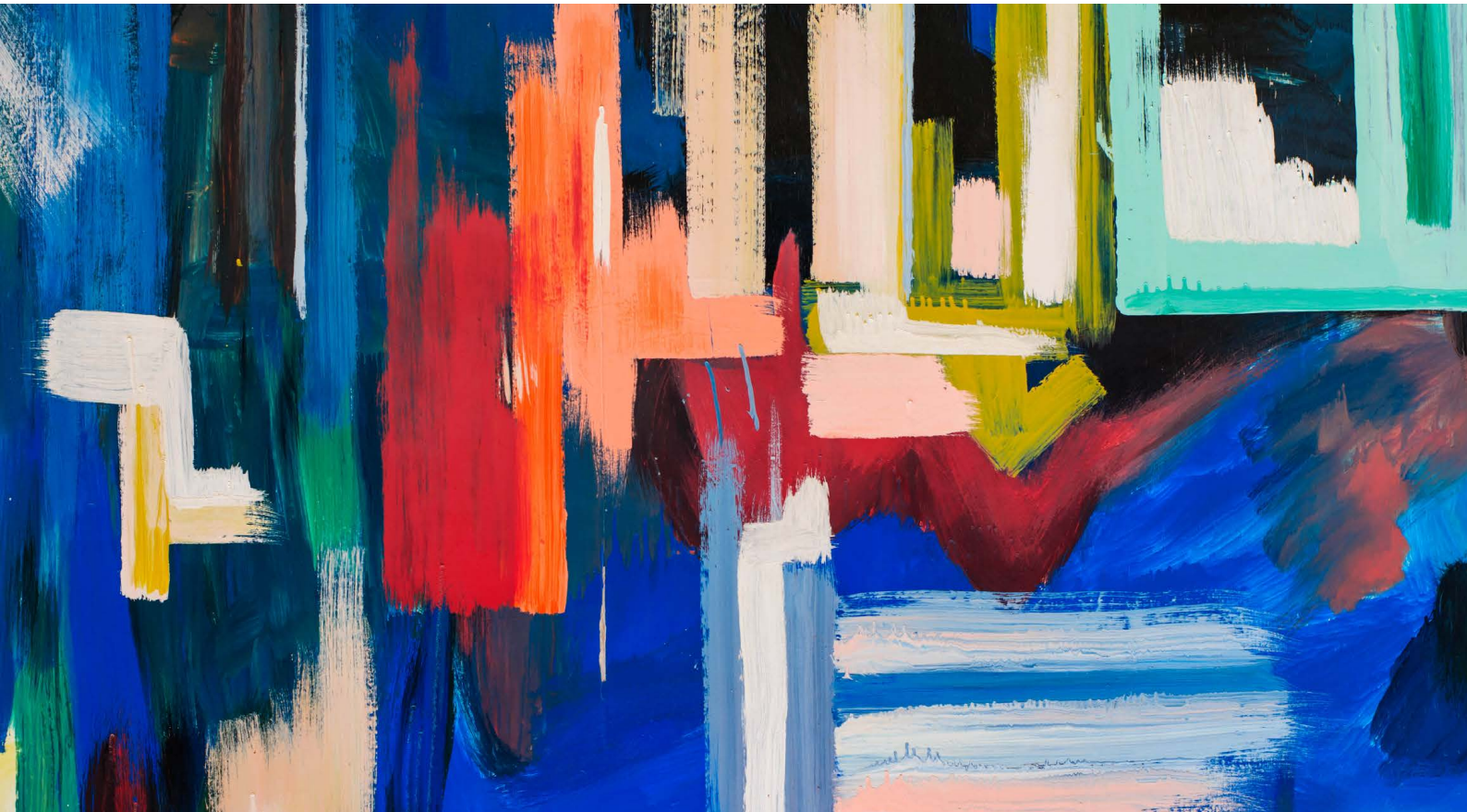




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Integration of applicants for international protection in the labour market

European Migration
Network Inform

October 2023

Disclaimer

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Explanatory note

This study was prepared on the basis of national contributions from 24 EMN NCPs (AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, SE, SI, SK) collected via a Common Template developed by the EMN NCPs to ensure, to the extent possible, comparability. The information contained in this study refers to the situation in the abovementioned EMN Member Countries until the end of 2022.

