



Legal and practical context of access of applicants for international protection to the labour market

Limitations, challenges, and best practices

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EMN Study

Integration of applicants for
international protection in the
labour market



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Content

- EU legal framework
- National legal and policy framework
- Governance
- Data collection
- Good Practices
- Challenges



EU legislative context

- For applicants for international protection, access to the labour market is regulated under the **recast Reception Conditions Directive** (2013/33/EU):
 - Article 15(1) of the recast Reception Conditions Directive (2013/33/EU) requires Member States to “ensure that applicants have access to the labour market **no later than nine months** from the date when the application for international protection was lodged
 - According to Article 15(2) of the Directive, EU “**Member States shall decide** the conditions for granting access to the labour market for the applicant, in accordance with their national law, while ensuring that applicants have *effective access* to the labour market
 - Member States **may give priority** to EU citizens and nationals of State parties to the Agreement on the European Economic Area (EAA), and to legally resident third-country nationals” for labour market policy reasons.



The Future: the Pact on Migration and Asylum

- Recast Reception Conditions Directive approved by European Parliament (10 April 2024):
 - Access to the Labour market **6 months after registration** of the application
 - **No access** to the labour market for applicants whose application is examined in an **accelerated** asylum **procedure** or if applicants are subject to a transfer decision under the **Dublin** regulation.
 - Member States shall ensure that applicants who have access to the labour market enjoy **equal treatment** with their own nationals



National level - Legislative and policy background

- Access to the labour market is stipulated in national legislation:
 - Migration (either applying to all third country nationals or only applicants for international protection)
 - In some cases employment/labour law complements by specifying how this access takes place
- In most cases legislation is supplemented by a national policy or strategy:
 - General integration policies
 - Specific policies for third country nationals
 - Mainstreaming approach.
- No EMN member country reported a specific policy on integration of applicants for international protection



Conditions and procedures for employment

- In most EMN Member Countries the waiting period before applicants for international protection can enter the labour market is six months or less

Condition/procedure	EMN Member Country
Waiting period for applicants to (request) access to the labour market	
Immediately after the application is lodged	SE (applicable to all applicants in possession of identity documents, or, in the absence of these, who cooperate with the Swedish Migration Agency to establish their identity, and who are not subject to a Dublin transfer, accelerated procedures or security concerns)
1 month	CY
2 months	IT
3 months	AT (employed: after admission to the asylum procedure; self-employed: after filing an asylum application), BG, DE, FI ¹³⁷ (applicants with a travel document), HR, LV
4 months	BE (access to employment) ¹³⁸
6 months	CZ, EE, EL, ES, FI (applicants without a travel document), FR, IE, LT, LU, NL, PL, SK
9 months	HU, SI



Conditions and procedures for employment

- Most EMN Member Countries require a work permit or a certificate to verify access to the labour market, whilst some offer automatic access once the waiting period has lapsed
- Applying for a **work permit** requires the most documentation, is usually initiated/submitted by the employer, typically applies to all TCN
- Five countries that have a work permit also require a **labour market test**
- **Certificate** does not typically involve the employer and is rather a statement to the competent authority that the applicant intends to access the labour market

Requirements

Work permit	AT (access to employment), CY, CZ, DE, FR, HU, LU, NL
Labour market test	AT (access to employment), CY, FR, HU, LU
Certificate confirming they can access the labour market ¹³⁹	BG, EL, HR, IE, LT, LV, PL, SE
Automatic access	BE (access to employment), EE, ES, FI, IT, SI, SK ¹⁴⁰



Conditions and procedures for employment

- Some EMN Member Countries apply **other restrictions and conditions** such as:
 - On the type and form of employment that can be accessed
 - Verifying whether the position and the employer comply with employment-related legislation
 - Limiting the category of applicants who can apply
- Some EMN Member Countries offer additional support beyond the minimum requirements set by the recast Reception Conditions Directive, by providing applicants with **access to employment services** (e.g. counselling sessions on how to find employment)



Conditions and procedures for self-employment

- 15 EMN Member Countries allow applicants for international protection to be **self-employed**, most of which apply the same conditions and procedures as for employment
- In 9 EMN Member Countries applicants are excluded from self-employment opportunities
- Examples where the conditions for self-employment differ:
 - In the Belgian Walloon region, applicants need to submit additional documents to become self-employed, including a valid business plan, proof that the business will be economically viable, and proof that they do not have a criminal record.



