve economic prospects for refugee and asylum applicant women.
- » MS should take proactive steps to combat racial and religious prejudice, which hinders access to the right to work, by utilizing established EU tools and resources.
- » MS' authorities should provide and disseminate comprehensive information regarding the labour market and labour rights for asylum applicants, including on how to join a union, and ensure that complaint mechanisms are readily accessible to them.
- » MS should fully use EU funding opportunities (particularly ESF+, AMIF) to support programmes and measures per the national and local needs in order to implement all these recommendations, as well as their commitments under the Youth Guarantee and Child Guarantee.

To the European Commission (EC):

- » The EC should monitor all proposals on asylum and migration laws, which should be examined and checked for their possible influence on inclusion, and the implementation of the RCD and the future recast of RCD.
- » The EC should equip the Talent Pool with tools to facilitate the recruitment of TCNs, including asylum applicants and refugees already in EU territory, and should work towards eliminating structural barriers, including the recognition of qualifications.
- » The EC should encourage MS to apply the Commission recommendation on the recognition of qualifications of TCNs by sharing good practices and tailored support under the Technical Support Instrument to reform the national systems and following the implementation of existing tools.
- » The EC should extend the trend of digitalising job searches and matching for asylum applicants, drawing insights from successful practices in Ukraine, where bureaucratic hurdles for asylum applicants were effectively reduced.
- » The EC should maximise funding opportunities, including within the AMIF Thematic Facility, for civil society organisations, refugee-led organisations and social partners to support their activities, eliminating the challenges mentioned above in accessing the labour market and in their activities of supporting and defending the labour rights of asylum-seekers, such as within the framework of the European Partnership for Integration.
- » The EC should ensure more effective implementation of the Youth Guarantee and Child Guarantee using existing funding opportunities, such as ESF+, Next Generation EU and Erasmus+, to promote measures facilitating access to the labour market for young asylum applicants, including access to apprenticeships, traineeships, vocational education and training and higher education.
- » The EC should support expanding good practices to facilitate labour market integration, including recognition of qualifications and quality and tailored language and vocational courses for all asylum applicants and refugees.
- » The EC should use the Action Plan more effectively to remove the barriers asylum applicants face when accessing the labour market, especially through collaborations among diverse stakeholders, sharing good practices and recognising qualifications.



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