

**MINIMUM STANDARDS – AND BEYOND: THE CONTRIBUTION OF  
EQUAL TO A DIGNIFIED STANDARD OF LIVING FOR  
ASYLUM SEEKERS**

**BACKGROUND PAPER FOR THE EUROPEAN POLICY FORUM  
ON ASYLUM, 22-24 MAY 2007 – MALMÖ (SWEDEN)**

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The views expressed do not necessarily reflect the opinion or position of the  
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## INDEX

<b>1. Introduction .....</b>	<b>3</b>
<b>2. Asylum Policy in Europe Today.....</b>	<b>4</b>
2.1. Overall Developments in EU Policy and Legislation.....	4
2.2. Reception Directive – Providing Minimum Standards for Asylum Seekers .....	6
2.3. Opportunities and Challenges in the Different National Contexts .....	7
<b>3. EQUAL Asylum Seekers and the Future .....</b>	<b>9</b>
3.1. EQUAL Practices Going Beyond Minimum Standards.....	9
3.2. Linking the Present to the Future – Achieving Better Social and Vocational Integration of Asylum Seekers .....	17
3.2.1. Recent and upcoming policy developments .....	17
3.2.2. Funding opportunities .....	18
3.3. EQUAL Messages to Politicians and Decision Makers .....	19
3.3.1. General messages.....	19
3.3.2. Messages specific to the sub-themes of EQUAL Asylum Seekers .....	20

*More information about the EQUAL Community Initiative can be found at the following website:*

[http://ec.europa.eu/employment\\_social/equal](http://ec.europa.eu/employment_social/equal)

## 1. INTRODUCTION

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The EQUAL Community Initiative is approaching its last year of activities, and the Development Partnerships are taking stock of progress made and disseminating successful practices and lessons learnt both at national and at transnational level. At the same time, many are looking for future collaboration opportunities and funding options, given that EQUAL will not be continued after 2008. It is certainly an energetic period, marking the end of six intensive years of partnership building and hard work.

The EQUAL theme for the social and vocational integration of Asylum Seekers has been particularly successful, especially when considering that prior to EQUAL, no EU funding had specifically supported this very disadvantaged target group to find employment and access vocational education and training. The 99 EQUAL partnerships that were funded explored many innovative and sometimes truly daring approaches to support the successful integration of those seeking asylum. In addition to activities that focussed on job insertion, projects also provided education, training and advice. Given that in many countries the integration of asylum seekers was a novelty, organisational capacity building, networking and awareness-raising were also core elements of nearly all of the EQUAL partnerships.

The actors in the Asylum Seeker theme had to face many challenges, probably more so than in any other EQUAL theme. For example, fast changing and sometimes hostile political climates, racism and xenophobia (often caused by sheer ignorance), asylum procedures that either left asylum seekers for years in the 'system' or sped up processes making integration impossible, etc. But there were also great opportunities: the adoption of the Reception Directive<sup>1</sup> meant that many Member States worked hard to improve the quality standards of their reception and support facilities, and a number of countries changed their legislation to allow asylum seekers to work whilst waiting for a decision on their application. Many EQUAL actors found interesting synergies with other EQUAL themes, such as Employability, and with other EU funded actions such as the European Refugee Fund.

The Swedish ESF Council has taken on board the challenging task of bringing together all the good practice, experience and achievements of the EQUAL Asylum Seekers theme, with a view to present these to a European audience of politicians, decision-makers and media representatives. The European Policy Forum entitled "Minimum standards – and beyond, the contribution of EQUAL to a dignified standard of living for asylum seekers", hosted by Swedish ESF-Council, the Swedish National Thematic Network on Asylum and the city of Malmö, with the support of the European Commission, will proudly present what has been achieved so far.

The event will draw together the most successful practices from EQUAL and examine their contribution to the practical application of the various minimum conditions set out in the Reception Directive in the Member States. It looks in particular at the many benefits of adopting reception measures that even go beyond the minimum requirements, in terms of access to employment, education and training and services offered.

### **Key topics for discussion will include:**

How can we make sure that EQUAL good practices are successfully transferred into policy-making and legislating?

What next? What resources will be available to help asylum seekers integrate?

What to expect from future EU policy development? What is happening with the Common European Asylum System? What other policies may take asylum seekers into account?

Equality for all? Why are asylum seekers not visible in many relevant initiatives such as the European Year of Equal Opportunities, social inclusion process, etc?

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<sup>1</sup> Short title for Council Directive 2003/9/EC Laying down minimum standards for the reception of asylum seekers

The exhibition that is taking place alongside the conference will showcase successful practices within EQUAL and other EU funded programmes from across the Member States. At the same time, the exhibition will provide a platform for EQUAL actors to give short lectures, to meet other delegates attending the event in a more informal manner, and to show the many interesting visual products that have been developed.

## 2. ASYLUM POLICY IN EUROPE TODAY

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There have been a range of important developments in EU policy and legislation in relation to asylum since the late nineties, starting with the creation of a common European asylum system and followed by the adoption of several legislative instruments in its wake. This part of the paper reviews these key developments. It then zooms in on one of the most relevant legislative instruments to EQUAL, namely the Directive setting minimum standards for the reception of asylum seekers. An overview of the extent to which EU Member States have transposed the Directive leads into a discussion of the opportunities and challenges that Member States have confronted in making the Directive operational and improving the reception of asylum seekers across the EU.

### 2.1. OVERALL DEVELOPMENTS IN EU POLICY AND LEGISLATION

The development for an efficient and effective Common European Asylum System (CEAS) became an EU priority due to a range of factors such as public expectations, impending enlargement and the situation in Bosnia and Kosovo. The number of asylum seekers and refugees significantly increased from the mid-eighties onwards, peaking in 1992, before slowly declining and then steadily rising again in 1996. Also, the “burden” of asylum seekers did not fall equally between Member States, who had less national control over arrivals on their territories following the European principle of free movement and the implementation of the Schengen Agreement. Moreover, asylum seekers and refugees were subject to different procedures, rights and benefits across the EU, and these disparate national rules and systems were considered to be one of the reasons for secondary movements or ‘asylum shopping’.

The strong political rationale for a CEAS was reflected in the 1999 Treaty of Amsterdam, which set out an ambitious programme for the establishment of an area of freedom, security and justice. It was also captured in the 1999 Tampere Conclusions, which outlined the policy guidelines and practical objectives to be reached within a five-year timeframe in four policy areas under the area of freedom, security and justice, i.e. a common EU asylum and immigration policy, a genuine European area of justice, a union-wide fight against crime and stronger external action. The Tampere European Council sent out a strong political message which affirmed the importance of the area of freedom, security and justice and put it at the top of the political agenda. The Tampere Conclusions were welcomed by civil society groups and other stakeholders who saw them to be a firm commitment to a more harmonised and humanitarian approach ensuring common standards and safeguards across the EU.