Labour market integration policies

- The majority of EMN Member countries reported adopting new or revised policies to support the labour market integration of third country nationals between 2017-2022, including:
 - Changes aiming to **further facilitate labour migration of third country nationals to their respective countries**, which (indirectly) support access to employment for applicants already on the territory
 - Changes to **facilitate access to the labour market of applicants for international protection**



Governance structures

- Most EMN reported having **governance structures** to support third country nationals labour market integration
- Belgium and Spain have governance structures specifically to aid the labour market integration for applicants for international protection
- In most countries competences are shared between national, regional and local level
 - Key stakeholders involved: ministries (interior/employment) and agencies responsible for integration
 - Other important actors: public employment services, social partners (employers'/sectoral associations), reception centres and non-governmental organisations



Data collection on (un)employment of applicants for international protection

- **No harmonised data** on (un)employment of applicants for international protection
- Several EMN Member Countries **collect statistics** and/or monitor the (un)employment situation of applicants for international protection:
 - Most collect data on number of applications to access the labour market submitted/granted/refused
 - Some collect data on numbers of applicants employed/unemployed
- This data is usually collected by: public employment authority, competent immigration authority, Ministry of Labour and Social Affairs, Unemployment Insurance Fund, Ministry of Justice.



Good practices to integrate applicants for international protection, and third country nationals

- Most good practice measures were developed in response to emerging needs (rise in applications 2015/2016 and COVID-19 2020)
- Measures:
 - Vocational education and training (VET), including reskilling schemes
 - Support for language acquisition (courses covering different levels and labour market requirements)
 - Skills assessment (to validate prior (non-accredited) learning and experience)
 - Recognition of qualifications (programmes where regional/national systems evaluate foreign qualifications supported by academic institutions)
 - Civic integration courses
 - Initiatives to incentivise employers to hire applicants for international protection
 - Information counselling and indirect support (e.g. childcare and travel allowances)

Figure 4: Good practices targeting applicants for international protection



Good practices in cooperation between actors

- Six EMN Member Countries highlighted the importance of stakeholder cooperation and coordination, including between:
 - State agencies for refugees and (regional) public employment agencies
 - Employment and economic development offices cooperating with integration services at a local level
 - Coordination between relevant ministries
 - Coordination between local stakeholders
- Member Countries mentioned specific and formalised coordination structures, such as dedicated department (BE), networks (DE) and working groups (SE).



Challenges related to labour market integration

- Applicants for international protection primarily faced **practical challenges** in effectively accessing the labour market:
 - Language barriers
 - Difficulties with recognition of qualifications
 - Discrimination
 - Risk of exploitation/undeclared work
 - Costs associated with accessing the labour market



Challenges related to labour market integration

- Applicants for international protection primarily faced **practical challenges** in effectively accessing the labour market:
 - Complexity and ineffectiveness of administrative procedures, e.g.:
 - Complex nature of the requirements and lack of understanding/awareness of requirements
 - Uncertainty about the length of time an applicant may be able to work, as a negative asylum decision immediately terminates access to the labour market
 - Coordination between relevant actors
- Applicants for international protection can face **legislative challenges**:
 - Potential additional documentation that can be requested of applicants for international protection in order to access their right to work



Conclusion

- EMN Member Countries are taking steps to promote labour market integration for applicants for international protection including:
 - shortening waiting periods and
 - implementing integration support measures.
- There are significant barriers to accessing the labour markets, including:
 - practical issues such as language proficiency or
 - difficulties in recognition of prior qualifications.
- Facilitating the access for applicants for international protection to the labour market could
 - improve their integration and
 - help to address labour shortages in EMN Member Countries.



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