
Work and social welfare for asylum- seekers and refugees

Selected EU Member States



IN-DEPTH ANALYSIS

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This publication provides an overview of the international and EU legal framework on the right to work and the access to social welfare for asylum-seekers and refugees. The legislation and practice in eight Member States is examined, while the economic impact and employment prospects of asylum-seekers and refugees in the EU are also assessed.

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EXECUTIVE SUMMARY

In an EU without internal borders, the harmonisation of national reception standards for asylum-seekers and refugees seeks not only to ensure a dignified standard of living for asylum-seekers and beneficiaries of international protection but also to prevent secondary intra-EU movements to EU Member States offering better reception conditions, and thus leading to 'asylum shopping' and to the overburdening of the asylum systems of some Member States. Several of the instruments which make up the 2013 Common European Asylum System, and in particular the Reception Conditions Directive, address this problem, but leave Member States wide scope of discretion as to the material content of the rights that can be claimed by asylum-seekers and refugees in their host Member State. The shortcomings stemming from differences in reception standards are also relevant in the context of the current initiatives to relocate asylum-seekers from some Member States at the EU's external borders, in particular Italy and Greece, to other Member States, due to the reluctance of many asylum-seekers to be relocated to countries in which they believe they will enjoy less favourable reception conditions than in others.

The analysis of the national reception conditions for asylum-seekers in eight Member States shows that there are indeed differences in the standards applied by the selected Member States, both as regards the conditions for access to employment and access to social benefits. However, as a general rule, the differences in the levels of benefits provided to asylum-seekers correspond to the differences in living standards among Member States. Practical hurdles to the effectiveness of the right to work for asylum-seekers and refugees are common to all Member States, and include lack of knowledge among employers that both groups are allowed to work, insufficient language knowledge, lack of certificates and diplomas to acknowledge specialised skills, as well as the asylum-seeker's residence in reception centres that are often found in remote areas far from economic centres.

Beneficiaries of international protection enjoy, as a general rule, the same rights as nationals of the host Member States as regards access to employment and social benefits, although some Member States apply certain labour market restrictions or free movement restrictions to those who rely on social benefits.

From an economic point of view, much focus is currently addressed to the short-term increase in public expenditure. Yet many comparative studies and time-series data suggest that in the long-term, waves of refugees and migrants have had a neutral or slightly positive impact on public finances. Even if for many new arrivals, labour market prospects may remain poor during the first few years, the long-term gains are likely to exceed the costs.

One of the crucial factors is to make labour markets accessible to asylum-seekers. This makes it necessary to continue to evaluate a possible shortening of the transition period before they receive full access. While reliable data on qualification levels remain scarce, past experience suggest that much potential remains unused and over-qualification is thus an important challenge. Migrant populations in the EU are more than twice as likely as the population as a whole to be unemployed. One proxy for successful migrant integration is the employment rate. In France, the Netherlands, Sweden, and to a lesser degree in Germany, the difference between third-country nationals and domestic workers is more pronounced than in Bulgaria, Italy and Poland.

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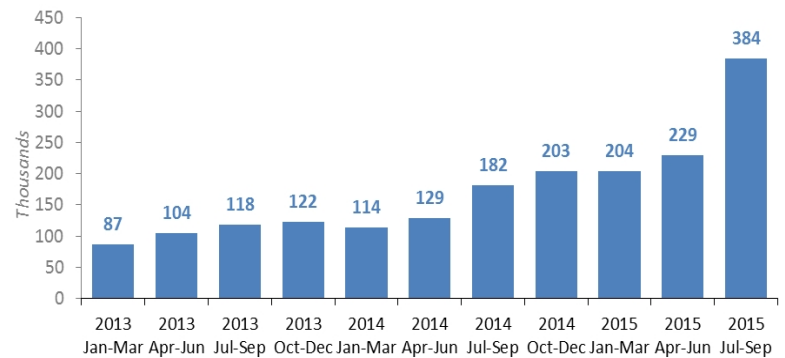
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1. Introduction

1.1. The Common European Asylum System

The surge of asylum-seekers to the EU has increased steadily, and reached record highs in recent years and months. Asylum-seekers risk their lives on dangerous journeys to Europe, which often do not stop at the EU's external border but continue within the EU. The Common European Asylum System (CEAS) completed in 2013 sought to remove significant differences in treatment of asylum-seekers across the EU, so as to prevent too uneven a distribution of the burden among Member States. Whilst in the first phase of the CEAS only minimum standards could be adopted, its second phase aimed at a higher degree of convergence between the Member States, particularly with regard to procedural guarantees and reception conditions for asylum-seekers.

Figure 1 - Asylum applications in the EU-28, in thousands



Data source: Eurostat.

Five key acts make up the 2013 CEAS:¹ the Qualification Directive (2011),² Asylum Procedure Directive,³ the Reception Conditions Directive,⁴ the Dublin III Regulation⁵ and the EURODAC Regulation.⁶

Although the Lisbon Treaty provided the legal basis for a common European asylum system, comprising inter alia 'a uniform status of asylum for nationals of third countries, valid throughout the Union' (Article 78(2)(a) of the Treaty on the Functioning of the EU – TFEU), the CEAS did not establish an **EU-wide asylum status**. Rather, the EU asylum system merely allocates responsibility for the processing of asylum applications to individual Member States, including the obligation to provide protection to the refugee in question when the decision is positive.⁷

In order to prevent asylum-seekers from moving between Member States, and to avoid 'asylum shopping' whereby asylum-seekers choose the EU Member State with the highest protection standards for their application, the CEAS seeks to remove differences in criteria for granting asylum status across the EU and also in treatment of asylum-seekers in the different Member States.

¹ E.-M. Poptcheva, [EU legal framework on asylum and irregular immigration 'on arrival'](#), EPRS, Members' Research Service, March 2015.

² [Directive 2011/95/EU](#), OJ L 337, 20 December 2011, pp. 9-26.

³ [Directive 2013/32/EU](#), OJ L 180, 29 June 2013, pp. 60-95.

⁴ [Directive 2013/33/EU](#), OJ L 180, 29 June 2013, pp. 96-116.

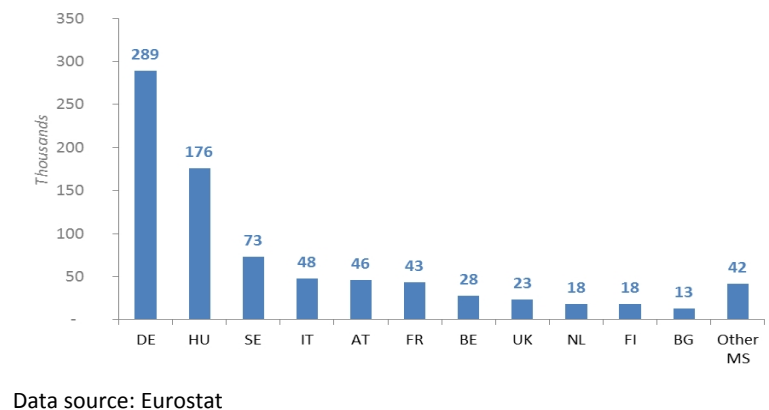
⁵ [Regulation \(EU\) No 604/2013](#), OJ L 180, 29 June 2013, pp. 31-59.

⁶ [Regulation \(EU\) No 603/2013](#), OJ L 180, 29 June 2013, pp. 1-30.

⁷ M. Mouzourakis, [We need to talk about Dublin. Responsibility under the Dublin System as a blockage to asylum burden-sharing in the European Union](#), Refugees Studies Centre, Oxford Department of International Development, 2014, p. 5.

The Dublin rules, which establish that, by default, the first Member State an asylum-seeker entered is responsible for examining their application for international protection, place a significant burden on Member States on the EU's external borders. The overload on some countries' asylum systems has led both to poor conditions for asylum-seekers and to lower rates of asylum being granted. Asylum-seekers who therefore chose to move to other Member States offering better reception conditions will be transferred back to the state they first entered, unless the asylum system in that country features systemic deficiencies.⁸ However, asylum-seekers transferred back often make further attempts to move to a Member State which they consider to offer better perspectives in terms of access to employment and to social welfare, while other reasons such as employment rates and presence of national communities play an important role too.⁹

Figure 2 - Asylum applications per Member State, in thousands, January-September 2015



Glossary

Beneficiaries of international protection include both refugees according to the UN Refugee Convention and beneficiaries of subsidiary protection. The latter do not qualify as refugees but substantial grounds exist that the person concerned, if returned to their country of origin, would face a real risk of suffering serious harm as defined in the EU Qualification Directive.

Asylum-seekers are those who have applied for international protection (refugee status or subsidiary protection) and their application is still pending a decision.

1.2. National reception standards and secondary intra-EU movements

The CEAS has not managed to provide durable solutions to these shortcomings. In an EU without internal borders, the harmonisation of national reception standards for asylum-seekers and refugees sought not only to ensure a dignified standard of living for asylum-seekers and beneficiaries of international protection but also to prevent secondary intra-EU movements to Member States offering better reception conditions.

The first goal of EU legislation on reception standards is motivated by the obligation to **guarantee asylum-seekers' and refugees' fundamental rights** as established in the EU Charter of Fundamental Rights (Article 1 on human dignity, and Article 18 on the right to asylum). Indeed the provision of (secondary) rights attached to the status of asylum-seeker and refugee are necessary in order to effectively make use of the right to seek international protection.¹⁰

⁸ CJEU, [C-411/10, N.S. v. Secretary of State for the Home Department](#), 21.12.2011. See also M. Garlick, '[Protecting rights and courting controversy: leading jurisprudence of the European courts on the EU Dublin Regulation](#)', in *Journal of Immigration, Asylum and Nationality Law*, 2015, pp. 192-210.

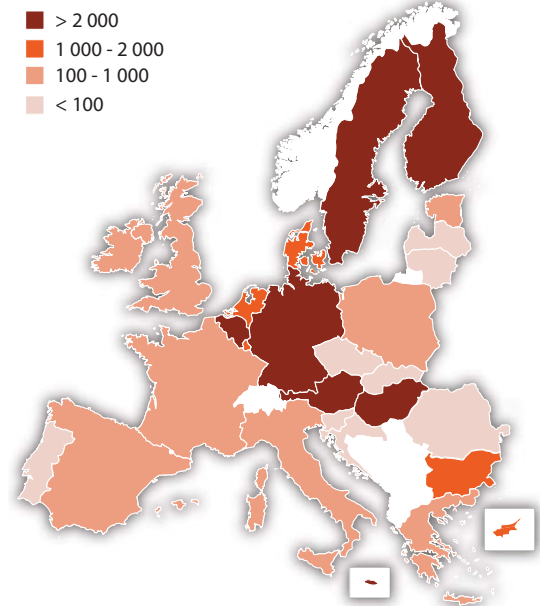
⁹ See J.-P. Brekke, G. Brochmann, '[Stuck in transit: secondary migration of asylum seekers in Europe, national differences, and the Dublin Regulation](#)', in *Journal of Refugee Studies* 2015, 28(2), pp. 145-162.

¹⁰ S. Peers, V. Moreno-Lax, M. Garlick, E. Guild (eds.), *EU Immigration and Asylum Law (Text and Commentary)*, second revised edition, Vol. 3 Asylum Law, Brill Nijhof, 2015, p. 501.

This first goal contributes to achieving the second goal pursued by the harmonisation (or at least approximation) of reception conditions, which is to **limit secondary movements** precisely by providing comparable living conditions in all Member States.¹¹ This has however been rendered difficult by the use of directives seeking minimum harmonisation among Member States leaving the possibility to offer more favourable conditions. Furthermore, the provisions on the reception conditions standards leave it to Member States to fill in the content of the rights afforded whilst respecting the principle of equal treatment with certain categories of rights-holders in the national context (either nationals or legally resident third-country nationals). This equal-treatment approach is thus based on the protection standards already existing in individual Member States.

The shortcomings deriving from the differences in the reception standards are also relevant in the context of the current initiatives to relocate asylum-seekers from Italy and Greece to other Member States,¹² due to the reluctance of many asylum-seekers to be relocated in Member States, in which they believe they will enjoy less favourable reception conditions than in others.

Figure 3 - Asylum applications per million inhabitants, January-September 2015



Data source: Eurostat.

2. International legal framework: the UN Refugee Convention

The UN 1951 Geneva Convention on Refugee Status¹³ is the main legal instrument of international refugee law. All EU Member States have ratified the Geneva Convention. Although the EU is not a Contracting Party to it, both the EU Charter of Fundamental Rights (Articles 18 and 19(2)) and the Treaties (Article 78 TFEU) establish that the right to asylum shall be granted with due respect for the Convention. The 1951 Convention establishes the definition of a refugee as well as the principle of *non-refoulement* and the rights attached to refugee status. It lays down basic minimum standards for the treatment of refugees, without prejudice to states granting more favourable treatment. Besides rights such as access to courts, to education, and free movement, the Convention also grants some economic rights to refugees as necessary tools to facilitate effective enjoyment of the rest of the rights awarded by the Convention. Refugees are gradually awarded access to work and to social security benefits, taking into account the duration of their residence and their integration into the host society.

Access to work is granted to refugees 'lawfully staying' in the territory of the state concerned. Some argue in this context that a **'lawfully staying' refugee** is a person that has been granted refugee status by the national authorities.¹⁴ In this context, states

¹¹ See on the different goals underlying EU asylum policy, V. Moreno-Lax, 'Life after Lisbon: EU asylum policy as a factor of migration control', in EU security and justice law, D. Acosta Arcaza, C.C. Murphy (eds.), Hart Publishing, 2014, p. 149.

¹² D. Ivanov, [Legislation on emergency relocation of asylum-seekers in the EU](#), EPRS briefing, 2015.