The 1999 Tampere European Council put forward the Common European Asylum System (CEAS) based on a full and inclusive application of the 1951 UN Geneva Convention relating to the status of refugees. The Tampere conclusions and the Treaty of Amsterdam set a five-year timeframe for work on the adoption of minimum standards and measures on EU asylum policy.<sup>2</sup> The Council succeeded in realising this ambitious target, adopting legislative measures on:

- **The member state responsible for examining an asylum claim** (adopted in February 2003).<sup>3</sup> Referred to as the Dublin II regulation, this instrument updates and improves the 1990 Dublin Convention which lays down criteria for deciding which member state is responsible for handling which asylum application. The aim is to prevent multiple

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<sup>2</sup> For more info, see DG JLS, ‘The European Union Policy towards a Common European Asylum System’, [http://ec.europa.eu/justice\\_home/fsj/asylum/fsj\\_asylum\\_intro\\_en.htm](http://ec.europa.eu/justice_home/fsj/asylum/fsj_asylum_intro_en.htm)

<sup>3</sup> Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:NOT>

demands or situations where no country accepts responsibility for the examination of an asylum claim.

- **Minimum standards on the reception of asylum seekers** (adopted in January 2003).<sup>4</sup> The Reception Directive ensures that host countries guarantee a dignified standard of living for asylum seekers and especially those with special needs, such as unaccompanied minors, victims of torture and pregnant women. This Directive is discussed in further detail below.
- **Minimum standards on the qualification and status of third country nationals or stateless persons as refugees or beneficiaries of subsidiary protection** (adopted in April 2004).<sup>5</sup> The Qualification Directive puts forward a set of criteria for qualifying either for refugee or subsidiary protection status and sets out which rights are attached to each status. In particular, the Directive aims to introduce a harmonised regime for subsidiary protection in the EU for those persons who fall outside the scope of the Geneva Convention, but who nevertheless still need international protection, such as victims of generalised violence or civil war.
- **Minimum standards on procedures for granting or withdrawing refugee status** (adopted in December 2005).<sup>6</sup> This Directive ensures that throughout the EU, all procedures, in the first instance, are subject to the same minimum standards. Both accelerated and regular procedures provide the same safeguards for applicants – for example, the right to be invited to a personal interview – as well as the basic principles and guarantees relating to interpretation and access to legal aid. The Directive also obliges all Member States to ensure an 'effective remedy before a court or tribunal' and such judicial scrutiny goes well beyond the standards mentioned above.
- **Minimum standards for granting temporary protection** (adopted in July 2001). This Directive sets up a temporary protection system for situations of a mass influx of people fleeing their homes as a result of war situations, for example. This allows displaced persons to settle, work and receive social benefits for a limited time in a host country.

Another objective of the CEAS was to ensure that Member States shared the responsibility of receiving refugees and displaced persons. The establishment of the **European Refugee Fund (ERF)** was one of the first asylum-policy measures adopted on the basis of the Amsterdam Treaty.<sup>7</sup> It was set up to support and encourage the efforts of EU Member States in receiving asylum seekers and displaced persons by **making funds (€216 million) available for refugee reception and in this way assisting them with the costs**. Five percent of the ERF resources were set aside for Community Actions, which comprised joint interventions of a transnational character. After a smaller-scale pilot phase of three years, the first ERF was launched in 2000 and finished at the end of 2004. Council Decision 2004/904/EC<sup>8</sup> launched the second stage of the ERF covering the period 2005-2010<sup>9</sup>. From 2008 onwards, the Fund will form an integral part of the Framework Programme for Solidarity and Management of Migration Flows, which also encompasses the European Return Fund, the External Borders Fund and the Integration Fund.

**EQUAL has provided Member States with an additional route for claiming resources** to share their responsibility for receiving asylum seekers. This is explored in further detail below.

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4 Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers : <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0009:EN:NOT>

5 Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>

6 Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:01:EN:HTML>

7 Council Decision 2000/596/EC. Council Decision of 28 September 2000 establishing a European Refugee Fund.

8 Council Decision of 2 December 2004 establishing the European refugee Fund for the period 2005-2010.

<sup>9</sup> The final evaluation of the ERF I is available in the Commission Staff Working Document SEC(2006) 1636 at: [http://ec.europa.eu/justice\\_home/funding/refugee/doc/evaluation\\_2006/dg\\_eval\\_European\\_dec06\\_en.pdf](http://ec.europa.eu/justice_home/funding/refugee/doc/evaluation_2006/dg_eval_European_dec06_en.pdf)

## 2.2. RECEPTION DIRECTIVE – PROVIDING MINIMUM STANDARDS FOR ASYLUM SEEKERS

On 6 February 2003, all Member States formally signed up to a Directive aimed at developing an EU-wide system for hosting asylum seekers throughout Europe. The Reception Directive<sup>10</sup> should guarantee a common quality of reception, services and opportunities for asylum seekers to integrate into their new society while waiting for a decision on their application.

As part of the minimum standards included in the Reception Directive, two Articles refer to access to the labour market and vocational training for asylum seekers. Article 11 establishes that *Asylum seekers have the right to access the Labour Market at the latest one year after they lodged their asylum application*. However, Member States may give priority to EU citizens and nationals of the EEA and legally resident third country nationals for 'national labour market reasons'. Article 12 refers to vocational training, and establishes that *Member States can allow asylum seekers to participate in vocational training whether they have access to the Labour Market or not* (but only if the vocational training is not linked to an employment contract).

Being one of the first legislative instruments to be officially agreed as part of the CEAS, the Directive marked quite an important moment in EU history. However, Member States are still allowed wide discretion in the implementation of crucial elements that are enshrined in the Directive, such as access to employment and vocational training. This has been noted by the European Council on Refugees and Exiles (ECRE) in their press release on the Directive<sup>11</sup>. The final text on which agreement was reached<sup>12</sup> reveals a relatively high number of 'may' clauses (clauses that leave a final decision up to the Member States as opposed to 'should' clauses that contain binding provisions), optional provisions giving more discretion to Member States and the inclusion of vague wording which provides substantial latitude for interpretation. Member States retain the right to establish unilaterally whether asylum seekers will be allowed to work during the time when their protection claim is being examined, except when such examination is delayed longer than a year for reasons not attributed to the applicants themselves. In addition, Member States may decide to refuse access to benefits such as health care, housing, and education for children, in cases where the asylum claim has not been presented as soon as possible after arrival.