National contributions were largely based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources, reports and information from national authorities rather than primary research. Statistics were sourced from Eurostat, national authorities and other (national) databases.

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1. KEY POINTS

- **The length of the waiting period before applicants for international protection can access the labour market was the main topic of debate across European Migration Network (EMN) Member Countries.** Those debates centred either on reducing the time period to promote quicker access or lengthening the time period to prevent abuse of the asylum system. Most EMN Member Countries have waiting periods of six months or less in place, with only three implementing the nine-month waiting period set out in the Reception Conditions Directive (2013/33/EU).
- **All EMN Member Countries permit applicants for international protection to access the labour market.** However, there are differences in how this access is granted.
- **The majority of EMN Member Countries require applicants for international protection to have either a work permit or a certificate before they can effectively access the labour market at the end of the waiting period.** Almost half of the countries requiring a work permit also conduct labour market tests. **Some EMN Member Countries offer automatic access to the labour market once the requisite waiting period is met.**
- **Most EMN Member Countries allow applicants for international protection to be self-employed,** in most cases applying the same conditions and procedures as for regular employment.
- **None of the EMN Member Countries reported a specific policy solely focusing on the labour market integration of applicants for international protection.** Most do not have a particular policy or strategy for incorporating third-country nationals into their labour market, but instead integrate this element into a broader policy or strategy on integration. A minority of countries then make specific mention of the integration of applicants for international protection in these policies/strategies.
- **Between 2017 and 2022, most EMN Member Countries implemented changes to their policy framework on integration of third-country nationals into the labour market, impacting applicants for international protection.** Changes that specifically impacted applicants for international protection included measures to facilitate access to the labour market, such as broadening the range of sectors in which they can work and reducing the waiting period for labour market access. However, changes also saw the restriction of access to the labour market for all third-country nationals, such as higher language requirements.
- **Eleven EMN Member Countries identified good practices in integrating applicants for international protection in the labour market.** The measures typically focus on vocational education, language training, and skills assessment.
- **In the majority of EMN Member Countries, applicants for international protection encountered practical challenges when attempting to access the labour market. In the vast majority of countries, the language barrier was reported as the main practical challenge, followed by difficulties in recognising qualifications.** Applicants for international protection encountered practical difficulties in some countries due to the complexity and/or uncertainty of certain aspects of the administrative procedures to gain access to the labour market. **In some EMN Member Countries, applicants also encountered legislative challenges, such as requiring more documentation than stipulated in national legislation, and discrepancies in the wording defining the waiting period in national legislation.**



2. AIM AND SCOPE OF THE STUDY

This EMN study documents the labour market access of applicants for international protection between 2017 to 2022, complementing an earlier (2019) EMN study on labour market integration of third-country nationals excluding asylum seekers.¹ This involves an up-to-date and in-depth analysis of legislation, policies and practices in EMN Member Countries on integration of applicants for international protection into the labour market, and the key actors involved in that implementation. It also provides examples of challenges and good practices.

This study understands the minimum required ‘access to the labour market’ as regulated under the recast Reception Conditions Directive (2013/33/EU), which ensures that “applicants have access to the labour market no later than nine months from the date when the application for international protection was lodged, if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant”.²

1 European Migration Network, ‘EMN study on labour market integration of third-country nationals in EU Member States’, 2019, https://home-affairs.ec.europa.eu/news/emn-study-labour-market-integration-third-country-nationals-eu-member-states-2019-02-14_en, last accessed on 4 August 2022.

2 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) OJ L 180, 29.6.2013, pp. 96-116.