¹³ [1951 Convention and 1967 Protocol Relating to the Status of Refugees](#).

¹⁴ [Michigan Guidelines on the right to work](#), University of Michigan, 2010, para. 8.

often put forward the uncertainty of whether an asylum-seeker is eventually going to become a refugee and thus a long-term resident, and the proposition that access to the labour market for asylum-seekers could become a pull-factor for economic migration.¹⁵ Others argue that **asylum-seekers** who have lodged an application are also authorised to stay on the territory of the host state, so that they should also be deemed to be 'lawfully staying' in the sense of the Convention.¹⁶ In this respect, a 2014 resolution¹⁷ of the Parliamentary Assembly of the Council of Europe recommended to member states to provide asylum-seekers with access to the labour market pending the outcome of a decision on their status. It considers that for asylum-seekers and refugees the right to work is particularly important as it can enhance their sense of dignity, self-respect and self-worth, and brings with it independence and financial self-sufficiency. However, agreement seems only to exist among experts that a lawful stay should be confirmed whenever the asylum procedure is unduly prolonged.¹⁸ Since the Convention does not explicitly grant the right to work to asylum-seekers, it also does not prohibit the use of employment restrictions (to specific sectors, or regarding the duration of the work, etc.) or resident labour market tests (priority for other categories of persons).

While regarding certain rights such as freedom of religion, access to the courts and to elementary education, refugees are to be afforded the same treatment as nationals, access to work is granted under the **same conditions as to foreign nationals** (Article 17). This means that if a work permit is required for foreign nationals in order to work, it would also be required for refugees too unless they have been expressly exempted from this requirement.¹⁹ However, any restrictive measures on access to work for aliens may not apply to refugees who have been resident in the country for **three years** or have a spouse or child with the nationality of that country (Article 17(2)). Refugees and asylum-seekers²⁰ are also given the right to self-employment, on conditions equal to those applicable to foreign nationals, in the field of agriculture, industry, handicrafts and commerce (Article 18). The same applies to the exercise of liberal professions, whenever the refugee holds a diploma recognised by the competent authorities of the host state (Article 19).

Whilst refugees shall be treated as foreign nationals regarding access to employment, they enjoy **equal treatment with nationals** as regards work conditions, such as remuneration, family allowances, hours of work, overtime arrangements, holidays, minimum age of employment, apprenticeship and training (Article 24(1)). Conversely, equal treatment regarding social security (benefits in case of workplace injury, occupational disease, maternity, sickness, disability, old age, death, unemployment) can be limited under certain circumstances and in particular as regards non-contributory social benefits (Article 24(1)(b)ii).

The Convention also includes a provision on the equal treatment of refugees and foreign nationals regarding housing, 'in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities' (Article 21).

¹⁵ [Report](#) of the Committee on Migration, Refugees and Displaced Persons to the Council of Europe Parliamentary Assembly, Refugees and the right to work, rapporteur Christopher Chope (UK), Doc 13462, 24 March 2014, p. 11.

¹⁶ J. C. Hathaway, [The Rights of Refugees under International Law](#), Cambridge University Press, 2005, p. 730.

¹⁷ [Resolution 1994 \(2014\)](#) of 11 April 2014.

¹⁸ Council of Europe Report 'Refugees and the right to work', op. cit., p. 6.

¹⁹ P. Weis, *Travaux Préparatoires* and [Commentary](#) to Article 17 of the UN Refugee Convention.

²⁰ Asylum-seekers are considered not to be 'lawfully staying' but to be 'lawfully present' in the sense of the Convention, so that some of the rights afforded by the Convention are applicable to them too.

It should be noted that these secondary rights granted to refugees by the Convention (the right to asylum being a primary right) are **equal-treatment rights** and do not guarantee a certain material minimum standard. This gives states a wide scope of discretion as to the material content of such rights and leads to divergent standards.

3. EU legal framework

3.1. Asylum-seekers

3.1.1. Reception conditions standards

Article 78(2)(f) TFEU mandates the EU legislator to adopt 'standards concerning the conditions for the reception of applicants for asylum or subsidiary protection'. The central norm for the rights of asylum-seekers, different from the right to asylum as such, is the Reception Conditions Directive that was revised in 2013 as part of the second phase of the CEAS. The Directive sets standards for the reception of applicants for international protection in Member States, which are however not common or unified standards, but rather, at most, **comparable standards**²¹ allowing Member States to introduce or retain more favourable provisions as long as they are compatible with the Directive (Article 4). The Directive contains provisions, inter alia, on detention, access to the labour market, food, housing, and financial aid.

The Reception Conditions Directive applies to all third-country nationals and stateless persons who apply for international protection on the territory, including at the border, in the territorial waters or in the transit zones of a Member State (Article 3(1)). Furthermore, the Directive applies during all stages and types of procedures concerning applications for international protection, as long as persons are allowed to remain on the territory of the Member States as applicants (Recital 8), including to asylum-seekers pending a transfer under the Dublin Regulation since they are allowed to remain on the territory of the Member State in which the application was lodged pending transfer.²²

While the Dublin rules apply in all Member States and in the Schengen associates (Norway, Iceland, Switzerland and Liechtenstein), the Reception Conditions Directive does not apply in the Schengen associates or in Ireland, Denmark and the UK, although the UK continues to apply the old Reception Conditions Directive.

The deadline for the transposition of the Reception Conditions Directive expired on 20 July 2015. On 23 September 2015, the European Commission sent letters of formal notice (infringement proceedings under Article 258 TFEU) to 19 Member States²³ for not having communicated the national measures taken to fully transpose the revised Reception Conditions Directive.²⁴

3.1.2. Access to employment

The Reception Conditions Directive establishes that asylum-seekers can access the labour market in the host Member State, but only if after a period of **nine months**

²¹ E. Tsourdi, '[Reception conditions for asylum seekers in the EU: towards the prevalence of human dignity](#)', in *Journal of Immigration, Asylum and Nationality Law*, 2015, p. 14.

²² CJEU, [C-179/11](#), *Cimade and GISTI v Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration*, 27.09.2012.

²³ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Estonia, Greece, Spain, France, Hungary, Lithuania, Luxembourg, Latvia, Malta, Poland, Romania, Sweden, Slovenia.

²⁴ European Commission, [More Responsibility in managing the refugee crisis: European Commission adopts 40 infringement decisions to make European Asylum System work](#), Press release, 23.09.2015.

there is still no first-instance decision by the competent authority on their asylum application and the delay cannot be attributed to the applicant (Article 15(1), Reception Conditions Directive). The revised Directive shortened the waiting period from 12 to 9 months in a compromise between Parliament and the Commission on the one side, who argued for a 6-month period, and the Council who insisted on keeping 12 months.

Waiting periods for access to the labour market seek to strike a balance between the integration goals and the need to reduce social welfare expenses for the host society on the one hand and the risk of creating incentives for persons to apply for asylum for purely economic reasons on the other hand. A short or non-existing waiting period is often seen as a pull factor for economic migration.

The waiting period established in the Reception Conditions Directive complies with the general understanding of the provisions on the right to work contained in the Refugee Convention. As set out above, the Convention does not explicitly establish a general right of access to the labour market for asylum-seekers (but does for refugees), with the majority of experts agreeing that in any case an asylum-seeker should be able to enjoy this right whenever the asylum procedure is unduly prolonged.

The Directive allows Member States to restrict asylum-seekers' access to the labour market for reasons of labour market policies by giving priority to Union citizens and EEA nationals, as well as to legally resident third-country nationals (labour market test – Article 15(2)). However, the principle of effectiveness of access to the labour market, introduced in the revised Reception Conditions Directive, limits the scope of such restrictions so that the priority of other categories of persons in the labour market access should not make the right granted to asylum-seekers meaningless in practice.²⁵

3.1.3. Access to social welfare

The Reception Conditions Directive establishes that 'Member States shall ensure that 'material reception conditions' provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health'. (Article 17(2)1). The provision of all or some of the material reception conditions and healthcare can however be made subject to the condition that applicants do not have sufficient means to have a standard of living adequate for their health and to enable their subsistence. Furthermore, applicants may be required to cover or **contribute to the cost** of the material reception conditions and of the healthcare provided if they have sufficient resources, for example if they have been working for a reasonable period of time (Article 17(4)).

Where Member States provide material reception conditions in the form of **financial allowances** or vouchers, the amount thereof shall be determined on the basis of the 'levels' established by the Member State concerned either by law or by the practice to ensure 'adequate standards of living for nationals'. A proposal by the Commission to create a specific point of reference for financial allowances, for instance the amount of social assistance granted to nationals requiring similar assistance, in order to remove divergences in standards, was not taken up.²⁶

Housing can be provided in kind or, where there are no accommodation centres or similar available, national authorities need to provide financial aid enabling asylum-seekers to obtain housing on the private rental market. In a recent judgment the Court

²⁵ S. Peers, E. Guild et al, EU Immigration and Asylum Law, op. cit., p. 531.

²⁶ E. Tsourdi, 'Reception conditions for asylum seekers in the EU', op. cit., p. 23.

of Justice of the EU (CJEU) held that the financial aid granted in such a case of unavailability of housing in kind needs to ensure that an asylum-seeking family can stay together. The Court further held that the saturation of the asylum reception networks in a Member State does not justify any derogation from meeting the reception standards established by the Directive.²⁷

3.2. Beneficiaries of international protection

Despite the mandate contained in Article 78(2)(a) and (b) TFEU, there is no common asylum status valid across the EU (see above). The Qualification Directive instead sets standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection. It seeks to establish a uniform status for refugees as well as for persons eligible for subsidiary protection, and also for the content of the protection granted. Both the TFEU and the Qualification Directive explicitly state that the status granted to applicants for international protection needs to be in accordance with the Geneva Refugee Convention (Article 78(1) TFEU), which in this sense represents a minimum standard that may not be undercut (Article 20(1) Qualification Directive).

In accordance with Article 26(1) of the Directive, beneficiaries of international protection shall be granted access to **employment and self-employment** immediately after they have been granted protection status. The Directive does not admit any restrictions on access to work in the sense of labour market tests or others, putting beneficiaries of international protection on **equal terms to nationals**, not foreigners, as set out in the Geneva Convention, for at least the first three years of residence (see above). The limitation of access to the labour market contained in the old (2004) Qualification Directive regarding beneficiaries of subsidiary protection was also removed. National provisions on employment conditions, such as remuneration and access to social security systems also apply to beneficiaries of international protection (Article 26(4)).

Beneficiaries of protection are put on an equal footing with nationals as regards 'the necessary **social assistance** as provided to nationals' (Article 29(1)). Member States may however limit social assistance granted to beneficiaries of subsidiary protection status to core benefits, which are then provided at the same level and under the same eligibility conditions as to nationals. Recital 45 of the preamble to the Directive clarifies that 'core benefits' shall be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance.

In contrast, the Directive ensures access to **accommodation** for beneficiaries of international protection but only under 'equivalent conditions as other third-country nationals legally resident in their territories', while allowing for national practice in respect of the dispersal of beneficiaries of international protection across national territory (Article 32). It should be noted however that, at the same time, the Directive guarantees the right of beneficiaries to **move freely** within national territory, under the same conditions as those provided for other third-country nationals legally resident there (Article 33).

²⁷ CJEU [C-79/13](#), *Federaal agentschap voor de opvang van asielzoekers v Saciri*, paras. 42, 45, 50.

4. Situation in selected EU Member States

4.1. Bulgaria

Law on Asylum and Refugees, as last amended, State Gazette Issue No 80 of 16.10.2015.²⁸

4.1.1. Access to employment

- **Asylum-seekers**

Asylum-seekers have access to the labour market if the asylum procedure is not completed within **three months** of the submission of the asylum application, according to the recently amended²⁹ Article 29(3) of the Law on Asylum and Refugees (LAR). Before this amendment, the time period in question was 12 months.

To this end, a certificate is issued by the national asylum authority – State Agency for Refugees (SAR)³⁰ – in a simple procedure that verifies only the duration of the asylum procedure and whether it is still pending.³¹

In practice, however, it is difficult for asylum-seekers to find a job due to a number of reasons, including lack of Bulgarian language skills, impossibility to present diplomas and other educational or professional experience certificates, the high unemployment rate and the adverse economic situation in Bulgaria.³²

- **Beneficiaries of international protection**

Under Article 32(1) LAR, refugees have the rights – including access to employment – and obligations of **Bulgarian citizens**, with certain exceptions.³³ In contrast, beneficiaries of subsidiary protection, according to Article 32(2) LAR, have the rights – including access to employment – and obligations of **aliens** who have been granted permanent residence in Bulgaria. Therefore, a work permit is not required for beneficiaries of international protection in Bulgaria.³⁴

In practice, however, both refugees and beneficiaries of subsidiary protection have difficulties getting a job for the same reasons as asylum-seekers. Moreover, the insufficient integration opportunities³⁵ for persons granted international protection in Bulgaria have been said to represent a further obstacle to securing employment.

²⁸ Original BG version: [Закон за убежището и бежанците](#); unofficial EN translation: [Law on Asylum and Refugees](#).

²⁹ Law for Amendment and Supplement of the Law on Asylum and Refugees, published in State Gazette No 80 of 16 October 2015.

³⁰ [Държавна Агенция за Бежанците при Министерски Съвет](#) (State Agency for Refugees with the Council of Ministers).

³¹ [EMN Ad-Hoc Query on Access to the labour market for asylum seekers](#), 3 June 2015, p. 5; [EMN Ad-Hoc Query on Asylum seekers integration to labour market](#), 5 March 2015, p. 5; [AIDA country report on Bulgaria](#), up-to-date as of 30 September 2015, p. 50.