After its official adoption, Member States had two years to transpose the Directive into their national legislation. Since February 2005, countries have worked on making this piece of EU legislation operational and living up to the practical requirements of the Directive. In order to gain a better understanding of where different Member States are now in terms of this transposition and implementation, the Directorate-General for Freedom, Security and Justice is currently undertaking a review under the Hague Programme. Based on earlier reviews of EQUAL practices in the area of reception and reports prepared by ECRE (2005)<sup>13</sup> and the European Migration Network (EMN)<sup>14</sup>, the following preliminary findings can be presented.

Before the Reception Directive, most Member States did not allow asylum seekers to seek employment. Exceptions to this general rule were Finland, Greece, Latvia and the Netherlands. Here asylum seekers were allowed to work during the determination, but not the admissibility procedure (if such existed). A permission to work was often granted on particular conditions, such as the work being restricted to certain types of employment or to limited time periods and prospective employers applying for a work permit. This situation has significantly changed as a result of the transposition of the Reception Directive.

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10 Short title for Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers

11 ECRE press release on the Directive on minimum standards for the reception of asylum seekers, December 19 2002

12 The paper 'EQUAL Asylum Seekers and the Reception Directive' includes more information on the key obstacles affecting the negotiation of the final draft.

13 ECRE (2005), The EC Directive on the Reception of Asylum Seekers: Are asylum seekers in Europe receiving material support and access to employment in accordance with European legislation? AD3/11/2005/EXT/SH

14 EMN (2006), Reception Systems, their Capacities and the Social Situation of Asylum Applicants within the Reception System in the EU Member States, May 2006. <http://www.european-migration-network.org/>,

The national legislation of several Member States now foresees asylum seekers seeking entry to the labour market one year after they have lodged their asylum claim (e.g. the Czech Republic, France<sup>15</sup>, Hungary, Poland, Slovenia and the United Kingdom). Others have moved beyond the minimum standards enshrined in the Reception Directive and are giving asylum seekers the opportunity to pursue employment after 9 months (e.g. Luxembourg), 6 months (Italy, the Netherlands and Spain) or even 3 months (e.g. Austria and Finland). Portugal and Greece are amongst the Member States with the shortest waiting time before asylum seekers are allowed to start working. In Sweden, an asylum applicant is allowed immediate access if the Swedish Migration Board expects that the time to process the application will take more than four months. Asylum seekers still cannot work in Lithuania, the national legislation of which is in violation with Article 11 of the Reception Directive even after transposition, and in Denmark and Ireland, which both opted out of the Directive.

In terms of vocational and/or language training, asylum seekers are still denied access to mainstream services in many Member States (e.g. the Czech Republic, France, Lithuania, Luxembourg, the Netherlands, Poland and Slovenia). Another third of the EU Member States have opted for granting limited access to their national or regional education and training programme: Austria, Denmark, Italy, Spain, Slovakia, Sweden and the United Kingdom. The final third do not impose any restrictions on asylum seekers who wish to pursue further education or vocational training (e.g. Belgium, Finland, Greece, Hungary, Ireland, Malta and Portugal). However, as some of these do require asylum seekers to pay a registration fee (e.g. Belgium and Hungary), their de facto access is constrained.

### **2.3. OPPORTUNITIES AND CHALLENGES IN THE DIFFERENT NATIONAL CONTEXTS**

This section takes a closer look at the springboard that the Reception Directive offered to many EU Member States to rethink and reorganise the reception of asylum seekers. The implementation of the Directive has often called for substantial capacity building efforts. Making the Directive's provisions operational in the national or regional contexts has been particularly difficult and resource-intensive in the southern European countries and the New Member States. In addition to substantial modifications to existing legislation, these Member States were required to invest significant human and financial resources into the task of making the Directive's provisions operational.

For example, before the transposition of the Reception Directive, Italy did not have a structured reception system in place. In this traditionally migrant sending country, support to asylum seekers depended largely on NGOs and other third sector organisations operating at a local level. However, since then, Italy has made major efforts to overturn this situation, with the Piano Nazionale di Asilo (National Asylum Plan or PNA) representing a key marker of this development.<sup>16</sup> The PNA has been established by the Ministry of Internal Affairs, UNHCR and the Italian Association of Municipalities (ANCI) and oversees the implementation of local reception projects ran by municipalities in cooperation with local NGOs. The experience gained through the PNA resulted in the establishment of a national Protection System for asylum seekers and refugees in 2002. The central coordination of this system was assigned to ANCI. Moreover, with the transposition of the Reception Directive in October 2005, the quality standards for the Protection System's local projects have been altered to reflect the fact that asylum seekers are allowed to work after a six-month waiting period.

In Malta, the arrival of asylum seekers, and immigration in general, is also a new development that has accompanied the country's entry into the EU. Currently there are about 3,000 asylum seekers in the country, making up for nearly 1% of the population, with occasional mass arrivals by boat. Within the framework of the Directive, activities have been undertaken to address the

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15 'L'étranger qui a demandé l'asile n'a, en principe, pas le droit de travailler. Toutefois, il peut déposer une demande d'autorisation de travail lorsque l'Office français de protection des réfugiés et apatrides (OFPRA) n'a pas statué dans le délai d'un an suivant l'enregistrement de sa demande d'asile, pour des raisons dont il n'est pas responsable.' <http://vosdroits.service-public.fr/particuliers/F2741.xhtml?&n=Etrangers%20en%20France&l=N8&n=Travail%20des%20C3%A9trangers%20%20&l=N107>

16 See also EMN (2006), Synthesis Report: Reception Systems, their Capacities and the Social Situation of Asylum Applicants within the Reception System in the EU Member States, May 2006. <http://www.european-migration-network.org/>, pg. 7.

sometimes hostile and xenophobic reactions from the wider public and improve the interface between asylum seekers.

And this is just the tip of the iceberg: it seems that several EU Member States perceived the Reception Directive as an opportunity to improve the integration of asylum seekers. Spain developed a holistic, nation-wide approach to integration through the development of individualised pathways including advice, education, training and employment. The Ministry of Labour and Social Affairs works in close cooperation with some of the main NGOs working with asylum seekers and refugees, such as CEAR (the Spanish Refugee Council) and ACCEM (Asociación Comisión Católica Española de Migración) and the Spanish Red Cross.