3. APPLICANTS FOR INTERNATIONAL PROTECTION IN THE EU

Between 2017 and 2022, there were a total of 3 161 600 applicants for international protection in EU Member States, of which 89% were first-time applicants. Most first-time applications were lodged in 2022 (26%), with a significant dip in first-time applications in 2020, likely due to the movement restrictions and border closures in response to the COVID-19 pandemic. The large majority of first-time applicants were male (71%) and of working age (18-64) (90%). The most common countries of origin of applicants for international protection were the Syrian Arab Republic, Afghanistan, Venezuela, Pakistan and Turkey.

Several EMN Member Countries collect statistics and/or monitor the (un)employment situation of applicants for international protection.³ Some collect data on the numbers of applicants for international protection who are employed and/or numbers of unemployed.⁴ More EMN

Member Countries collect data on the number of applications to access the labour market that were submitted, granted and refused.⁵ In most EMN Member Countries, the public employment authority⁶ and/or competent immigration authority⁷ are the main stakeholders producing/collecting data, followed by the Ministry of Labour and Social Affairs,⁸ Unemployment Insurance Fund,⁹ and the Department of Justice.¹⁰

In most EMN Member Countries,¹¹ national debates on the integration into the labour market of applicants for international protection focused on time limits and other restrictions to access the labour market. Other key topics of debate included appropriate measures to promote effective access to the labour market,¹² and concerns about potential abuse of the asylum system through excessively facilitated access.¹³



4. LEGISLATIVE AND POLICY BACKGROUND

Access to the labour market is stipulated in national legislation, in most cases supplemented by national policy or strategy. The type of legislation that regulates applicants' access to the labour market falls into two categories: migration law¹⁴ (covering either all third-country nationals or applicants for international protection specifically) and/or employment law (or a combination of both).¹⁵ Policies fostering access to the labour market are general integration policies,¹⁶ specific policies for third-country nationals,¹⁷ or a mainstreaming approach.¹⁸ None of the EMN Member Countries reported any specific policy on the integration of applicants for international protection.

The majority of EMN Member Countries adopted a waiting period of six months¹⁹ or less.²⁰ Two operate the waiting period of nine months from lodging an application, as set in the Reception Conditions Directive²¹

Several EMN Member Countries offer automatic access to the labour market once the waiting period has lapsed,²² although the majority require applicants for international

protection to obtain either a work permit²³ or a certificate verifying their access to the labour market.²⁴ The application process for a work permit typically requires more documentation than other types of authorisation to access the labour market (e.g. application for a certificate/automatic access) and is usually initiated by the employer,²⁵ who submits it to the relevant authority for evaluation. This requirement typically applies to all third-country nationals.²⁶ Five EMN Member Countries that require a permit also carry out labour market tests, which usually assess whether the position cannot be filled by national workers, EU citizens or legally residing third-country nationals.²⁷

Some EMN Member Countries apply other conditions and restrictions on the type and form of employment that can be accessed,²⁸ limiting the hours that applicants can work in a given year,²⁹ verifying whether the position and the employer are in compliance with employment-related legislation,³⁰ and limiting the category of applicants for

³ BG, CY (only data on approved employment contracts), CZ, EE, ES, HR, IE reported collecting some data on the employment/unemployment situation of applicants.

⁴ BG, CZ, EE, IE.

⁵ AT, BE, CY, CZ, FR, IE, LU, NL.

⁶ AT, BE, BG, CZ, HR.

⁷ BG, ES, FR, LU, SE.

⁸ CY, CZ, NL.

⁹ EE.

¹⁰ IE.

¹¹ BE, BG, CZ, DE, EE, FI, FR, HR, IE, LT, LU, LV, NL, SE, SI, SK.

¹² AT, BE, DE, EL, IE, NL, SI.

¹³ FI, FR, NL, SE.

¹⁴ BG, CY, EE, EL, ES, FI, FR, HR, IE, IT, LU, LV, PL, SE, SI.

¹⁵ AT, BE, BG, CZ, DE, FR, LU, NL, SK.

¹⁶ AT (only applicable to applicants with a high likelihood of being granted international protection), EE, HR, HU, IT, LT, LU, LV, MT, PL.