³² Ibid; See also [Bulgaria as a Country of Asylum: UNHCR Observations on the Current Situation of Asylum in Bulgaria - April 2014](#), p. 12.

³³ The right to participate in general and municipal elections, in national and regional referenda, as well as to participate in the establishment of political parties and be a member of such parties; the right to hold positions for which Bulgarian citizenship is required by law; the right to serve in the armed forces; and other restrictions explicitly laid down by law.

³⁴ [EMN Migrant access to social security and healthcare: policies and practice in Bulgaria](#), 2014, p. 5.

³⁵ [AIDA country report on Bulgaria](#), up-to-date as of 30 September 2015, p. 44-45; [Bulgaria as a Country of Asylum: UNHCR Observations on the Current Situation of Asylum in Bulgaria - April 2014](#), p. 12; [Amnesty International Report 2014/15: The State of the World's Human Rights](#), published on 25 February 2015, pp. 87-89.

4.1.2. Social benefits

- **Asylum-seekers**

Under Article 29(1) LAR, asylum-seekers have the right to shelter and food; social assistance following the procedure and to the same value available to Bulgarian citizens;³⁶ health insurance, accessible medical care and free use of medical services under the terms and procedure applicable to Bulgarian nationals; psychological help; and interpreting/translation services.

In the spring of 2015, the national asylum authority **ceased retroactively**, as of 1 February 2015, the provision of the **monthly financial allowance** granted to asylum-seekers accommodated in reception centres besides benefits in kind, on the basis that food was to be provided in reception centres three times a day.³⁷ Previously, cash assistance was delivered as regulated in the law and equal to the minimum social aid granted to Bulgarian nationals, which, as of 31 March 2014, is BGN 65.00 (€33.23)³⁸ per month, for both adults and children.³⁹ Despite the national asylum authority's efforts⁴⁰ to improve living conditions in reception centres for asylum-seekers, the provision of food and healthcare in the reception facilities has been reported to be inadequate.⁴¹

When asylum-seekers have sufficient means to cover their basic needs, they may be granted permission to take up a private accommodation at their own expense. In this case they are no longer eligible for financial and in-kind support from the State Agency for Refugees.⁴²

Access to education for children seeking asylum is provided explicitly in national legislation under Article 26(1) LAR. In practice, however, asylum-seeking children accommodated in Pastrogor transit centre are said to be deprived of the right to education due to lack of school opportunities in this remote area.⁴³

- **Beneficiaries of international protection**

Refugees have, in principle, the rights and obligations of Bulgarian nationals, while beneficiaries of subsidiary protection have the rights and obligations of aliens who have been granted permanent residence in Bulgaria. Both categories of beneficiaries of international protection have access to social benefits.⁴⁴

In addition, both refugees and beneficiaries of subsidiary protection may be provided with financial support for housing for a period of up to six months from the entry into force of the decision granting international protection, according to Article 32(3) LAR.

Moreover, all beneficiaries of international protection may benefit from integration programmes and projects, under the newly adopted provisions of Article 32(5) LAR.

³⁶ [EMN Migrant access to social security and healthcare: policies and practice in Bulgaria](#), 2014, p. 17.

³⁷ Order No 31-310 issued on 31 March 2015 by the chair of the SAR, Nikola Kazakov; see [AIDA country report on Bulgaria](#), up to date as of 30 September 2015, p. 44, footnote 145.

³⁸ [Exchange rate](#): €1 = BGN 1.9558, fixed by law.

³⁹ [AIDA country report on Bulgaria](#), up-to-date as of 30 September 2015, p. 44.

⁴⁰ [Позиция на Държавната Агенция за Бежанците при Министерски Съвет от 23/09/2015](#) (Position of the State Agency for Refugees with the Council of Ministers of 23 September 2015).

⁴¹ [AIDA country report on Bulgaria](#), up-to-date as of 30 September 2015, p. 46.

⁴² [EMN Ad-Hoc Query on asylum support rates](#), 2013, pp. 6-7.

⁴³ *Ibid.*, p. 50.

⁴⁴ [EMN Migrant access to social security and healthcare: policies and practice in Bulgaria](#), 2014, p. 17.

In practice, however, the integration opportunities for persons granted international protection in Bulgaria have been assessed as inadequate or even lacking in 2014 and 2015.⁴⁵ Both refugees and beneficiaries of subsidiary protection are reported to face problems in accessing education, housing, healthcare and other public services.⁴⁶

4.2. France

Pursuant to the fourth paragraph of the preamble to the 1946 French Constitution,⁴⁷ refugee status is granted to 'whoever is persecuted for his or her activities in pursuit of freedom'. The Code on the Entry and Residence of Foreigners and the Right to Asylum (CESEDA)⁴⁸ also provides for the status of subsidiary protection. A comprehensive reform of the French asylum system was introduced by Law 2015–925⁴⁹ and Decree No 2015–1166.⁵⁰

4.2.1. Access to employment

- **Asylum-seekers**

Under Article 20, of Law 2015–925, asylum-seekers and applicants for subsidiary protection may be authorised to work, if the Office for the Protection of Refugees and Stateless Persons (*Office français de protection des réfugiés et apatrides, OFPRA*), has not treated their application within **nine months** (rather than 12 months, as previously) and the delay cannot be attributed to the applicant. In this case, asylum-seekers are subject to the same rules as other **foreign workers** relating to the request for a **work permit**. The Prefect of the *département* in which the asylum-seeker resides is the competent authority to issue a work permit. In examining the request, the Prefect can undertake a '**labour market test**', taking into account the employment opportunity for EU citizens or legally resident third-country nationals in the professional sector and geographical areas requested by the asylum-seeker.⁵¹ Asylum-seekers have also access to **professional training** activities.⁵²

While the time limit restricting asylum-seekers' access to the labour market has been reduced by the 2015 law, the 'labour market test' may *de facto* limit asylum-seekers' working opportunities. According to the 'labour market test', authorities may give priority to nationals, EU citizens or 'legally resident third-country nationals' with regard to a specific employment opportunity, before allowing an asylum-seeker to work. Beyond these legal barriers to employment, practical obstacles such as language, remote location of reception centres, the constraints on free movement for asylum-seekers under the compulsory accommodation scheme and discrimination in the labour market are considered major hurdles for job-seeking asylum-seekers. Similarly, access to compulsory education and to healthcare, although recognised in ample terms by the law, are in practice prevented by lack of information, limited language skills and delays in obtaining the necessary documents for enrolment.

⁴⁵ [AIDA country report on Bulgaria](#), op. cit., p. 44-45.

⁴⁶ Bulgaria as a Country of Asylum, op. cit. p. 12; [Amnesty International Report 2014/15: The State of the World's Human Rights](#), published on 25 February 2015, pp. 87-89.

⁴⁷ [French Constitution of October 1946 - Fourth Republic, adopted on 17 October 1946](#).

⁴⁸ Art.L.712-1, [Code on the Entry and Residence of Foreigners and the Right to Asylum, Consolidate Version 1 November 2015](#).

⁴⁹ [Law No 2015–925 on the reform of the right to asylum, Consolidated version of 18 November 2015](#).

⁵⁰ [Decree No 2015–1298 of 16 October 2015 adopted in application of Law No 2015–925 on the reform of the right to asylum, OJFR No 0242, 18/10/2015 p. 19431](#).

⁵¹ Art. R 341-4, [Employment Code, Consolidated Version, 8 November 2015](#).

⁵² Art. 6313-1, *ibid*.

- **Beneficiaries for international protection**

Refugees and beneficiaries of subsidiary protection, who have signed a welcome and integration contract,⁵³ benefit from personalised support for access to employment and housing provided by territorial communities or associations so tasked by the authorities. Refugees and beneficiaries of subsidiary protection enjoy social rights equivalent to those of nationals, and their access to French nationality is facilitated. Other conditions being equal,⁵⁴ refugees may apply for citizenship upon receiving their refugee status in France, while regular migrants can apply after having lived for at least five years on French territory. The right to family reunification for beneficiaries of subsidiary protection has also been extended by Law 2015–925.

4.2.2. Access to social benefits

- **Asylum-seekers**

A number of aspects of the 2015 reform have direct impact on asylum-seekers' access to work and to social rights, for instance: the creation of single entry offices under the competence of the Office for Immigration and Integration (*Office Français de l'Immigration et de l'Intégration*, OFII); the setting up of a **compulsory accommodation system** (*hébergement directif*); the **conditional link between compulsory accommodation and the right to receive the asylum-seeker's allowance**. Indeed, asylum-seekers who do register for accommodation and reject that proposed lose their entitlement to access to social services in accordance with Code of social action and families⁵⁵ and the asylum-seeker's allowance. Under the same circumstances, they are excluded from other forms of temporary social accommodation⁵⁶ with the exception of emergency accommodation⁵⁷ (Code of social action and families) and will have no access to social housing.

The **compulsory accommodation system**⁵⁸ will include places available in existing state-run reception centres for asylum-seekers (*Centre d'accueil de demandeurs d'asile, CADA*) (whose capacity will be increased by 20 000 places) and any accommodation facilities funded by the Ministry in charge of reception of asylum-seekers. While the distribution of places across the national territory will be established in a national plan, regional plans will set guidelines for distribution within each region. All reception and accommodation costs for asylum-seekers are borne by the state. Access to the system is open to all asylum-seekers from the registration of their application until the conclusion of the appeal procedure (or transfer to another EU Member State in case of applicability of the Dublin regime). OFII will be in charge of providing information and guidance to asylum-seekers, assigning them available places, and monitoring their presence. OFII will also decide upon the entrance, exit or change of centre of applicants, taking into account applicants' needs, circumstances and the availability of places. The centre managers are required to report the availability and also alert the Prefect of **unjustified and prolonged absence of people that may lead to the suspension of material assistance**.

The new law simplifies the allowances system. It replaced the temporary waiting allowance and monthly subsistence allowances by a **single allowance** (*allocation unique*) for all asylum-seekers who accept the compulsory accommodation system. The

⁵³ Art. L. 311-9, CESEDA.

⁵⁴ Provide proof of basic knowledge of French history, culture and society, and of a command of French

⁵⁵ Art. L. 345-2, L. 348-1 and subsequent and Art. R. 348-1 and subsequent, [Code of social action and families, Consolidated version, 1 November, 2015](#).

⁵⁶ Art. L. 312-1-1-8 *ibid*.

⁵⁷ Art. L. 345-2-2, *ibid*.

⁵⁸ [French Government, Réforme de l'asile, 16 July 2015](#).

amount of the allowance will be determined on the basis of the asylum-seeker's family composition and managed by the OFII (hitherto paid by the *Pôle Emploi*). According to estimates,⁵⁹ the change to the single allowance system may not be favourable to asylum-seekers. For instance, a single person will now receive €6.80 per day, instead of the previous €11.45. Families with four children and more, who are not hosted in accommodation centres, may benefit from a slight increase (€32.20 as compared to €23.80). Specific guarantees are set out for asylum-seekers in **vulnerable conditions** such as unaccompanied children, the elderly, pregnant women, and victims of trafficking in human beings, torture or female genital mutilation, in order to adapt the application procedure and conditions of stay to their needs.

Asylum-seekers are granted access to the universal **healthcare** insurance system, like any other third-country national below a certain income level. In terms of **education**, regardless of their legal status, all minors between 6 and 16 years of age are subject to the obligation to attend compulsory education.⁶⁰ Education for asylum-seeking children is usually provided in regular schools but can also be provided directly in reception centres. Support schemes or instruction classes in French are provided. Access to compulsory education and to healthcare, although recognised in ample terms by the law, are in practice prevented by lack of information, limited language skills, and delays in obtaining the necessary documents for enrolment.

In terms of access to **accommodation**, the 2015 reform has the potential to improve the quantity and quality of accommodation provided. According to experts,⁶¹ by distributing accommodation facilities across the regions, geographical concentration of asylum-seekers in a few locations and overcrowding could be avoided. The improvement in the accommodation offer, together with the reduction of the timelines for the asylum procedure, may reduce the need for emergency reception centres or use of hotels. The compulsory nature of the accommodation system and the fact that it is a precondition to all material services, however, may render the threshold for exiting from assistance very low.

- **Beneficiaries of international protection**

Refugees and beneficiaries of subsidiary protection have access to civic training, language training, an information session about life in France and a statement of professional competence. Refugees can be granted family benefits, they are entitled to universal health coverage and to the general social security scheme once they are employed. Refugees can be entitled to social housing and, in certain situations of vulnerability, access to temporary accommodation centres.

⁵⁹ [M. Sicard, Allocations : à combien d'aides ont droit les migrants ?, 12.11.2015.](#)

⁶⁰ Article L. 131-1, [Code of education, consolidated version](#) of 2 November 2015.

⁶¹ [Asylum Information Database \(AIDA\) Report on France](#), January 2015.

4.3. Germany

Article 16a Basic Law:⁶² asylum for persons persecuted on political grounds.

Asylum Procedure Acceleration Act⁶³ of 20 October 2015 amending the Residence Act,⁶⁴ the Asylum Act⁶⁵ and the Asylum-seekers' Benefits Act.⁶⁶

4.3.1. Access to employment

- **Asylum-seekers**

Asylum-seekers may be allowed to work after a period of **three months**⁶⁷ after the registration of their asylum application (Article 61(2) Asylum Act). For this, they need authorisation from the Federal Employment Agency whenever they have a concrete job offer. The Agency can (at its discretion) issue a work permit to an asylum-seeker based on a **labour market test** and a **priority review**. The labour market test refers both to whether the employment of foreigners would entail any adverse effects for the employment structure of the labour market of the region and economic sector concerned, and whether the working conditions at the workplace in question are met. The priority review examines whether the job could also be occupied by job-seekers whose access to the labour market is not restricted (German citizens, other EU citizens, etc.) (Article 39 Residence Act). The priority review ceases to apply once an asylum-seeker has resided in Germany for 15 months. Asylum-seekers from **safe third-countries** are not allowed to work during the asylum procedure.