In Portugal, for example, asylum seekers are now allowed to start working as soon as they have received their provisional residence permit. If asylum seekers arrive at the airport, they are given this permit directly when they lodge their asylum application and a preliminary check has been carried out to ensure that they have the right to apply for asylum. For asylum seekers arriving at other borders, it generally takes 20 days to receive the permit. In Italy, legislation regulating asylum seekers' access to the labour market has been recently changed, allowing asylum seekers to obtain employment six months after having lodged their asylum claim. In Finland, the waiting time has been reduced from twelve to three months. At the same time, a nation-wide research project<sup>17</sup> has been launched to analyse the content, quality and cost-effectiveness of service provision for asylum seekers in Finland. So far, the study has uncovered considerable difference in the quality and content of services available to asylum seekers across the country and the need for the 'arrangement of counselling services and opportunities to work and study'.<sup>18</sup>

Although human rights organisations and civil society – rightfully – deplore the fact that the harmonisation of entitlements for asylum seekers fell short of the higher standard of reception in some EU Member States<sup>19</sup>, it has to be acknowledged that even in those countries which did not go beyond the minimum provisions of the Directive, a significant step forward was made. Indeed, the hope remains that this political consensus and the practical experiences gained will pave the way for future reviews of this Directive. The goal of a truly harmonised asylum system that is based on best practice, the importance of refugee protection and the recognition of shared responsibility in the EU may eventually be reached<sup>20</sup>.

The UK example illustrates how the process of drafting and adopting the Reception Directive has prompted a lively debate about the notion of 'integration' and the reception of asylum seekers locally and nationally.<sup>21</sup> The employment concession for asylum seekers, which had been introduced in 1986 but withdrawn in 2002, has often been at the centre of the debate. Previously, asylum seekers in the UK were allowed to apply for permission to work, if no (initial) decision had been made on their application after six months. The argument for withdrawal presented by the Home Office was that eighty percent of decisions on asylum claims were now made within the first six months and that employment functioned as a pull factor attracting asylum seekers.

The report 'The forbidden workforce: Asylum seekers, the employment concession and access to the UK labour market' (Refugee Council 2005)<sup>22</sup>, however, showed that more than three quarters of their survey's sample (N=186) had not received a decision on their asylum claim after six months; more than one third were still waiting for a decision 24 months after having filed their application. The report also demonstrated that nearly all respondents (97 percent of the sample)

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17 For more information on the national project "Operative profitability of the reception of asylum seekers", see [http://www.eukn.org/eukn/themes/Urban\\_Policy/Social\\_inclusion\\_and\\_integration/Integration\\_of\\_social\\_groups/Asylum\\_seekers/asylum\\_seekers\\_1015.html](http://www.eukn.org/eukn/themes/Urban_Policy/Social_inclusion_and_integration/Integration_of_social_groups/Asylum_seekers/asylum_seekers_1015.html)

18 These findings have emerged from the project "Change is a permanent state" – Services provided at the reception of asylum seekers and the costs incurred, which is a sub-project of "Operative profitability of the reception of asylum seekers".

19 See ECRE press release and UNHCR's Comments on the Proposal for the Council Directive (30 July 2001), 11347/01.

20 See for example: ECRE press release on the Directive on minimum standards for the reception of asylum seekers, December 19 2002

21 See for example 'The Refugee Council's response to the Government's consultation document published in July 2004: "Integration Matters: A National Strategy for Refugee Integration" (October 2004).

22 <http://www.asset-uk.org.uk/public/forwork.pdf>

wanted to work, and three quarters wanted to do so in the first six months of having arrived in the UK (Refugee Council 2005:20). This confirmed a 2002 Home Office study (Robinson, Vaughn et al 2002:53) that 'The large majority actively wanted to work and did not wish to live on welfare benefits.'<sup>23</sup>

National legislation in the UK now foresees the employment of asylum seekers one year after their claim has been lodged, in line with the Reception Directive. Civil society at the national (Refugee Council 2004:3; 2005:4) and European level (ECRE 1999) continues its fight for an approach to integration which recognises that it needs to start from the day of arrival.<sup>24</sup> The positive messages emanating from those countries which have gone beyond the minimum provisions enshrined in the Reception Directive and the best practices emerging through (the support and documentation of) EQUAL provide these actors with powerful arguments in their fight. The next section elaborates on the latter.

### **3. EQUAL ASYLUM SEEKERS AND THE FUTURE**

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The *EQUAL Community Initiative* constitutes an important EU level instrument to help Member States to make the Reception Directive operational within their national or regional contexts, as one of its main themes is focussed on the social and vocational integration of asylum seekers. Funded by the European Social Fund (ESF), EQUAL tests new ways of tackling discrimination and inequality experienced by those in work and those looking for a job. EQUAL operates within eight themes linked directly to the European Employment Strategy (EES) and an additional, more 'experimental', ninth theme that covers the needs of asylum seekers. EQUAL Partnerships have been created across Europe to develop innovative practices for a smooth and effective integration of asylum seekers into their new society, both socially and in the labour market. Work under EQUAL was organised into two Rounds<sup>25</sup>: 38 projects were financed in Round 1, running from 2001 to 2004, and just over 60 projects were supported in Round 2 (from 2005 to 2007).

EQUAL Asylum took place at the same time as the negotiation, adoption and implementation process of the Directive. Due to its focus on socio-vocational integration of asylum seekers, 14 of the 28 Articles in the Reception Directive are particularly important for the EQUAL Asylum Seekers Theme. These Articles refer to the three EQUAL sub-themes of EQUAL Asylum Seekers, namely 'Employment', 'Advice, Education and Training'<sup>26</sup> and 'Capacity Building', but also to other more general cross-cutting areas where the impacts of EQUAL are of a more indirect nature (e.g. health / care, accommodation etc.). The next section shows how, with regards to the implementation of these Articles, approaches developed by EQUAL Partnerships provide good practices and lessons that can be utilised in various national contexts to assist with an effective implementation of the Reception Directive and to inform current and future policy and programming.

#### **3.1. EQUAL PRACTICES GOING BEYOND MINIMUM STANDARDS**

EQUAL Asylum Seekers has, since its start, focused on three main sub-themes: Advice, Education and Training; Employment; and Capacity building. Most EQUAL partnerships have been implementing multi-thematic activities, considering integration a process requiring support from arrival (e.g. advice, counselling, housing) to receiving a final decision (e.g. employment,

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23 Robinson, V and Segrott, J. (2002), Understanding the decision-making of asylum seekers, Home Office Research Study 243, London: Home Office. <http://www.homeoffice.gov.uk/rds/pdfs2/hors243.pdf>

24 ECRE argues that the process of integration This process begins from day one when a refugee arrives within the new host society. [...]from an individual psychological perspective, integration often starts at the time of arrival in the country of final destination and continues even when a refugee becomes an active member of that society from a legal, social, economic, educational and cultural perspective.' ECRE (1999), The Way Forward: Towards the Integration of Refugees in Europe, July 2005. <http://www.ecre.org/positions/Integration%20Way%20Forward.pdf>, pg. 14.