¹⁷ BE, BG, CY, CZ, DE, EL, ES, FI, FR, NL, SE, SI, SK.

¹⁸ IE, SE.

¹⁹ CZ, EE, EL, FR, IE, LT, LU, NL, PL, SK.

²⁰ AT, BE, BG, CY, DE, FI, HR, IT, LV, SE.

²¹ HR, SI.

²² BE, EE, ES, FI, IT, SI, SK.

²³ AT, CY, CZ, DE, FR, HU, LU, NL.

²⁴ BG, EL, HR, IE, LT, LV, PL.

²⁵ AT, CY, FR, HU, NL.

²⁶ AT (foreign nationals who do not have free access to the labour market generally need a work permit to take up employment), CZ, FR.

²⁷ AT, CY, FR, HU, LU.

²⁸ CY, FI, FR, IE.

²⁹ NL.

³⁰ AT, FR, NL.

international protection who can apply (e.g. only from certain 'safe countries of origin').³¹ Some EMN Member Countries also offer applicants for international protection access to employment services (e.g. counselling sessions on how to find employment).³²

Most EMN Member Countries allow applicants for international protection to be self-employed.³³ In the majority of EMN Member Countries those wishing to become self-employed must comply with the same conditions and undergo the same procedures as required for regular employment.³⁴ They also have to comply with the conditions and requirements applied to any individual wanting to set up a business or pursue another independent status, regardless of their nationality and residence status. Four

EMN Member Countries apply different conditions and procedures for applicants for international protection wishing to access self-employment, compared to employment.³⁵

The majority of EMN Member Countries³⁶ reported adopting new or revised policies between 2017 and 2022 to support the labour market integration of third-country nationals, which also impact applicants for international protection. These included changes to facilitate labour migration of third-country nationals to the country,³⁷ as well as policy changes to facilitate access³⁸ to the labour market. Some policy changes directly targeted applicants for international protection, typically increasing the sectors of the labour market to which they have access³⁹ and decreasing the length of the waiting period.⁴⁰



5. SUPPORT MEASURES TO ENHANCE LABOUR MARKET INTEGRATION AND SELF-EMPLOYMENT

EMN Member Countries put forward a total of 28 good practice measures in integrating applicants for international protection in the labour market. Twenty specifically target applicants for international protection, while eight are available to all third-country nationals.⁴¹ The study considered all of these good practices but focusing primarily on the measures impacting access to the labour market for applicants for international protection (i.e. targeted measures, as well as measures applicable to all third-country nationals and jobseekers).

The majority of these good practice measures are voluntary and free of charge for applicants for international protection and were developed in response to emerging needs (rise in applications in 2015/2016; COVID-19 in 2020). Measures are typically in the areas of vocational education and training (VET)⁴² (including reskilling schemes), support for language acquisition⁴³ (courses covering different levels/labour market requirements) and skills assessment⁴⁴ (to validate prior (non-accredited) learning and experience). Other measures include support for the recognition of qualifications⁴⁵ (e.g. programmes where regional/national systems evaluate foreign qualifications, supported by education institutions) and civic integration courses⁴⁶ (providing basic information on national law, employment processes, cultures and

customs), as well as initiatives to incentivise employers to hire applicants for international protection or to support their self-employment,⁴⁷ information and counselling⁴⁸ (labour market orientation, job application training, tailored advice, etc.). EMN Member Countries also reported measures providing indirect support to access the labour market, such as childcare⁴⁹ and travel allowances.⁵⁰ Six EMN Member Countries⁵¹ reported measures to foster cooperation between relevant stakeholders organising the employment of applicants for international protection.

Applicants for international protection primarily faced practical challenges in effectively accessing the labour market. National authorities highlighted: language barriers,⁵² difficulties in recognising qualifications,⁵³ discrimination,⁵⁴ risk of exploitation and undeclared work,⁵⁵ and costs associated with accessing the labour market (e.g. transport).⁵⁶ Some EMN Member Countries reported practical challenges arising as a result of complexity, uncertainty and/or ineffectiveness of some aspects of the administrative procedure to obtain access to the labour market.⁵⁷ Several⁵⁸ identified legislative challenges, including requests for additional documentation (e.g. from employers) beyond what is stipulated in law, and discrepancies in understandings of the waiting period start date.