Asylum-seekers are not allowed to engage in **self-employment**, to which only foreigners with a regular residence permit can be admitted as the asylum-seekers' residence permit (*Aufenthaltsgestattung*) does not count as a regular one (*Aufenthaltserlaubnis*) (Articles 21(6), 7 and 10 Residence Act).

As regards practical difficulties for access to employment, asylum-seekers may be obliged to stay in a reception centre for up to six months after they have lodged an application for asylum (Article 47 Asylum Act). During this period, the residence permit is limited to the district of the Aliens' Registration Office in question. After that, an asylum-seeker who needs subsistence assistance can be obliged to live in a particular municipality (**domicile requirement**).

- **Beneficiaries of international protection**

Refugees are granted a residence permit for three years, which thereafter becomes an unlimited settlement permit. In contrast, beneficiaries of subsidiary protection are first given a one-year residence permit which can be prolonged for two further years at a time. After seven years, they can be authorised to stay permanently (Article 26 Residence Act). Both categories are allowed to work (Article 25(1)3 Residence Act) with **no restrictions on labour market access**. However, beneficiaries of international protection unable to earn a living, including adequate health insurance, without recourse to public funds can be obliged to stay in a certain district or municipality (Article 60 Asylum Act).

⁶² [Basic Law for the Federal Republic of Germany](#), last amended in 2012.

⁶³ [Asylverfahrenbeschleunigungsgesetz](#), Bundesgesetzblatt 2015, Teil I Nr. 40, 23.10.2015.

⁶⁴ [Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet](#) (AufenthG), 30.07.2004.

⁶⁵ [Asylgesetz](#) (AsylG, former Asylverfahrensgesetz (Asylum Procedure Act), 26.06.1992.

⁶⁶ [Asylberwerberleistungsgesetz](#) (AsylbLG), 30.06.1993.

⁶⁷ Before November 2014, the waiting period was six months.

4.3.2. Access to social benefits

• Asylum-seekers

Asylum-seekers generally receive 'basic benefits' such as food, accommodation,⁶⁸ heating, clothing, and healthcare as well as consumer goods for the household. These '**basic needs**' are usually provided 'in kind', whenever asylum-seekers are in a reception centre. Besides, asylum-seekers are entitled to aid to cover their '**basic personal needs**' which according to the Federal Constitutional Court should enable asylum-seekers to take part in social, cultural and political life.⁶⁹ Whenever these 'basic personal needs' cannot be covered in kind or with vouchers, asylum-seekers are granted financial aid (**subsistence allowance**). The subsistence allowance is higher for asylum-seekers not living in a reception centre as it needs also to cover their basic needs such as food (and not only personal basic needs).

	Single adult	Partners in common household	Member of household > 18 years	Member of household 14-17 yrs.	Member of household 6-13 yrs.	Member of household < 6 yrs.
Reception centre	€143	€129	€113	€85	€92	€84
Outside of reception centre	€216	€194	€174	€198	€157	€133

Data source: Article 3, Asylum-Seekers' Benefits Act, and AIDA report on Germany.⁷⁰

The earnings that asylum-seekers gain from an employment are deducted from the benefits granted under the Asylum-Seekers' Benefits Act. Earnings of up to 50% of the subsistence allowance are not taken into account.

The Asylum Procedure Acceleration Act adopted on 20 October 2015, and amending inter alia some provisions of the Asylum-seekers' Benefits Act, put special emphasis on the need to provide benefits as far as possible **in kind** in order to prevent social benefits from serving as incentives for immigrants to claim asylum in Germany unfoundedly. Critics claim however that the provision of benefits in kind requires significant administrative effort and discourages asylum-seekers from self-determination.⁷¹

Asylum-seekers pending Dublin transfer receive only assistance in kind (new Article 1a) (4) Asylum-seekers' Benefits Act).

Asylum-seekers also have access to **healthcare** in case of illness, pregnancy and childbirth. Further benefits can be provided when necessary for the asylum-seekers' health or to cover specific needs of children. The regular standards of social assistance applicable to German citizens and, as appropriate, to other foreigners (12th Book, Social Code)⁷² start applying to asylum-seekers only after they have stayed in Germany for an uninterrupted period of 15 months.

⁶⁸ On the conditions of reception centres in Germany, see H. Cremer, [Menschenrechtliche Verpflichtungen bei der Unterbringung und Versorgung von Flüchtlingen](#), Friedrich Ebert Stiftung, October 2015.

⁶⁹ German Federal Constitutional Court, decision of 18 July 2012- 1 BvL 10/10, 1 BvL 2/11.

⁷⁰ Asylum Information Database, [report on Germany](#), January 2015, p. 55.

⁷¹ ProAsyl (NGO), [Stellungnahme zur Evaluierung des Sachleistungsprinzips nach dem Asylbewerberleistungsgesetz](#), 2010.

⁷² [Sozialgesetzbuch \(SGB\) Zwölftes Buch \(XII\)](#) - Sozialhilfe - (Artikel 1 des Gesetzes vom 27. Dezember 2003, BGBl. I S. 3022).

Education is to some extent a *Länder* competence. Compulsory education is applicable to all children on German territory, hence also to children of asylum-seekers.

Conditions for access to **professional training** are, as with access to employment, subject to a labour market test and a priority review, meaning asylum-seekers can access training only if no applicant with priority status has applied for the same training.

- **Beneficiaries of international protection**

Beneficiaries of international protection are entitled to the same social benefits as German citizens (Article 23(1), 12th Book, Social Code). Furthermore, they are entitled to participate in integration courses under Article 43 of the Residence Act, and are obliged to when they receive social assistance.

4.4. Italy

Article 10(3) of the Italian Constitution: 'The alien, who, in his own country, is forbidden the effective exercise of democratic freedoms guaranteed by the Italian Constitution, has the right of asylum in the territory of Italian Republic according to conditions stated by the law.'

Italian legislation on asylum has recently been amended through Legislative Decree No 142/2015⁷³ which transposes the Asylum Procedures and the Reception Conditions Directives.

4.4.1. Access to employment

- **Asylum-seekers**

Legislative Decree No 142/2015 introduces a number of improvements to asylum-seekers' access to the labour market. Article 22 provides that they have **access to employment after two months** (rather than six months as previously) from the submission of their asylum application, if their application has not been dealt with and if the delay cannot be attributed to the applicant. The residence permit (Article 4) issued to them for a first period of six months, and renewable until the asylum-seeker is entitled to stay in the territory of the state, enables applicants to work. Pending the issue of a residence permit by the relevant authorities, the receipt of a submitted asylum application constitutes a temporary permit to stay. The permit to stay for applicants for international protection cannot, however, be converted into a permit to stay for work purposes or into any other type of work permit.

Furthermore, asylum-seekers are also entitled to register with Provincial Offices for Labour, and operators within the System of Protection of Asylum-Seekers and Refugees (SPRAR) are encouraged to guide asylum-seekers in their search for a job, provide relevant information, and include measures aimed at facilitating access to employment and to private entrepreneurship. They are also entitled to attended **professional training courses**, if those are provided by the programme implemented by the local authority where the asylum-seeker is hosted.

Despite the fact that the right to access to employment is recognised by law, one of the major obstacles encountered by asylum-seekers in accessing the labour market in Italy is delay in the registration of their asylum claims, which is a pre-condition for their permit to stay to be issued. It can be argued that the amendment introduced by Legislative Decree No 142/2015, according to which, the receipt of an asylum application constitutes a temporary permit to stay, is likely to speed up asylum-seekers'

⁷³ [Decreto Legislativo, 18 agosto 2015, n. 142, Attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internazionale, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale, \(OJ n.214, 15/9/2015\).](#)

access to the formal labour market. Language barriers, the current financial crisis affecting Italy and in some cases the remote location of their accommodation make access to regular employment more difficult for asylum-seekers. Furthermore, opportunities in accessing integration programmes may vary greatly depending on the reception centres in which asylum-seekers are accommodated. The Ministry of Interior⁷⁴ recalls the need for regular monitoring of the actions implemented through the SPRAR in order to guarantee that reception standards are met and services provided. In addition, it is difficult at the moment to assess how the funding is used, or the typology of services provided (i.e. lodging, professional training.)

- **Beneficiaries of international protection**

The new Legislative Decree No 142/2015 implementing the Asylum Procedures and Reception Conditions Directives introduced important changes: the residence permits issued to both refugees and beneficiaries of subsidiary protection now have the same duration, entailing an extension of the duration of the residence permit for subsidiary protection from three to five years. Furthermore, beneficiaries of subsidiary protection are granted the same rights as refugees in terms of family reunification.

A refugee or a holder of a humanitarian or subsidiary protection status has the same rights as Italian citizens with regards to employee or self-employed status, subscription to professions, and to vocational and in-job training. Recognised refugees also have access to public employment. A refugee or holder of humanitarian or subsidiary protection status can benefit from private and public job-search services. In order to facilitate access to both employment and self-employment, Law No 148/2002,⁷⁵ which implements the Convention on the Recognition of Qualifications concerning Higher Education in the European Region,⁷⁶ provides that all possible and reasonable procedures should be adopted to fairly and effectively assess if refugees meet the requirements for access to higher education, to more advanced studies or for exercising regular professional activities. Recognition of professional qualifications obtained in countries outside the EU (for the exercise of the relevant profession in Italy) may be obtained by submitting an application to the corresponding Ministry. Accreditation to a national order (i.e. lawyers, architects, engineers, etc.) is assessed directly by the relevant professional association.

4.4.2. Access to social benefits

- **Asylum-seekers**

Legislative Decree No 142/2015 streamlines the Italian reception system by setting up a National Coordinating Working Group (within the Ministry of Interior and with the participation of UNHCR and civil society) tasked with improving the national reception system and establishing an Integration Plan. A clearer division of tasks between the Government Centre of First Reception (CARA) System and the reception facilities that belong to the integrated System of Protection of Asylum-Seekers and Refugees (SPRAR) was also introduced. While CARA remains in charge of first reception, SPRAR structures will be in charge of secondary reception measures.

⁷⁴ Ibid., p. 102.

⁷⁵ [Legge 11 luglio 2002, n. 148, "Ratifica ed esecuzione della Convenzione sul riconoscimento dei titoli di studio relativi all'insegnamento superiore nella Regione europea, fatta a Lisbona l'11 aprile 1997, e norme di adeguamento dell'ordinamento interno", OJ n. 173 of 25/7/ 2002.](#)

⁷⁶ [Council of Europe, Convention on the Recognition of Qualifications concerning Higher Education in the European Region, signed in Lisbon on 11 April 1997.](#)

The **System of Protection of Asylum-Seekers and Refugees (SPRAR)**, established in 2002 by the so-called Bossi-Fini law,⁷⁷ consists of a network of local authorities that set up and run reception projects for people forced to migrate. It is financed by the National Fund for Asylum Policies and Services, managed by the Interior Ministry and included in State Budget legislation. A Central Service is responsible for the coordination and technical support of activities linked to local projects. At local level, local authorities and civil society organisations are in charge of 'integrated reception'. In addition to board and lodging, the structures also provide orientation measures, legal and social assistance, personalised programmes for socio-economic integration. Nineteen of 20 regions, and 93 municipalities, currently manage 430 projects under SPRAR, providing assistance to 21 814⁷⁸ people (as of October 2015). Lazio and Sicily regions currently provide 40% of the overall SPRAR reception capacity. For the period 2014-2016, SPRAR's reception capacity has been increased by an additional 20 000 units.

The centres financed via SPRAR are requested to provide the following **minimum services** to asylum-seekers: cultural-linguistic mediation; material support; orientation and access to local services; professional training and requalification; orientation and support on employment, housing and social inclusion; legal support; psycho-social assistance. Access to **healthcare** is granted equally to asylum-seekers and applicants for international protection. Once enrolled in the national health system they enjoy equal treatment and full equality of rights and obligations with Italian citizens regarding the mandatory contributory assistance provided by the national health system. In terms of **education**, asylum-seeking minors and asylum-seekers' children have an obligation to enrol in compulsory education within three months of the asylum application, under the conditions and modalities established by the Consolidated Text on Immigration.

The average cost per person hosted in SPRAR is **€35 per day** (ranging from a standard €32.40, to €62.30 for a minor and €73.04 for physically or mentally disabled.) The per-capita cost covers mainly staff and lodging expenses, while the rest (i.e. on average €2.50 per day) is given to the beneficiaries as **pocket money**. The overall cost of the reception system in Italy represents 0.14% of national public expenditure.⁷⁹

- **Beneficiaries of international protection**

Regularly resident refugees are entitled to the same treatment as any Italian citizen from **social assistance services** related to labour accidents, professional illnesses, maternity, old age, death, unemployment, and any other risk covered by social security.

Access to healthcare is granted to beneficiaries of international protection. Once enrolled in the national **health service** they enjoy equal treatment and full equality of rights with Italian citizens regarding the mandatory contributory assistance provided by the national health service. Refugees and beneficiaries of international protection have the right and the obligation (until 16 years old) to attend compulsory public education. Minors between 16 and 17 years old, however, may be exempt from obligatory education and follow a professional training course aimed at obtaining a professional certificate that serves both educational and employment purposes. Minors from 16 years old are also eligible for apprentice contracts.

It has been suggested⁸⁰ that **integration programmes** addressed to both asylum-seekers and refugees would be pivotal in improving their access to employment. The

⁷⁷ Law 189/2002, Modification of the laws on migration and asylum, OJ 199, 26/8/ 2002.