25 EQUAL was divided into two Rounds of funding. Round 1 ran from 2000 – 2003 and Round 2 ran from 2004 – 2007. Organisations could apply under both Rounds.

26 In EQUAL the sub-theme covers advice, education and training whereas the scope in the Reception Directive is more narrow, focusing on Vocational training.

further education or reintegration). This part of the paper provides a general overview of the ways in which EQUAL Partnerships have assisted with the effective implementation of the Reception Directive in the various national contexts. It documents how barriers to ensuring a dignified standard of living for asylum seekers have been successfully overcome or tackled. Specific examples of 'best practices' developed by the DPs or lessons learnt are presented in boxes.

### **Advice, education and training**

The learning of at least one the official languages of the host country represents an essential starting point for asylum seekers to be able to act and interact with their new host society, to access and effectively use health and social care services, to enter employment and to establish relationships with host members. This primary condition has been well established in the literature for some time. In spite of this, many asylum seekers still have minimal access to language courses. In some cases, their legal status does not match the national or regional requirements for further education or training; in others, the demand for language classes outstretches what is currently on offer and asylum seekers find themselves on long waiting lists. This in turn has a negative impact on the employment of asylum seekers, as discussed earlier.

In response to this problem, several EQUAL projects have set up language courses for asylum seekers and/or opted for a hand-holding approach, informing them on what kinds of training are available to them within the Member State, how they can access it and providing them with practical and moral support throughout the process. Furthermore, offering civic education, including intercultural learning, has helped asylum seekers to better understand and orientate themselves in the new society. The events organised in the framework of civic education, and the interactions and dialogues that these have sparked off between asylum seekers and members of the local community, have succeeded in fostering mutual understanding and respect.

#### ***Vias de Interculturalidade na Area do Asilo (VIAaS) (PT)***

*The idea of creating a positive dialogue with the local community also framed the building of a new Reception Centre by the Portuguese Partnership VIAAS (Vias de Interculturalidade na Area do Asilo). As Dr. Maria Teresa Tito de Moraes Mendes, the director of Portuguese Refugee Council, explained. "We wanted to create a place where asylum seekers and Portuguese citizens get to meet naturally whilst enjoying leisure activities and ensure that asylum seekers do not become isolated in the outskirts of the city." The centre now provides a new venue for hosting bands and theatre groups, a day care centre for children where asylum seekers' children are placed together with Portuguese children, a public garden and sports facilities where the newly arrived get the opportunity to enjoy games together with their peers from Portugal.*

*VIAAS has also engaged in a number of activities to facilitate the access of asylum seekers to the labour market and further their integration. It has teamed up with specialist organisations to assess and validate the skills and knowledge that asylum seekers have acquired. The resulting certificates allow them to secure a job in their field of expertise. In addition, asylum seekers are offered the opportunity to take vocational courses in three different sectors where labour shortages have been detected: butchers, service waiters and food inspectors. Finally, making employers aware of the competences that asylum seekers can bring to their company or organisation and of their right to work with a provisional residence permit is another important objective of the partnership.*

The powerful commentary that EQUAL projects offer in relation to the Reception Directive is that language training constitutes an essential element of the reception of asylum seekers. It therefore needs to be incorporated into the minimum standards enshrined in the Directive. In addition, the EQUAL experience has demonstrated that training courses which combine language with vocational training speed up the process of socio-vocational integration. It ensures that the period during which asylum seekers await the decision regarding their asylum application can be purposefully used to kick-start their integration process. In those Member States, where a waiting period before entry to the labour market is in operation, EQUAL projects provide asylum seekers with the skills, knowledge and instruments to proceed with their integration once a permit to reside and work within the national territory has been granted. This not only reduces the feelings of being 'in limbo' that asylum seekers are otherwise exposed to, but it also accelerates their entry into the labour market and their contribution to the host society. Even if their application for

asylum is turned down, it could be argued that the economic profile of the asylum seekers has been strengthened, as they gained skills and competences which might ultimately benefit them upon return to their home country or onward journey.

#### **Asylum Seekers Partnership (MT)**

*The Asylum Seekers Partnership in Malta has developed an integrated training package for asylum seekers, consisting of three consecutive modules: English language, 'life skills' and labour market orientation. The English literacy courses are often set outside the customary classrooms and make use of games. In addition to this informal format, the lessons are highly interactive, placing the trainee at the centre of this learning experience. The labour market orientation module is also taught in small groups and has a strong focus on interview skills. The national trade union, which runs the course, drew on its extensive experience of job interviewing to identify key skills, such as communication and timeliness, and impart these to asylum seekers. The third module, 'life skills', is facilitated by two therapists, who encourage asylum seekers to share their experiences and expectations through games, writing and working together. Commenting on this comprehensive training package, Isabelle Sicott, one of the four team members, said: "You cannot successfully insert someone into the labour market when they have a lot of social problems. We therefore actually do a bit of everything" This holistic approach to the socio-vocational integration of asylum seekers is also reflected in the creation of a small vocational guidance team of experienced social workers to encourage asylum seekers to join the newly established courses and to follow them from beginning to end.*

With regards to the actual content of the vocational training of asylum seekers, several EQUAL projects set up training programmes that are reflective of the state of the national labour market. By encouraging asylum seekers to study for jobs that fill gaps in the labour market, the EQUAL programmes offer them the opportunity to train for a job that could quickly secure employment, provided that they successfully complete the training, find employers who are willing to recruit asylum seekers and obtain a work permit.

#### **'Equality and Solidarity for Asylum Seekers – Guarantee for Employment and Freedom' (CY)**

*The Cypriot Partnership 'Equality and Solidarity for Asylum Seekers – Guarantee for Employment and Freedom' has devised 'integration pathways' for asylum seekers. The number of asylum applications have exponentially increased since Cyprus' entry in the EU, but neither language nor vocational training is available to them. The training delivered by the partnership consists of lessons promoting Greek language proficiency and Cypriot and European cultural orientation (phase 1); vocational training (phase 2), work experience through job placements of two to four months (phase 3). Due to a shortage of chef assistants, air conditioning and refrigeration assistant technicians; and secretarial assistants in the Cypriot labour force, the programme trains asylum seekers to fill these positions. Similarly, the creation of a new employment niche and related training, i.e. 'employment mediators', aims to secure asylum seekers' access to the labour market, while not threatening the position of local inhabitants.*

*Increasing public awareness and creating a positive image of asylum seekers also underpins the making of a video, which collects stories from asylum seekers about their journey and follows them at their work places. Louiza Papaloizou, the Project Manager of the Partnership, explains that: 'Asylum seeking is such a recent phenomenon here; many Cypriots do not even know what an asylum seeker is. It is important for us to show a face, a human being behind this concept and make people aware of why they are here – which is not to exploit the system.'*

Once again, EQUAL Partnerships demonstrate the benefits that both asylum seekers and the host country can reap when respecting, and particularly going beyond, the minimum standards that are enshrined in the Reception Directive. The provision of education and training to asylum seekers not only increases their skills and improves their chances of finding employment; it also gives an enormous boost to the self-confidence of asylum seekers.