31 DE.

32 AT (only applicable under certain conditions to applicants with a high likelihood of being granted international protection and applicants who are entitled to benefits from the PES due to previous employment in Austria that was covered by unemployment insurance), CY, CZ, EE, HR, IT, LT.

33 AT, BE, BG, EE, ES, HR, IE, IT, LT, LV, MT, NL, PL, SE, SI.

34 BG, EE, ES, IE, IT, LT, LV, NL, PL, SI.

35 AT, BE, HR, SE.

36 AT, BE, BG, CY, DE, EE, EL, FI, FR, IT, LT, LV, NL, SE, SI.

37 BE, BG, DE, EL, FI, FR, LT, LV, SI.

38 AT, CY, FR, LT, LV.

39 AT.

40 CY, FR, LT, LV, SK.

41 BE, BG, ES, FI, IE, IT, LV, NL, SE, SI.

42 CY (1), DE (2 good practices for VET), IT (2), NL (1), SE (1), SI (2).

43 BE, CY, IT, MT, SE (1 good practice reported per country for language training), SK.

44 FI (3 good practices for skills assessments).

45 AT, BE, BG, DE, EE, EL, ES, FI, FR, HU, IE, LV, PL, SE, SI.

46 AT, BE, EE, EL, ES, FI, IE, IT, LU, LV, MT, PL, SE, SI, SK.

47 BE, BG, CY, DE, EE, ES, HR, SE, SI (recruitment support and on-the-job training only).

48 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, HU, IE, IT, LT, LU, LV, NL, SE, SI, SK.

49 BE, DE, ES, FI (based on individual assessments), IE (although access can be a challenge), IT, LT, LV, SE.

50 DE, ES, IT, LV, SE, SK (through an NGO project).

51 BE, DE, EL, FI, NL, SE.

52 AT, BE, BG, CY, DE, EE, FI, FR, IE, IT, LT, LU, LV, NL, SE, SK.

53 AT, BE, BG, DE, EE, FI, IE, LU, SE, SK.

54 CY, FI, IE, LV.

55 AT, CY, FI, SK.

56 BE, IE, NL, SK.

57 AT, BE, DE, FI, FR, HU, IE, IT, LV, SK.

58 EL, FI, IE.



For more information

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Czechia www.emncz.eu

Denmark www.justitsministeriet.dk/

Estonia www.emn.ee/

Finland <https://emn.fi/en/>

France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2

Germany <https://www.bamf.de/EN/Themen/EMN/emn-node.html>

Greece <http://emn.immigration.gov.gr/en/>

Hungary www.emnhungary.hu/en

Ireland www.emn.ie/

Italy www.emnitalyncp.it/

Latvia www.emn.lv/en/home/

Lithuania www.emn.lt/en/

Luxembourg <https://emnluxembourg.uni.lu/>

Malta <https://emn.gov.mt/>

The Netherlands <https://www.emnnetherlands.nl/>

Poland <https://www.gov.pl/web/europejska-siec-migracyjna>

Portugal <https://rem.sef.pt/>

Romania <https://www.mai.gov.ro/>

Spain <https://www.emnspain.gob.es>

Slovak Republic <https://emn.sk/en/>

Slovenia <https://emnslovenia.si>

Sweden <http://www.emnsweden.se/>

Norway <https://www.udi.no/en/statistics-and-analysis/european-migration-network---norway>

Georgia https://migration.commission.ge/index.php?article_id=1&clang=1

Republic of Moldova <http://bma.gov.md/en>

Ukraine <https://dmsu.gov.ua/en-home.html>

Montenegro <https://www.gov.me/en/mup>

Armenia <https://migration.am/?lang=en>

Serbia <https://kirs.gov.rs/cir>