⁷⁸ [Italian Ministry of Interior, Gruppo di studio sul sistema di accoglienza. Rapporto sull'accoglienza di migranti e rifugiati in Italia. Aspetti, procedure, problemi, Rome, October 2015.](#)

⁷⁹ Ibid, p. 51.

⁸⁰ [ANCI, Report on International Protection 2015.](#)

Integration Plan, due to be developed by the newly established National Coordinating Working Group, may provide a more even and coordinated offer of integration programmes across the national territory.

4.5. The Netherlands

General Administrative Law Act of 4 June 1992, last amended on 30.9.15⁸¹
 2000 Aliens Act of 23 November 2000, last amended on 20.7.2015.⁸² and related acts
 Act of the Central Agency of Reception of 19 May 1994, last amended on 1.7.2015⁸³
 Regulation for the Provisions for asylum-seekers and other categories of aliens⁸⁴

4.5.1. Access to employment

- **Asylum-seekers**

Access to the labour market for aliens is regulated by the **Aliens Labour Act**⁸⁵ and related regulations. Asylum-seekers are only allowed to work for **maximum 24 weeks**⁸⁶ **a year**. For the first half year they are not allowed to work, as to qualify for a work permit they must have lodged an asylum application at least **six months** before and it must still be pending a (final) decision. For a work permit for self-employment, the same applies. Applications for a work permit should not take longer than five weeks.

When working pending the decision on their asylum application asylum-seekers are obliged to contribute a certain amount of money to the accommodation costs for the reception facility they are staying in, and the financial allowance they receive. This depends on how much they have earned but can never exceed the economic value of the accommodation facilities. They are allowed to keep the first 25% of their earnings, up to a maximum of €185 per month.⁸⁷ Asylum-seekers are also allowed to do internships and voluntary work, and may do maintenance jobs in the centre for a small fee.⁸⁸

- **Beneficiaries of international protection**

There is only one asylum status in The Netherlands, granting refugees and beneficiaries of subsidiary protection the same temporary ('fixed-term') residence permit and the same rights regarding social security.⁸⁹ An 'asylum residence permit' is issued for a maximum of five consecutive years, after which the permit holder may apply for a residence permit for an indefinite period.⁹⁰ Refugees (or 'permit or status holders') have the same rights and obligations as Dutch citizens as regards working conditions and pay.⁹¹

⁸¹ [Algemene Wet Bestuursrecht \(AWB\)](#); unofficial English translation: [General Administrative Law Act \(2010\)](#).

⁸² Wet van 23 november 2000 tot algehele herziening van de Vreemdelingenwet ([Vreemdelingenwet 2000](#)); unofficial English translation: [Aliens Act 2000](#).

⁸³ [Wet Centraal Orgaan opvang asielzoekers van 1994](#) (Wet COA).

⁸⁴ [Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen 2005](#).

⁸⁵ [Wet Arbeid Vreemdelingen](#).

⁸⁶ Of which no more than 14 weeks of professional activities as an artist, musician, film actor or as a technical assistant during performances of an artist or musician. Decree on how to implement the Aliens Labour Act, article 2a. Official Dutch act: [Besluit Uitvoering Wet arbeid vreemdelingen \(Buwav\)](#).

⁸⁷ See article 20, paragraph 2 of the Regulation for the Provisions for asylum-seekers and other categories of aliens ([Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen 2005](#)).

⁸⁸ See the [information site of the Dutch government on asylum-seekers and work](#). Detailed information on the conditions can be found in the [Aida Country Report on The Netherlands](#), up to date as of 16 January 2015, p. 49.

⁸⁹ See Aida [Short overview](#) of the asylum procedure in the Netherlands.

⁹⁰ [Aliens Act, articles 14 and 21](#).

⁹¹ See [the information site of the Dutch government on permit holders and work](#).

Integration surveys show that labour market participation of permit holders is far below the average compared to natives.⁹² The municipalities, which are responsible for the integration of unemployed people, including refugees, into the labour market, offer coaching projects at local level but budgets have been cut back.⁹³ NGOs, notably the Dutch Council of Refugees, also continue to play an active role in offering language and vocational training and labour market re-insertion projects.⁹⁴ Furthermore, recruitment of status holders is encouraged by financial incentives, subsidy and employment arrangements.⁹⁵

4.5.2. Access to social benefits

• Asylum-seekers

The right to reception conditions for asylum-seekers is further elaborated in Article 9 of the Provisions Regulation⁹⁶ and entails the right to: 1) accommodation, 2) a weekly financial allowance for the purpose of food, clothing and personal expenses, 3) public transport tickets to visit a lawyer, 4) recreational and educational activities,⁹⁷ 5) a provision for medical costs (healthcare insurance), 6) insurance covering the asylum-seekers' legal civil liability, and 7) payment of exceptional costs. The weekly financial allowance depends on the situation. Where asylum-seekers choose to take care of their own food, a household of two adults with two minor children, for example, receives an allowance of €169.50.⁹⁸ This includes an allowance for clothing and other personal expenses of €12.95 per person.

The right to healthcare for asylum-seekers is further elaborated in the Healthcare for Asylum-seekers Regulation.⁹⁹ Asylum-seekers staying in a Central Reception Agency (COA) reception centre have access to basic healthcare.¹⁰⁰

Anticipating the trend of an increasing influx of asylum-seekers, seen already in 2014, COA arranged new reception centres. But this supplementary reception capacity is also running out. Due to the increasing numbers of asylum-seekers, especially in August and September 2015 (successively 2 833 and 4 063 first-time asylum applicants¹⁰¹) there is an urgent need for more capacity.¹⁰² Special temporary regular reception facilities (five-

⁹² [Annual Integration Report 2013](#), Netherlands Institute for Social Research; [Annual Integration Report 2014](#), Statistics Netherlands.

⁹³ The Council of Refugees warns that not all refugees might find their way to these services and that the scope for more targeted labour market provisions for refugees, e.g. for high skilled employees, risks to get smaller, especially since municipalities became responsible for the re-integration of other vulnerable target groups (handicapped young persons, persons working in sheltered workshops) as of 1 January 2015. [Integration Barometer 2014](#), Dutch Council of Refugees, p. 45-49.

⁹⁴ Amongst others for female refugees who want to work in the healthcare sector. Look for an overview of their projects on the Councils [site](#).

⁹⁵ See the [Guide on refugees and work](#), Dutch Council of refugees.

⁹⁶ [Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen 2005](#)).

⁹⁷ Depending on the stage of the asylum application the COA also offers different educational programmes for adults including vocational training. Asylum-seekers who have been granted an asylum permit, can start the integration programme to prepare for the mandatory civic integration exam. Since 2013, when the Law on civic integration was amended, they have three years to fulfil the civic integration requirement. [COA-website](#) on work and training.

⁹⁸ [Provisions Regulation, article 14](#).

⁹⁹ Official Dutch act: [Regeling zorg asielzoekers](#).

¹⁰⁰ [Aida-Country Report on The Netherlands](#), as of 16 January 2015, p. 51.

¹⁰¹ [Asylum Trends](#). Monthly report on asylum applications in the Netherlands and Europa, September 2015, IND BIC.

¹⁰² The number of asylum-seekers accommodated in COA-reception centres increased from 24.929 in 2014 to 42.988 asylum-seekers in the past ten months. See the [COA-website](#) on occupancy rates.

year stays) in recreation parks, housing for migrants etc. and emergency reception facilities (6 to 12 months stay) are being organised all over the country. Additionally, municipalities organise crisis emergency reception facilities (three-day stays) in sports-halls and the like. Even private persons are asked to help, provided that they can offer a reception location of minimum 100 places.¹⁰³ The State Secretary of Security and Justice informed asylum-seekers in a letter of 19 October 2015¹⁰⁴ of the new 'austere reception conditions' and longer waits due to the lack of capacity in the regular reception centres.

- **Beneficiaries of international protection**

In the Netherlands, the municipalities are tasked by the central government to provide housing to refugees (permit holders). Each has a minimum housing quota. For example, Amsterdam had to find housing for 740 refugees, but could only provide it for 400 of them in 2014. Even if social housing providers prioritise this urgent target group, 13% of the allocated quota was not reached in 2014.¹⁰⁵ To tide over the long waiting time for definitive housing, arrangements have been made to provide refugees with temporary housing of lower quality in the municipality they are allocated to or enabling them to stay temporarily with relatives or friends.¹⁰⁶ Refugees may also search for appropriate housing themselves in another municipality, but then they lose their priority access right to social housing.

In response to the accommodation problems and the increased refugee influx the governing Dutch conservative-liberals (VVD) coalition recently presented a plan 'Limits to reception',¹⁰⁷ opening a debate on reception conditions. They plead for a more austere reception policy, limiting the asylum residence permit to one year and reducing the rights and social benefits of refugees to basic provisions. Currently the right of refugees to full social and healthcare, including priority access to social housing, is the subject of lively discussion among Dutch politicians and in the media.

4.6. Poland

- Law on granting protection to foreigners within the territory of the Republic of Poland), last amended in September 2015¹⁰⁸
- Ordinance of the Minister of Labour and Social Policy on granting assistance to foreigners¹⁰⁹
- Law on promotion of employment and labour market institutions¹¹⁰
- Law on social assistance¹¹¹
- Ordinance of the Minister of Interior and Administration on the amount of assistance for foreigners seeking refugee status¹¹²

In December 2014, the Polish Council of Ministers adopted an Implementation Plan for the policy document 'Migration policy of Poland – the current stay of play and further actions.'

¹⁰³ See the [COA-website](#) on reception facilities.

¹⁰⁴ [Letter of Mr Dijkhoff](#), Dutch State Secretary of Security and Justice, of 19 October 2015.

¹⁰⁵ See [Platform Home again](#).

¹⁰⁶ The so-called 'self-housing arrangement' and 'municipal self-housing arrangement'.

¹⁰⁷ ['Grenzen aan de opvang'](#), published on 12 October 2015.

¹⁰⁸ Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium RP (Journal of Laws of 2015, item 1607).

¹⁰⁹ Rozporządzenie Ministra Pracy i Polityki Społecznej z dnia 7 kwietnia 2015 r. w sprawie udzielania pomocy cudzoziemcom.

¹¹⁰ Ustawa z dnia 20 kwietnia 2004 r. o promocji zatrudnienia i instytucjach rynku pracy.

¹¹¹ Ustawa z dnia 12 marca 2004 r. o pomocy społecznej.

¹¹² Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 10 listopada 2011 r. w sprawie wysokości pomocy dla cudzoziemców ubiegających się o nadanie statusu uchodźcy.

4.6.1. Access to employment

- **Asylum-seekers**

Polish legislation allows for access of asylum-seekers to the labour market. If the first instance decision on refugee status has not been taken, for reasons beyond the applicant's control, within **six months** of the submission of an asylum application, access to the labour market is granted to the applicant. Whilst it is not limited to specific sectors, there are restrictions as regards self-employment.¹¹³

The Head of the Office for Foreigners issues a certificate which – accompanied by a temporary ID document – entitles the applicant to work in Poland without a work permit. Polish nationals and other categories of foreigners are not given priority over asylum-seekers as regards access to the labour market.

As for **vocational training**, Polish law does not provide for asylum-seekers' access to it. The competent ministry intends however to change the law in this respect.¹¹⁴

Though clearly established by law, access to employment can be problematic in practice. Many employers do not know that the above-mentioned documents suffice to prove an asylum-seeker's right to work. Moreover, unaware of the fact that the procedure normally takes longer than the validity of the temporary ID (six months), employers are not interested in offering asylum-seekers such short-term contracts. Language and the distance separating retention centres from big cities are among other obstacles to finding employment.¹¹⁵

With no access to **vocational training** provided for by law, asylum-seekers can only rely on 'pre-integration' initiatives of NGOs, for which the latter receive some public funding (including from European funds).

- **Beneficiaries of international protection**

Refugee status entails the right to work under the same conditions as Polish nationals with the exception of some posts where Polish citizenship is required (e.g. in public administration). This means that neither the above certificate, nor a work permit is necessary. Moreover, beneficiaries of international protection can exercise their own economic activity in Poland to the same extent as Polish nationals. Access to the labour market entails the possibility to acquire unemployed status and claim related benefits.

In reality, at least during the first year following the decision granting refugee status, refugees encounter serious problems in finding permanent employment. This has been attributed to their low professional qualifications, housing-related problems (see below) and cultural specifics.¹¹⁶

¹¹³ According to Article 13.3. of the Law of 2 July 2004 on freedom of economic activity, foreign persons not belonging to specific categories (which include refugees but not asylum seekers) have the right to undertake and conduct economic activity only in selected forms of partnerships and companies.

¹¹⁴ The European Migration Network Ad Hoc Query of 5 March 2015: answers to question 1 and 4.

¹¹⁵ Asylum Information Database – [Country Report: Poland](#) / HFHR and ECRE, September 2015, p. 51.

¹¹⁶ [Polityka migracyjna Polski – stan obecny i postulowane działania](#) / Dokument przyjęty przez Radę Ministrów w dniu 31 lipca 2012 r. (Migration Policy of Poland - the Current Stay of Play and Further Actions / Document adopted by the Council of Ministers on 31 July 2012), p. 63.

4.6.2. Access to social benefits

• Asylum-seekers

Asylum-seekers are entitled to various form of assistance as part of reception conditions guaranteed by Polish law, which differentiates between the assistance provided in and outside reception centres.

The assistance granted in such centres includes:

- Accommodation
- Daily provision of meals in the centre or its financial equivalent (PLN 9 i.e. approx. €2 per person/day)
- Pocket money for minor personal expenses (PLN 50 – €12/month)
- Financial assistance for purchase of hygiene articles (PLN 20– €5/month)
- One-time financial assistance or coupons for purchasing clothing and footwear (PLN 140 – €33)
- Polish language courses and supplies of necessary basic materials
- School supplies for children attending classes in public schools
- Assistance to cover the costs of extracurricular and sports classes, and
- Financing of tickets for public transport in specific cases.