### **ESELY (HU)**

*The Hungarian Partnership ESELY provides asylum seekers with the opportunity to obtain vocational training and work experience through volunteering. Inspired by a similar practice in their transnational partner in the UK, this Partnership decided to draw upon Act 86/2005 stipulating that a publicly funded organisation can employ volunteers. ESELY joined hands with the Northern Great Plain Regional Labour Centre Regional Branch Office Debrecen., turning it into the first employment agency to recruit asylum seekers as volunteers. With the assistance of a social worker, four asylum seekers were subsequently appointed, selected according to their skills, training needs and interests.*

*Those participating in this project have benefited in that they have gained vocational skills and insights into the functioning of a public administration organisation. In general, the experience of volunteering has allowed asylum seekers to practice and refine their language skills, to acquaint themselves with the local customs and values and extend their social network. Ultimately, this kind of training and information promotes their integration into Hungarian society. For their colleagues, working side by side with asylum seekers has forced them to question their perceptions and attitudes towards asylum seekers and to challenge the discriminative practices they observe in their day-to-day job.*

### **Employment and employer relations**

The EQUAL Partnerships have shown that although the Reception Directive allows asylum seekers to take on a job or access training one year after they have filed their application – and in some Member States much earlier – it is usually not a very straightforward process for asylum seekers to actually get a job. Obstacles include language difficulties, not being able to provide certification of competences and skills, lack of relevant education and training necessary for professions practiced in the new country etc. In a few countries, such as Austria, Germany and Luxembourg, the ‘Community preference’ principle obliges employers in certain employment areas to demonstrate that vacant positions cannot be filled by members of the national work force. This situation significantly constrains the employment of asylum seekers.

The EQUAL Partnerships have devised a range of innovative strategies to overcome these obstacles and promote the employment of asylum seekers. As illustrated in the previous section, Partnerships have generated new types of work experience and jobs for asylum seekers in Member States with a tight labour market and restricted access to the labour market. The creation of new vocational profiles and/or the uncovering of niches in the labour market has proven a particularly successful strategy of integrating asylum seekers into the national labour force while avoiding competition with, and apprehension from, the national workforce. As asylum seekers bring skills and competences to jobs that nationals or other EU citizens struggle to provide, it also becomes easier for the employer to show that reverting to the national labour market force is not an option.

### **TransKom (DE)**

*In Germany, asylum seekers may only apply for a work permit after having spent one year in the country, and in certain sectors under the condition that no German or other EU citizen is available for the job. In Round 1 of EQUAL the ‘TransSpuk’ partnership developed a new job profile within the SpraKuM project to qualify asylum seekers and refugees as “Language and Culture Mediators” (LMC). The training period is 2.5 years, and following the German tradition of dual education system, it includes 1.5 years of theory and one year practice. The certified LMC assists representatives of the health and social sectors and their foreign patients by providing professional interpretation and socio-cultural mediation to avoid language problems and information deficits. This new profession combines specific skills and language knowledge, which means that asylum seekers not only get a qualification for a job that demands their specific background. They also contribute to their new society and help other asylum seekers. In Round 2 Diakonie Wuppertal is continuing these activities together with other partners in the ‘TransKom’ DP by further mainstreaming and providing training for this profile through the SpraKuM II subproject.*

*With 65 participants in Round 2, the number of asylum seekers participating in the project has*

*more than doubled since Round 1 when 27 asylum seekers were certified. In Round 1 over 200 institutions were involved in the provision of vocational training posts and over 1,300 mediation cases were handled. The acute and widespread demand for this service confirmed the relevance and timeliness of the new profession being created. With the help of the strategic partners and placement-institutes, 70% of the first SpraKuM project participants entered the labour market, working in public or private organisations, 60% of them as LCMs.*

Furthermore, in countries where access to gainful employment is limited or denied, one in five Asylum Seeker DPs have approached potential employers to explore the possibility of offering job placements, volunteering or work-shadowing opportunities to asylum seekers and the benefits that could be gained.

### **Hamburg as a Safe Haven (DE)**

*The EQUAL DP 'Hamburg as a Safe Haven' has developed vocational programmes and in-company training which take account of the present labour market needs. This enables asylum seekers to find employment despite existing legal restrictions, i.e. that they can only access jobs for which no German / EU citizens can be found. At the start of 2007 more than 80 commercial companies in Hamburg were training mainly young asylum seekers / refugees by means of company placements and company training schemes. The positive outcomes of the activities developed have not only benefited asylum seekers, but have also had positive economic effects. The partnership has estimated public spending savings, as a result of the 15 participants who participated in the training (24 months), to be a total of 180,000 euro<sup>27</sup>. At the end of 2006, the "Safe Haven" DP provided 92 EQUAL participants positions in company placements, 53 positions in training, and 8 regular jobs.*

*One component of EQUAL which was particularly useful compared to other funding schemes was that of partnership building, as EQUAL could be used as a political tool to include strategic partners from administration and government. In the framework of the cooperation agreement set up with the responsible authorities (the Foreigners' Department and Labour Agency) the partnership has institutionalised a procedure to ensure access to the training market and that asylum seekers who participate in training / work placement schemes developed under EQUAL have a right to stay in the country throughout the duration of the training programme. The EQUAL partnership has thereby succeeded in getting the full scope of the legal provisions utilised, by acquiring additional training places and obtaining necessary work permits. In addition, 'Hamburg as a Safe Haven' has been very successful in persuading commercial companies to cooperate in the scheme, by declaring their willingness (despite high youth unemployment) to train asylum seekers and refugees, and provide additional training places for this purpose.*

Establishing and strengthening relationships with employers has been a second, successful approach of EQUAL Partnerships to promote the employment of asylum seekers. Collaboration agreements between asylum seekers, NGOs who act as mediators and mentors, and training organisations and employers have been established. Through such agreements a special vocational 'pathway' can be developed for asylum seekers including orientation, vocational preparation and eventual employment. Results of such schemes which customise training for asylum seekers to the needs of employers have been positive.

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<sup>27</sup> This includes costs savings in terms of: (1) savings in social security benefits due to company training payments for the 15 participants over a time period of 24 months: 138,024 euro; (2) offset costs of teaching at vocational training school: 30,128 euro; and, (3) social security contributions amounting to approx. €200 per month (15 participants, 24 months): 72,000 euro. This does not take account of the costs (hard to calculate) in the area of youth services and medical treatment.

### **IntegRars (IT)**

*Started in Round 1 as Integ.R.A., this EQUAL partnership has successfully managed to set up a nation-wide network of local steering groups, bringing together public authorities, NGOs, healthcare and social services and other relevant organisations to create an all-embracing "integration path" for asylum seekers arriving in Italy. The very high number of beneficiaries (asylum seekers and refugees) gives clear evidence of the success of the partnership: from 2002 to 2004 895 persons received information and orientation services.*

*IntegRarsi also focuses on the development of vocational training and work experiences. The project has successfully managed to engage both public and private employers in the individualised integration pathways that are being developed for asylum seekers. One of these employers is IKEA, which hired a group of newcomers whom in 2007 are still working in their shops in Italy. While corporate social responsibility was a strong driver in IKEA's decision to team up with the EQUAL partnership, the multi-national was mainly convinced by the asylum seekers' very high levels of training. Prior to their first interviews, beneficiaries had gone through a long process of language courses, labour market preparation, skills assessments and matching vocational programmes and interview training. Several new employment opportunities have subsequently been opened up to asylum seekers and refugees as a consequence of the project.*

Through on-going mediation, employers have been able to overcome their initial reluctance to hire asylum seekers and benefit from such schemes. They are provided with highly motivated staff with relevant, tailor-fitted skills and benefit from the process of intercultural learning and understanding. At the same time, asylum seekers have been able to learn new skills and gain valuable experience.

### **Human step (CZ)**

*In the Czech Republic asylum seekers can access work after having spent one year in the country. However, while many asylum seekers wait longer than this for a final decision on their application, only very few obtain declared jobs. The EQUAL project 'Human Step' is trying to change this through the creation of an employment agency that matches asylum seekers with job offers. The partner organisation Human resources, a recruitment agency with direct access to employers and job opportunities, plays an important role to achieve this. Other project partners include PR and IT specialists, and language and socio-culture educators. The partners have been hand-picked to find and achieve good relations with potential employers, and prepare asylum seekers to take on a job through, for example, the provision of language and Czech culture training. Awareness raising is also organised in the local community in order to increase knowledge about asylum seekers and decrease xenophobia.*

*For the matching of jobs, the partnership compiles lists of potential employers including large companies in, for example, the automobile, brewery, porcelain and aerospace and transportation industries. The most relevant posts are identified for the clients (asylum seekers) according to a set of criteria, including Czech language skills, willingness to move to other parts of the country, employment preferences and interests. After having interviewed an asylum seeker, the Human Step team suggests potential posts, offering those who qualify a few placements to choose from. The partnership also arranges accompanied visits to the employers to facilitate the first contact between the asylum seekers and the companies. At the start of 2007, 60 companies in different areas had been contacted, and 50 asylum seekers had expressed their interest in language training.*

In summary, the experience of EQUAL partnerships in the area of employment helps to make the case both for implementing and going beyond the minimum standards for the reception of asylum seekers, as laid down in Article 11 of the Directive. The experience of Development Partnerships illustrates the advantages that this can bring not only to individuals but also to the host society. Rather than making asylum seekers dependent on benefit systems, Member States can actually draw upon asylum seekers as a resource to respond to gaps in their national and international labour markets and add value to the host community.

## **Building capacity and raising awareness**

As set out in Article 24 of the Reception Directive, a key priority for EQUAL Partnerships has been to ensure that those who are expected to support the socio-vocational integration of asylum seekers in the labour market and the society at large have the necessary skills and resources to do so. The work undertaken by the EQUAL Partnerships has uncovered a high level of need for capacity building among organisations whose target group includes, (or is supposed to include), asylum seekers. The lack of qualified personnel is a recurring problem. In general, employers, local policy-makers and members of the community were often found to have a limited, and distorted, understanding of the situation and legal rights of asylum seekers. These biased, negative images of asylum seekers, and the reserved and often hostile attitudes that these feed, serve only too often as an excuse to avoid confronting the issues that emerge as asylum seekers arrive in the territory and seek to integrate in their new host communities. For example, many employers are unaware of asylum seekers' right to work, are unfamiliar with the work permits that they are granted and/or are sceptical towards hiring asylum seekers.

Yet again, the EQUAL initiative has played an important role in assisting the effective implementation of this article of the Reception Directive. EQUAL partnerships have underscored the importance of raising awareness among, building the capacity of and cooperating with strategic partners, other organisations and the wider population. Partnerships have encouraged providers of healthcare and social services to critically reflect on the diversity management of their institution or organisation. The increasing competition with the European Union enlargement and the continuing migration flows may provide challenges as well as business opportunities that imply rethinking the service orientation strategies and human resources management approaches within healthcare and social services. Some offer courses to those working within social and pedagogical services, carers and healthcare providers, doctors, psychologists and psychotherapists, with the aim of developing a more efficient service provision for migrants in both the healthcare and social domain.

EQUAL partnerships have also designed and delivered training programmes for those who work with asylum seekers in a professional capacity. The primary purpose is to increase their knowledge and understanding of this group's specific conditions and needs in terms of regulatory challenges, labour market information, cultural and psychological issues, etc, in order to improve service delivery. Practices have included coaching, workshops for outreach workers, and training sessions for university staff.

### ***Becoming More Visible (FI)***

*The Finnish EQUAL partnership developed, in collaboration with the University of Joensuu, a supplementary study programme for staff working in the 13 reception centres across Finland. The content of the programme was based on a needs assessment conducted in the centres, which showed that, although many people had vast experience of working with asylum seekers, there were still a number of areas in which their skills and knowledge could be further increased.*

*The study programme was divided into four courses on different subjects. Participants could either follow the whole programme or opt for an individual course which matched their needs. At the end of the programme, the students were asked to prepare a final assignment. Some of these used this opportunity to increase the quality of the services provided in the reception centre they worked in. Teachers and lecturers not only included university staff, but also specialists such as lawyers and psychiatrists, employees from the Refugee Advice Centre and from the Directorate of Immigration. The programme, or its individual courses, was attended by 38 students. Of these, 24 went through the full programme.*

*"The training developed has been a great success", comments Pauli Heikkinen, manager of the EQUAL partnership. "The involvement of the university means that the programme is accredited and that its high quality is ensured. The courses have increased knowledge and skills of participants and therefore enhanced the quality of the reception services. We have presented its first outcomes to the national meeting of directors of reception centres, who have committed themselves to provide funding for the 2008 version, which is likely to be coordinated directly by the Ministry of Labour. We hope that one day it will become a compulsory part of the induction of new staff in reception centres."*

In general, promoting a more positive image of, and attitude towards, asylum seekers in host societies is a recurrent objective among the EQUAL partnerships. They have organised several events and opportunities for the local community to meet asylum seekers and to observe what hard and committed workers they are. The positive reactions to these initiatives show that ignorance and fear of the unknown are the main factors causing hostile and xenophobic reactions to asylum seekers. Once local inhabitants get to know the asylum seekers, their attitudes often change substantially.