Assistance granted outside centres takes the form of:

- Financial allowance to cover all the costs of the asylum-seeker's stay in Poland with the exception of medical care (PLN 25– €6/day)
- Polish language courses and supplies of necessary basic materials, and
- School supplies for children covering, as far as possible, the costs of extracurricular, sports and recreational classes.

Both inside and outside reception centres, asylum-seekers have **the right to free healthcare**. They enjoy access to it once they have registered with a centre. However, in emergency situations, medical assistance can be given as soon as the asylum claim has been made. In general, access to healthcare is guaranteed to almost the same extent as for Polish nationals. However, in case of a 'substantial influx' of asylum-seekers, the Minister of Interior can reduce the healthcare-related benefits granted to them.¹¹⁷

In Poland, education is mandatory until the age of 18 and **the right to education** is guaranteed to everyone by the Polish Constitution. It is provided to children of asylum-seekers in public schools with no restrictions in comparison to Polish children. Moreover, children are entitled to additional, free Polish language classes organised by local authorities, as well as additional lessons on other subjects if their education level differs from that of the class. Children can attend such classes for one year for no more than five hours a week. They can also be supported by a person who knows the language of their country of origin, acting as the teacher's assistant.¹¹⁸

It is argued that the **financial allowance** granted to asylum-seekers is insufficient to ensure a decent standard of living, as defined in the CJEU's *Saciri* judgment.¹¹⁹ Given

¹¹⁷ Article 19 of the Law of 28 July 2011 on legalisation of stay of some foreigners in the territory of the Republic of Poland (Journal of Laws of 2011 No. 191, item 1133, as amended).

¹¹⁸ Asylum Information Database – [Country Report: Poland](#) / HFHR and ECRE, September 2015, pp 52–53.

¹¹⁹ [Niezgodność zasad pomocy społecznej zapewnianej osobom ubiegającym się o nadanie statusu uchodźcy z wyrokiem Trybunału Sprawiedliwości UE](#) (Incompatibility of social assistance granted to foreigners applying for a refugee status with the CJEU judgement) / J. Białas in "W poszukiwaniu ochrony" (In search of protection) / Helsinki Foundation for Human Rights, 2014. pp. 52–53.

that during the asylum procedure most applicants stay in Warsaw, the allowance often proves inadequate, considering the costs of renting an apartment in the capital. This results in asylum-seekers sharing apartments and living in sub-standard conditions.¹²⁰ The problem has been recognised by the government, as evidenced by the relevant policy documents.¹²¹

As regards **healthcare**, limited intercultural competence and knowledge of foreign languages among medical staff are major hindrances in accessing it. Moreover, some of the hospitals having signed an agreement with the Office for Foreigners are located far away from reception centres and asylum-seekers cannot normally be assisted by other medical facilities.

- **Beneficiaries of international protection**

Beneficiaries of international protection are entitled to claim a specific form of assistance facilitating their integration which can be provided for no more than 12 months. The assistance is tailored to their specific needs and thus takes the form of individual integration programmes (agreements between the beneficiary and the competent local authority). The assistance may be of both financial (up to PLN 1 335 – €318/month) and non-financial nature. Beneficiaries have social assistants attributed to them and can make use of counselling by the whole range of advisors and experts including lawyers and psychologists. They are insured and have access to healthcare. Participation in the programme entails some obligations however, the non-respect of which results in withdrawal of the assistance. Most importantly, a change of residence is possible only in a limited number of strictly defined situations. Once the programme comes to an end, the refugee can still benefit from other forms of social assistance, just as Polish nationals do.

4.7. Spain

Act on asylum and subsidiary protection (12/2009);¹²² The implementing regulation for Act 12/2009 was expected to be approved in 2015 but its adoption is still pending.

Organic Act 4/2000 on the rights and freedoms of foreigners in Spain and their social integration¹²³ and Royal Decree 557/2011 adopting the implementing regulation for Organic Act 4/2000¹²⁴

Royal Decree 865/2006 on the benefits for beneficiaries in refugee reception centres¹²⁵

4.7.1. Access to employment

- **Asylum-seekers**

Article 32 of the Act on asylum and subsidiary protection recognises the right for asylum-seekers to work in Spain, and Royal Decree 557/2011 (21st additional provision)

¹²⁰ Asylum Information Database – [Country Report: Poland](#), HFHR and ECRE, September 2015, pp. 52–53.

¹²¹ Migration Policy of Poland (op. cit.), pp 63–65 and the draft [Polska polityka integracji cudzoziemców - założenia i wytyczne](#) (Polish policy on integrating foreigners: principles and guidelines), 2013, pp 12–13.

¹²² [Ley 12/2009](#), de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria, «BOE» núm. 263, 31 octubre 2009 (BOE-A-2009-17242).

¹²³ [Ley Orgánica 4/2000](#), de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social, «BOE» núm. 10, 12 enero 2000 (BOE-A-2000-544).

¹²⁴ [Real Decreto 557/2011](#), de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009.

¹²⁵ [Real Decreto 865/2006](#), de 14 de julio, por el que se establecen las normas reguladoras de las subvenciones públicas a los beneficiarios de los Centros de Acogida a Refugiados integrados en la Red de Centros de Migraciones del Ministerio de Trabajo y Asuntos Sociales.

establishes that the right to work applies after **six months** of their asylum application. They are allowed to work in all professional sectors except in those for which Spanish nationality is needed.¹²⁶ The authorisation to work is noted in the document issued to applicants for international protection.

The Ministry of Employment has created a **public network of migration centres** to provide guidance, training and preparation to enter the labour market as well as **grants** to entities or NGOs in charge of social and professional integration programmes.¹²⁷

The Second Strategic Plan for Citizenship and Integration (SPCI 2011-2014) also addresses the refugee population, establishing a specific 'reception phase' (*fase de acogida*) aimed at this group.¹²⁸ Moreover, the National Implementation Plan on Social Inclusion 2013-2016 implements programmes aimed at increasing employability and labour integration among asylum-seekers, refugees and other beneficiaries of international protection, with actions such as personal programmes to enter labour market.¹²⁹

The specific activities designed for asylum-seekers and other applicants for international protection in order to facilitate their integration into the labour market are based on an individual integration process which consists of: group sessions, personalised guidance interviews and the creation of a Tailored Individual Integration Process taking into account each beneficiary's situation; pre-employment training initiatives (such as language courses, computer literacy workshops, etc.); and occupational training and active job searching.

- **Beneficiaries of international protection**

Article 36 of the Asylum Act establishes that, once asylum is granted, refugees have the right to reside and work permanently in the country on the terms established by Organic Act 4/2000 on the rights and freedoms of foreigners in Spain and their social integration.

4.7.2. Access to social benefits

- **Asylum-seekers**

If they lack economic resources, asylum-seekers have the right to access social and reception services in order to satisfy their basic needs (Article 30, Asylum Law). Royal Decree 865/2006 establishes the rules on benefits to be granted to beneficiaries of the Refugees Reception Centres, such as asylum-seekers, recognised refugees and other beneficiaries of international protection. These subsidies cover basic needs and are detailed in Resolution of 27 February 2015, as follows:¹³⁰

- Cash for **basic needs**: €51.60 maximum/month for adults and €19 maximum for children under 18.
- **Monthly transport**.
- Cash for **clothes and shoes** up to €363 per year.
- Cash for **healthcare** when required, to cover the cost of the good or service, including for medical prescriptions, pharmacy, glasses, prosthesis.
- Cash for **education, training and leisure activities**; cash for **administrative**

¹²⁶ European Migration Network, [Ad-Hoc Query on access to the labour market for asylum seekers](#), April 2013, p. 11.

¹²⁷ European Migration Network, ['Ad-Hoc Query on Asylum seekers integration to labour market'](#), March 2015, p. 15.

¹²⁸ Comisión Española de Ayuda al Refugiado (CEAR), ['La situación de las personas refugiadas en España. Informe 2014'](#), pp. 93-95.

¹²⁹ Comisión Española de Ayuda al Refugiado (CEAR), ['La situación... Informe 2015'](#), pp. 100-104.

¹³⁰ [Resolución de 27 de febrero de 2015](#), de la Secretaría General de Inmigración y Emigración.

documentation; cash for translation and interpreting; cash in order to gain self-sufficiency after leaving the Reception Centre.

- Cash **to cover basic needs** once the residence period in the Refugee Reception Centre has finished, from €347.60 (individual person) to €792.73 (family of more than five members).

In order to be granted access to the Spanish national health care system on equal grounds as nationals, asylum-seekers need to obtain a local civil registration (*empadronamiento*) and thus a 'health card'. Children and pregnant women are exempted from these administrative requirements. In addition, the costs for medicines are shared between the patient and the state.¹³¹

- **Beneficiaries of international protection**

Refugees and beneficiaries of subsidiary protection are granted the same rights in education, healthcare, housing, social assistance and social services, social security and integration programmes **as nationals** (Article 36 Asylum Law).

Additionally, beneficiaries of international protection are still entitled to receive the assistance provided to asylum-seekers, who, after completing a period of about six months in a reception centre, usually receive support and funding to start an independent life, covering all basic needs for a further six months. After this period, beneficiaries of international protection can still receive specific support to meet extraordinary expenses or to deal with situations of particular vulnerability.

4.8. Sweden

Aliens Act (2005:716)¹³²

Aliens Ordinance (2006:97)¹³³

Reception of Asylum-Seekers and Others Act (1994:137)¹³⁴

Reception of Asylum-Seekers and Others Ordinance (1994:361)¹³⁵

4.8.1. Access to employment

- **Asylum-seekers**

Asylum-seekers have **immediate access** to the labour market provided that certain requirements (see below) are fulfilled and a special certificate on exemption from the obligation to have a work permit has been issued. Asylum-seekers can be exempted from a work permit if they are able to establish their identity through original documents or authorised copies. If they are not able to do this at the time of application for asylum, they can do so later, and in that case a further decision will be made on their right to work. An asylum-seeker is not granted a work permit but is exempted from the need to have one and is hence allowed to work. This right lasts until a final decision on their asylum application is taken, including during appeals, and can extend beyond that if the applicant cooperates in preparations to leave the country

¹³¹ HUMA Network, Are undocumented migrants and asylum seekers entitled to access health care in the EU? A comparative overview in 16 countries", November 2010, pp. 11, 15.

¹³² [Utlänningslag \(2005:716\)](#); unofficial EN translation: [Aliens Act \(2005:716\)](#).

¹³³ [Utlänningsförordning \(2006:97\)](#). [Aliens Ordinance \(2006:97\)](#).

¹³⁴ [Lag \(1994:137\) om mottagande av asylsökande m.fl.](#)

¹³⁵ [Förordning \(1994:361\) om mottagande av asylsökande m.fl.](#)

voluntarily. If the applicant refuses to cooperate and the case is handed over to the police for expulsion procedures, then the right to work is discontinued.¹³⁶

Asylum-seekers can generally not work in areas that require certified skills, so their choice is limited in practice to the unskilled sector. Jobs are not easy to get because of language requirements and the general labour market situation.¹³⁷

- **Beneficiaries of international protection**

Beneficiaries of international protection are granted a permanent residence permit, and they are allowed to live and work under the same conditions as every other Swedish resident.¹³⁸

4.8.2. Social benefits

- **Asylum-seekers**

If asylum-seekers do not have money or other means, they can apply for financial support¹³⁹ from the Swedish Migration Agency (SMA)¹⁴⁰ in the form of a **daily allowance**. The amount of the allowance depends on whether or not the accommodation provided by the SMA includes food.

In accommodation where food is provided free of charge, the daily allowance is:

- SEK 24 (€2.56)¹⁴¹ per day per single adult;
- SEK 19 (€2.02) per day per adult sharing household expenses;
- SEK 12 (€1.28) per day per child aged 0-17 years (from the third child onwards the daily allowance is halved).

In accommodation where food is not included, the daily allowance is:

- SEK 71 (€7.57) per day per single adult;
- SEK 61 (€6.50) per day per adult sharing household expenses;
- SEK 37 (€3.94) per day per child aged 0–3 years;
- SEK 43 (€4.58) per day per child aged 4–10 years;
- SEK 50 (€5.33) per day per child aged 11–17 years (from the third child onwards the daily allowance is halved).

Apart from food, the daily allowance should cover clothes and shoes, medical care and medicine, dental care, toiletries, other consumables and leisure activities.

Moreover, if asylum-seekers have a very strong need for something that is not covered by the daily allowance, they can apply for a **special grant** for it. However, they must demonstrate that they have a strong need for the goods or service, and for the money.

If asylum-seekers have been offered a job or have begun working, they can apply for a **housing allowance**. This is applicable if the period of employment is longer than three months and if they need to move to a town where the SMA cannot offer housing. The housing allowance is:

¹³⁶ [Swedish Migration Agency: Working while you are an asylum seeker](#), last updated on 27 October 2015; [EMN Ad-Hoc Query on Access to the labour market for asylum seekers](#), compilation produced on 3 June 2015, pp. 15-16; [AIDA Country Report on Sweden](#), up to date as of April 2015, pp. 40-41.

¹³⁷ [AIDA Country Report on Sweden](#), up to date as of April 2015, p. 41.

¹³⁸ [Swedish Migration Agency: Asylum seekers who are given permanent residence permits](#), last updated on 9 September 2015.

¹³⁹ [Swedish Migration Agency: Financial Support](#), last updated on 23 September 2015.

¹⁴⁰ [Migrationsverket](#) (Swedish Migration Agency).

¹⁴¹ [Exchange rate](#): €1 = SEK 9.3935 as of 3 November 2015.

- SEK 850 (€90.58) per month per family;
- SEK 350 (€37.30) per month per single adult.

Asylum-seekers have the right to **emergency health and dental care**, and to healthcare that cannot wait. They also have the right to maternity care, care in the event of abortion, contraceptive advice, maternal healthcare and care under the Communicable Diseases Act. Asylum-seeking children and young people under 18 have the right to the same cost-free medical care and dental care as other children who live in Sweden. When asylum-seekers need medical care, they have to pay certain fees. However, they can apply to the SMA for a **special grant** for the fees they paid, and for the costs of medicines they had been prescribed.¹⁴²

- **Beneficiaries of international protection**

Beneficiaries of international protection receive a permanent residence permit, and they enjoy, in general, the same rights and obligations as Swedish nationals.¹⁴³ In addition, they are offered **free language, culture and labour market integration classes**.¹⁴⁴

5. Economic impact of migration

From an economic point of view, migration flows tend to contribute to domestic labour markets in several ways: a) they can fill gaps in low and high-skilled occupations, b) they address labour market imbalances, c) they contribute more in taxes/social benefits than they receive, and d) they spur innovation, and eventually economic growth.¹⁴⁵ Yet the huge influx of asylum-seekers in 2015 (in Germany alone the number is twice as high as in 2014)¹⁴⁶ challenges the standard economic paradigm, and above all calls for efforts to avoid a humanitarian crisis.¹⁴⁷ According to OECD estimates, processing and supporting such large numbers of asylum-seekers will be costly in the short run. In the long run, how well successful asylum-seekers are integrated will be crucial. The quality of integration typically hinges upon early and intensive language training, to assess individual skills, to provide easy school access, to address health and social problems, and to engage in dialogue with employers.

Some EU Member States which have not been exposed to high flows of migrants in the past, such as Hungary, could find the short-term impact particularly costly. Many countries in central and eastern Europe (CEE)¹⁴⁸ face already strained public finances, lack a comparable migrant infrastructure and consider themselves as transit rather than destination countries. Yet the political challenge to accommodate immediate short-term costs with (only) potential long-term benefits applies particularly in this region. This holds true even more given the unfavourable demographic situation in

¹⁴² [Swedish Migration Agency: Health care](#), last updated on 9 September 2015.

¹⁴³ [Swedish Migration Agency: Asylum seekers who are given permanent residence permits](#), last updated on 9 September 2015.

¹⁴⁴ [Council of Europe: Report on Refugees and the Right to Work](#), 24 March 2014, p. 9.

¹⁴⁵ For a more detailed account see C. Karakas, [The current refugee influx to Europe: economic challenges and prospects](#), EPRS Briefing, November 2015.

¹⁴⁶ See Eurostat database on '[Asylum and managed migration \[migri\]](#)'.

¹⁴⁷ OECD: [Is this humanitarian migration crisis different?](#), Migration Policy Debates, Paris, September 2015.

¹⁴⁸ e.g. S. Fisher, [Economic implications of the migrant crisis for the EU's new member states](#), IHS Connect, 21 October 2015.

most CEE countries. Yet calculating the cumulative impact of migration waves over 50 years for OECD countries, experts¹⁴⁹ find the impact on average to be close to zero.

Calculating the costs - the case of Germany

According to projections of the German Council of Economic Advisors,¹⁵⁰ the additional budgetary costs for Germany will amount to a figure in the range of €5.9 to €8.3 billion in 2015 and up to €14.3 billion in the following year (p. 16). Given the immediate costs for increased social expenditure, the economists support measures to ease labour market integration. In terms of access, migrants should not be worse off than nationals (p. 19). Germany's Institute for Economic Research in Berlin (DIW) recently estimated¹⁵¹ the long-term effects of current inflows of migrants. Acknowledging the short-term increase in expenditure, and even 'if many of the refugees' labour market prospects may be relatively poor for the first few years..., the long-term gains are likely to exceed the costs', p. 1088. The researchers calculated a 'break-even' point in the year 2028 in a pessimistic and 2021 in an optimistic scenario.

6. Employment prospects for asylum-seekers and refugees

6.1. Asylum-seekers

6.1.1. Labour market access

Immediate and unlimited access to labour markets is more the exception than the rule. For instance, Sweden grants asylum-seekers the possibility to enter the labour market immediately after application (see above) but commonly, Member States require periods of up to nine months (in compliance with the 2013 Reception Conditions Directive). None of the selected Member States applies a points system as in Canada, New Zealand or the United Kingdom.¹⁵² Given the high proportion of people under 25 in the recent influx of migrants to the European Union, specific rules to apply to students are under debate.¹⁵³ Yet active participation in the labour market is only one crucial step in a lengthy process. While Germany for instance grants access to the labour market after just three months (albeit with limitations), the average asylum procedure takes up to 7.1 months (data for 2014).¹⁵⁴

6.1.2. Qualification level

Among migrants currently arriving it appears a higher share have a post-secondary diploma than during the last peak in the early 1990s. 'According to Statistics Sweden more than 40% of Syrians in the country in 2014 have at least upper secondary education, compared to 20% of those from Afghanistan and 10% for those coming from Eritrea.'¹⁵⁵ Data for Germany are limited but the OECD reports for 2014 that 'on average 15% of the asylum-seekers had a tertiary degree, 16% had upper secondary

¹⁴⁹ OECD: [Is migration good for the economy?](#), Migration Policy Debates, Paris, May 2014.

¹⁵⁰ Sachverständigenrat, [Zukunftsfähigkeit in den Mittelpunkt. Jahresgutachten 2015/2016](#), Wiesbaden, 11 November 2015.

¹⁵¹ M. Fratzscher; S. Junker, [Integration von Flüchtlingen - eine langfristig lohnende Investition](#), in DIW Wochenbericht No. 45, November 2015, pp. 1083-1088.

¹⁵² On ways to transfer selected elements to EU Member States see e.g. Friedrich-Ebert-Stiftung: [Einwanderungsregeln im Vergleich](#), Bonn, October 2015.

¹⁵³ On the German debate see recent proposal by the Greens, Deutscher Bundestag, [Ds. 18/6345](#), 14 October 2015.

¹⁵⁴ C. Voigt, [Das Aschenputtel-Konzept: Die Guten ins Töpfchen, die schlechten ins Kröpfchen?](#), Friedrich-Ebert-Stiftung, May 2015, p. 2. However, applications from Afghans or Pakistanis took up to [17.6 months](#). On 16 October German legislators decided to improve the current set up, Deutscher Bundestag, [Ds. 18/6185](#) and the Federal Employment Agency will hire 3000 new employees by the end of 2015.

¹⁵⁵ OECD: [Is this humanitarian migration crisis different?](#), Paris, 7 September 2015, p. 8.

education (*Gymnasium*), 35% lower secondary education, 24% attended only primary school and 11% had not attended school at all'. Recent projections from German employment records suggest however that by 2016, a total of 81% entering Germany will do so 'without a formal education' and only 8% of them will have an academic education.¹⁵⁶

Syrian refugees, however, were on average better educated: 21% of the Syrian asylum-seekers who came to Germany between the beginning of 2013 and September 2014 said that they had attended university, 22% had received upper secondary education and 47% had obtained either lower secondary or primary education.

In France survey data from 2010 for all asylum-seekers and refugees indicates,¹⁵⁷ generally speaking, a poor level of qualification. Almost one in three have no qualification at all. At the other end of the scale, two in ten migrants have a higher education diploma.

6.2. Refugees and legal migrants

Given limited access and scarce statistical data¹⁵⁸ on employment records of asylum-seekers, it is worthwhile looking at the general labour market outcomes of migrant populations and that of legal migrants¹⁵⁹ too. With more than 20 million citizens, the group of third-country nationals accounts for 60% of all migration in the EU. Following the Stockholm programme, Eurostat started in 2011 to systematically collect data on migrants' economic and social integration ('Zaragoza indicators').¹⁶⁰ To account for third-country nationals, Eurostat refers to persons who are usually resident (at least one year) in the EU-28 and who are citizens of an EU Member State ('Extra EU 28 citizens').¹⁶¹ In the following we focus on un-/employment data and labour mobility.

6.2.1. Un-/Employment rates¹⁶²

Defined as the number of people unemployed as a percentage of the labour force (the total number of people employed plus unemployed) of the same age group. Unsurprisingly, unemployment figures for third-country nationals are higher than for total citizens in all Member States (except for Cyprus and the Czech Republic). On average, 9.9% of the total labour population in the EU-28 were unemployed in 2014, while the rate for third-country nationals was twice as high (19.9%). Both values for the euro area were slightly worse, at 11.4 and 21.7% respectively.

In contrast, third-country nationals in Spain (36.8%) and Sweden (28.2%) suffer from the highest levels of unemployment in the EU. Sweden reveals a worrying gap between the total labour force and non-EU citizens actively seeking a job. While Belgium's rate

¹⁵⁶ D. Buchwald, [Refugees in Germany](#), Conference at the European Economic and Social Committee, Brussels, 15 October 2015.

¹⁵⁷ V. Jourdan, [Infos Migrations Study](#), No. 22, Ministère de l'intérieur, Paris, April 2011.

¹⁵⁸ See e.g. the written answer of Germany's federal government to a parliamentary inquiry: 'As to the level of qualification of asylum seekers and refugees, the Federal government lacks representative data', Deutscher Bundestag, [Ds. 18/6420](#), 19 October 2015, p. 2.

¹⁵⁹ OECD: [Indicators of Immigration Integration 2015 - Settling In](#), Paris, July 2015, ch. 5 & 14.

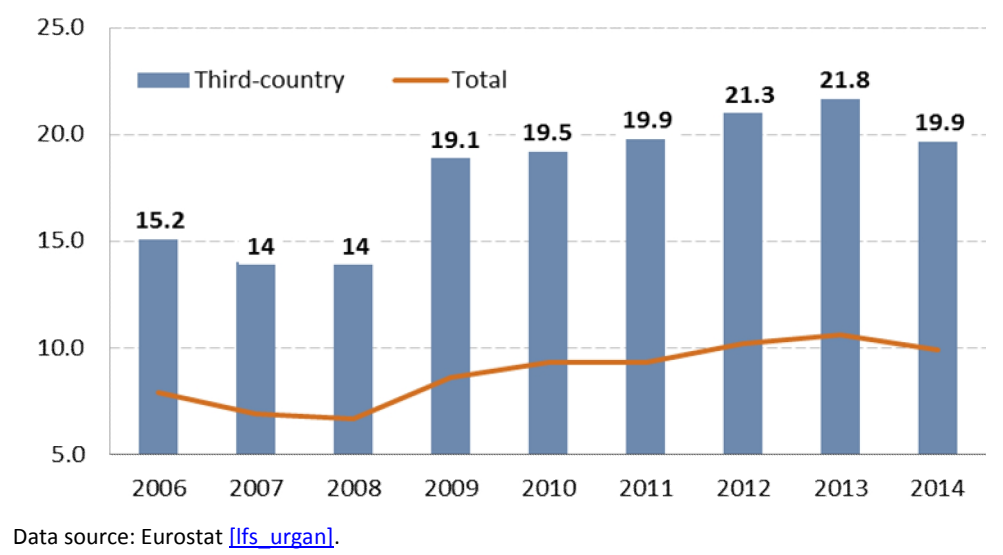
¹⁶⁰ Eurostat: [Indicators of immigrant integration. A Pilot Study](#), Luxembourg, 2011.

¹⁶¹ Eurostat does also compute data for 'foreign-born', i.e. a person whose place of birth (or usual residence of the mother at the time of birth), is outside the country of his/her usual residence (see [Eurostat 2011](#), p. 27). This helps to account for integration information of naturalized persons as well.

¹⁶² This part draws on [Third-country migration and European labour markets: Integrating foreigners](#), A. Stuchlik and E.-M. Poptcheva, EPRS, Briefing July 2015. See also European Commission: [Labour Market and Wage Developments in Europe 2015](#), Brussels, July 2015, ch. 1.3, p. 91 ff.

of above 30% persists with minor fluctuations since 2006, the Swedish case is different: 19.5% of third-country migrants were unemployed in 2006 but between 2008 and 2011 alone, the rate increased by more than ten percentage points. During the same

Figure 4 - Unemployment rate of third-country nationals EU 28, 2006-2014, in %



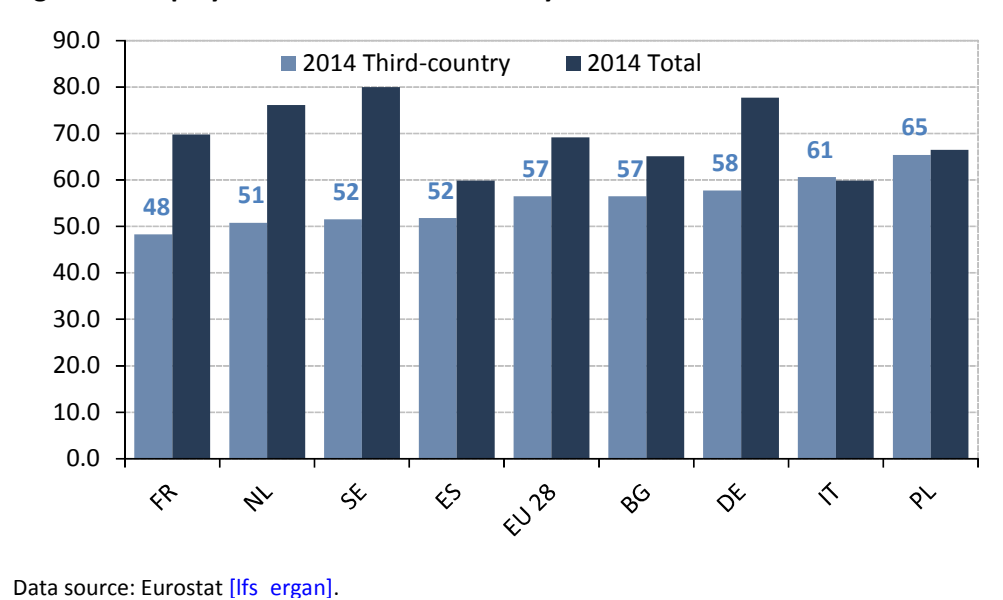
period, the overall unemployment rate in Sweden changed only marginally but the number of residence permits issued increased.

According to the Migrant Integration Policy Index (MIPEX),¹⁶³ the Swedish policy environment of integrating migrants (labour market access, access to the public sector and to social security, etc.) is advanced in comparison to other Member States, but the country suffers too from high rates of over-qualification.

The overall unemployment rate of non-EU migrants has followed the total rate. The former declined from 15.2% to the lowest value so far of 14% in 2008, prior to the economic and financial crisis (see Figure 4). In 2009, the value increased steeply to 19.1% while unemployment of the total labour population in the EU-28 was 8.6%.

Employment rates differ substantially too. Legal migrants are most likely to be employed in Poland – 65.4% – and least likely in France – 48.3% (see Figure 5). In France,¹⁶⁴ and the Netherlands but also in Sweden and

Figure 5 - Employment rates of third-country nationals in selected countries



Germany, the employment rates of the total population are much higher. The EU-28 average is 69.2% overall and 56.5% for legal migrants.

¹⁶³ Funded by the EU, MIPEX is coordinated by CIDOB (Barcelona Centre for International Affairs) and the Migration Policy Group.

¹⁶⁴ e.g. 'Activité, emploi, chômage des immigrés en 2013', Ministère de l'intérieur, Paris, 2013.

6.2.2. Labour market mobility

While finding employment is the key element to secure successful integration, a booming labour market is far from the only crucial parameter for labour market mobility in Europe¹⁶⁵ and its capacity to absorb migrants. Table 1 provides a stylised overview of policy indicators, assembled by the MIPEX database. Overall the MIPEX value for 'labour market mobility'¹⁶⁶ is highest in Sweden with 98 out of 100. Germany scores 86, having improved since 2010 from 75. The Dutch score substantially decreased from 91 in 2010 to 73 currently. Spain comes close with 72 points and has remained stable, as has Italy with 66 in 2015 and 64 points five years ago. France's assessment remained stable too but at 54 points. Bulgaria improved slightly by two points to 50 and finally, Poland has the lowest value in the group with 38 (36 in 2010).

To assess the quality of provisions aimed at fostering integration into the labour market, one can combine MIPEX scores on different factors:

Table 1 - Labour market mobility table

	<i>Immediate equal labour market access for all temporary labour & family migrants</i>	<i>Equal access to public sector</i>	<i>Equal access to study grants for all</i>	<i>Facilitated recognition of qualifications and skills (score)</i>	<i>Equal access to social security for all</i>	<i>Work-related targeted training & hiring incentives?</i>	<i>Targeted coaches and staff training required at public employment service?</i>
BG 50		Partial			Weak		
FR 54		None			Full	Training	Coach
DE 86		Partial		Strong	Full	Both	Both
IT 66	Both	Partial	Yes		Full		
NL 73		Yes		Strong	Full		
PL 38		None		Weak	Weak		
ES 72	Both	Yes	Yes		Full		Trained staff
SE 98		Yes	Yes	Strong	Full	Both	Both

Data source: [Migrant Integration Policy Index \(MIPEX\)](#).

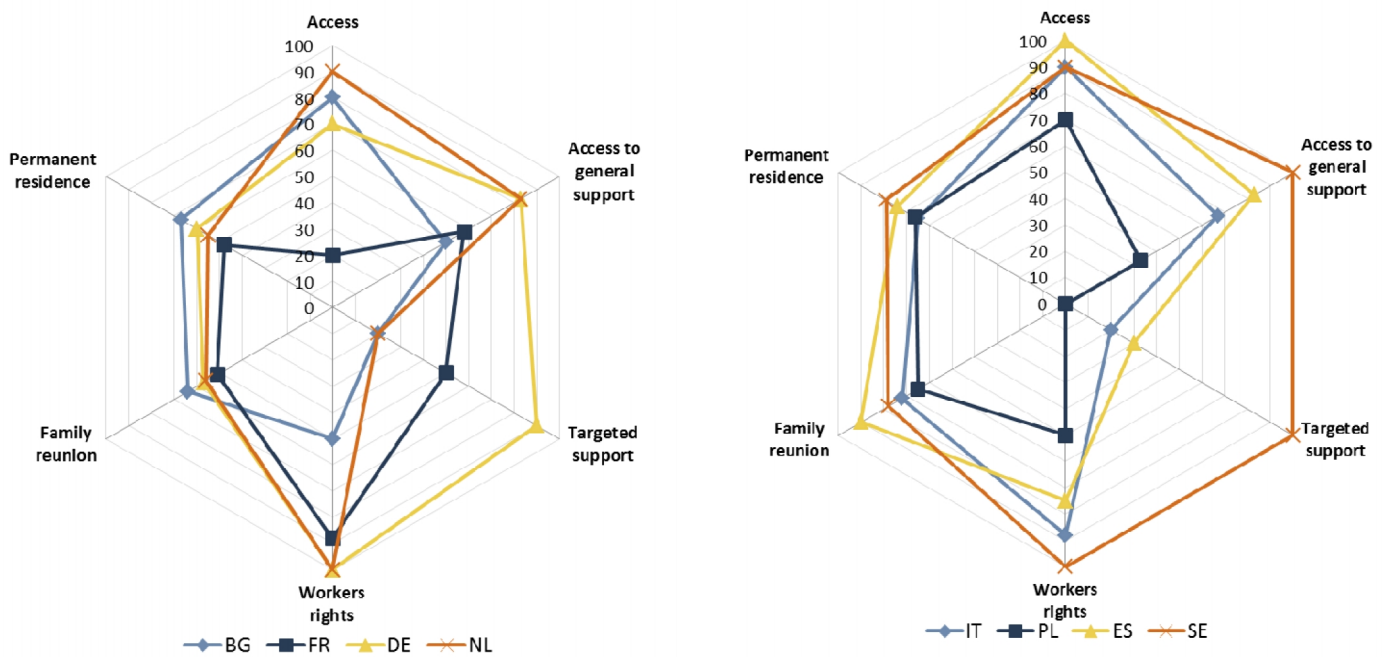
1) 'labour market access: Can legal migrant workers and their families access and change jobs in all sectors like nationals?'; 2) 'access to general support: Can legal migrant workers and their families improve their skills and qualifications like nationals?'; 3) 'targeted support: Can they have their specific needs addressed as workers born and trained abroad?'; 4) 'Workers' rights: Do they have the same work and social security rights like EU nationals/nationals?'; 5) 'Family reunion for foreign citizens: Do they have a facilitated right to reunite in their families (e.g. like nationals or EU citizens who move from one Member State to another)?'; and finally, 6) 'Permanent residence: Do temporary legal residents have facilitated access to a long-term residence permit (e.g. like EU citizens)?'.

The eight selected Member States in this study differ remarkably. Comparing Bulgaria with France, Germany and the Netherlands (see figure 6) shows particular differences in targeted and general support. The radar chart also shows the reason for France's low overall score: just 20 points in the dimension 'access' is triggered by limiting certain public sector positions to nationals only.

¹⁶⁵ European Parliament, [EU Social and Labour Rights and EU Internal Market Law](#), Policy Department A, Brussels, September 2015. On Poland, Spain, and Sweden see pp. 56-59.

¹⁶⁶ Defined as 'Do legally-resident foreign citizens have comparable workers' rights and opportunities like nationals to access jobs and improve their skills?'

Figure 6 - MIPEX Indices for the selected Member States



Data source: [Migrant Integration Policy Index \(MIPEX\)](#), own representation.

The second chart shows similarities in Italy, Poland, Spain, and Sweden when it comes to 'access', 'permanent residence' and 'family reunion'. Those Member States however, differ greatly in the remaining three categories. Poland scores surprisingly low in 'workers' rights' and Spain is on a par with the generous set-up in Sweden, except for 'targeted support'. The latter is due to low values for the lack of language training and targeted youth programmes.

7. Concluding remarks

Analysis of national reception conditions for asylum-seekers shows that there are some considerable differences in the standards applied by the selected Member States, both as regards the conditions for access to employment and access to social benefits.

Differences regarding access to employment refer mainly to the duration of the waiting period before being granted the right to work. All of the eight Member States examined here comply with the nine-month waiting period set by the Reception Conditions Directive, and four of them grant access to employment even earlier. Most Member States apply a labour market test and/or a priority review before granting a work permit to an asylum-seeker. Practical hurdles to the effectiveness of the right to work for asylum-seekers and refugees include lack of knowledge among potential employers that they are allowed to work, insufficient language knowledge, lack of certificates and diplomas to acknowledge specialised skills, as well as residence in reception centres that are often in remote areas with few job opportunities.

The level of benefits provided to asylum-seekers also differs from Member State to Member State although such a comparison is difficult to carry out as countries provide many benefits to asylum-seekers in kind, and the range and value of those benefits in kind is difficult to assess. It can be said that, as a general rule, the differences in the level of benefits provided to asylum-seekers correspond to the differences in living

costs among Member States (see table 2). They also reflect different approaches to social welfare provision.

Table 2 - Labour market access and social welfare for asylum-seekers

	<i>Legislation allows for access to the labour market?</i>	<i>Waiting period after which asylum-seekers can access the labour market?</i>	<i>Are there restrictions to access employment in practice?</i>	<i>Material support and social assistance</i>	<i>Household expenditure in 2014 (EU-28 = 100)</i>
BG	Yes	3 months from registration as asylum-seeker	No	Minimum social aid granted on the basis of monthly minimum wages, app. €33.23 per month, for both adults and children, but ceased on 1 February 2015. Food and benefits in kind in reception centres.	48.4
FR	Yes	9 months	Yes	Daily allowance per single person €6.80. Adults who are not housed in reception centres receive a monthly allowance of €343.50 while their application is being considered.	107.8
DE	Yes	3 months	Yes	€143 per month per single adult within a reception centre and €216 if not housed in a reception centre. Basic needs – housing, food, clothes and healthcare – are covered by initial welcome centres.	101.5
IT	Yes	2 months	Yes	Approx. €2.50 per day per person as cash money or goods during the period of accommodation. Reception centres disburse cash to individuals autonomously.	101.9
NL	Yes	6 months	Yes	Allowances vary according to household size and food provision: One or two person household: €44.66 (person/week); a minor: €34.86, if they take care of their own food. Compensation for clothing and other personal expenses amounts to €12.95 (person/week).	110.7
PL	Yes	6 months	Yes	€2.17 per day per person, allowance for personal expenses (€12.06 per month) and other support (e.g. hygienic articles, €5/month). Financial allowance outside reception centres: €6/day.	55.8
ES	Yes	6 months	Yes	Cash for basic needs: €51.60 per month for adults and €19 for children under 18 (plus monthly transport card, up to €363 per year for clothes, etc.). Cash to cover basic needs once the residence period in the Refugee Reception Centre has finished, from €347.60 (individual person) to €792.73 (family of more than five members).	92.7
SE	Yes	Immediately after applying for asylum	Yes	Asylum-seekers can request a daily allowance depending on the type of accommodation (with or without food). The amount varies from €2.56 to €7.57 per single adult and from €1.28 to €5.33 for children (according to age). They are housed either in a reception centre or find lodging themselves, in which case they can receive a monthly allowance of €37.30 for single persons, and up to €90.58 for a family.	124.7

Data sources: See chapters above; Eurostat [[prc_ppp_ind](#)] 'Household final consumption expenditure', last updated 18 September 2015.

As regards beneficiaries of international protection, they generally enjoy the same rights as nationals of the host Member State as regards access to employment and social benefits. Some Member States however do apply certain labour market restrictions.

Many comparative studies and time-series data suggest that in the long term, waves of refugees and migrants have had a neutral or slightly positive impact on public finances. Hence, one of the crucial factors is to make labour markets accessible to asylum-seekers, and to evaluate the ongoing trend of shortening periods for their admission. While reliable data on qualification levels remain scarce, past experience suggests that much potential remains unused and over-qualification is thus an important challenge. Migrant populations in the EU are more than twice as likely to be unemployed. One proxy of successful migrant integration is the employment rate. In France, the Netherlands, Sweden, and to a lesser degree in Germany, the difference between third-country nationals and domestic workers is more pronounced than in Bulgaria, Italy and Poland. Regarding the institutional framework for integrating migrants into domestic labour markets, those in Sweden, Germany, the Netherlands, and Spain fare significantly better than those in France, Poland, and Bulgaria.

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Differences in reception standards for asylum-seekers and in treatment of beneficiaries of international protection are said to lead to intra-EU movements, placing a considerable burden on Member States with higher reception standards. EU legislation seeks to ensure that reception standards are comparable throughout the EU, to guarantee asylum-seekers' and refugees' fundamental rights and to prevent 'asylum shopping'. However the value of material benefits to be provided remains a Member State competence.

Analysis of the rules and practices of eight EU Member States as regards access to employment and social welfare for asylum-seekers and refugees does show differences in standards. However, as a general rule, the differences in the level of benefits provided to asylum-seekers correspond to the differences in living standards among Member States.

There are a number of practical hurdles to the effectiveness of the right to work for asylum-seekers and refugees common to all Member States. Making labour markets accessible to asylum-seekers, and evaluating the ongoing trend to shorten periods before their full admission, are considered important elements in improving integration into host Member States.

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