Another key element in EQUAL has been the empowerment of asylum seekers. By providing them with opportunities to further develop themselves and to invest in their future, asylum seekers not only become more motivated but also more confident and self-sufficient. Several partnerships have specifically focused on activities to empower asylum seekers, through different forms of self-expression (e.g. theatre, cultural events, etc), specific socio-psychological counselling and training, and by simply involving asylum seekers in the design and management of the EQUAL partnership.

### **EASI (UK)**

*In EASI, the organisations that together form the EQUAL partnership are not the only ones deciding what services and other activities should be developed. In order to actively involve asylum seekers in the decision-making process, EASI regularly consults the Advisory Group (AG) of asylum seekers which was set up at the start of the EQUAL partnership. The establishment of the AG was coordinated and supported by RAGU, a specialist refugee unit based within the London Metropolitan University. Potential members of the AG were first referred to RAGU by members of EASI. They then met with the Advisory Group coordinator to determine whether membership of the AG was appropriate for the individual. Successful candidates received training tailored to their needs. The focus of these sessions is suggested by the AG members themselves.*

*The main purpose of the Advisory Group on asylum seekers is to involve beneficiary representatives in the design of EQUAL services, so that they are targeted and appropriately meet the needs of the users. The Group is also designed to empower asylum seekers, develop their skills and involve them in the workings of the Partnership. The AG members volunteer their time to attend AG meetings and training sessions. They also take part in the meetings of the Development Partnership, its working groups and transnational events. The Advisory Group's work addresses the general lack of meaningful consultation and involvement of beneficiaries in the design of programmes. In many cases beneficiary consultation takes place too late or at a level that has little eventual impact on the proposed project. The creation of and work of the AG should assist in overcoming the invisible barriers between service providers and beneficiaries to create a mutually beneficial partnership between the two groups.*

*Thirteen asylum seekers have joined the Advisory Group, with 12 of these still playing an active role. The Advisory Group have provided 10 consultations to EASI DP members, as well as three policy consultations for LORECA, the Mayor of London's working group on asylum seekers and refugees. The impact on the individual members is increased confidence and a sense of feeling empowered and listened to. There is also a strong increase in skills such as English language and communication, team-working, negotiation, report writing, giving presentations and many others. The Advisory Group's work with LORECA has allowed the voice of asylum seekers to be heard at a senior level within a policy making institution. One of the members of the Advisory Group, after having attended a transnational conference in Paris says: "It's beyond imagination the way this trip abroad had a positive impact on my morale and psychology. Furthermore, the conference itself enabled me, by, giving me more power and charging my batteries, to challenge life in the UK. I had the opportunity to express myself and to tell my personal experience in front of a respectful audience. This event was a great example of the multiple ways EASI can empower someone."*

## 3.2. LINKING THE PRESENT TO THE FUTURE – ACHIEVING BETTER SOCIAL AND VOCATIONAL INTEGRATION OF ASYLUM SEEKERS

After EQUAL, what are the opportunities that are available to promote the integration for asylum seekers? And what might be coming up on the EU policy agenda? A few developments, to be further discussed at the Policy Forum are described below.

### 3.2.1. Recent and upcoming policy developments

Creating a Common European Asylum System (CEAS) emerged from the idea of **making the European Union a single protection area for refugees**, based on the full and inclusive application of the Geneva Convention and on the common humanitarian values shared by all Member States. The four main legal instruments on asylum – the Reception Conditions Directive, the Asylum Procedures Directive, the Qualification Directive and the Dublin Regulation - all aimed at this general objective of levelling the asylum playing field and laying the foundations for a CEAS. Those foundations are now laid and **the first stage of the CEAS is complete**. The Hague Programme takes up the challenge for taking forward the CEAS and looks to the establishment of the common asylum procedure and uniform status for those granted asylum or subsidiary protection. The Commission is invited to adopt second phase instruments with a view to adoption by 2010.

In June 2007 the Commission will release initiatives for preparation of the second phase of development of the Common European Asylum System (CEAS). Before putting forward proposals for the completion of the CEAS, the Commission will host a thorough debate on the issues at stake with all actors involved. This debate will be organised around a **Green Paper**. The result of this debate will inform the preparation of the **policy plan on asylum** policy, to be published at the beginning of 2008, which will, in turn, form the roadmap for Commission work towards the achievement of the CEAS. The first proposals of the second stage instruments will be presented before the summer of 2008. In parallel, the Commission will publish some of the first elements of the evaluation of the first phase of the CEAS, namely the **evaluation of the Dublin system** (Dublin Regulation and EUODAC Regulation) and of the **Reception Conditions Directive**.

The new **Lisbon Strategy for Growth and Jobs**, and in particular the employment guidelines, are placing emphasis on increasing the competitiveness of the EU and dealing with the demographic evolution by making more effective use of the migrant work force. Third-country nationals can make an important contribution to satisfying current and future labour market needs and therefore ensure economic stability and growth.

The **Policy Plan on Legal Migration**, published by DG Justice, Freedom and Security in December 2005, includes a set of proposals and a roadmap to actions and legislative initiatives the European Commission intends to take in this area. The Plan envisages the development and updating of existing legislation concerning the entry and residence of migrants, the provision of a legal basis for the European Migration Network and further activities in the area of integration.

Earlier that same year, the Commission had already adopted the **Common Agenda for Integration**, a Communication aimed at establishing a coherent European framework for the integration of third country nationals. The Communication meant to strengthen the Common Basic Principles on Integration agreed by JHA Council in November 2004. The latter presents integration as a two-way process, emphasising the need for civic orientation and education, intercultural learning and interaction between migrants and citizens. The Policy Plan commits the Commission to an active follow-up of the measures proposed in this Communication, with particular emphasis on civic orientation and information to newcomers.

The **Second Annual Report on Migration and Integration**, published in June 2006, notes an increased attention in most Member States to integration of third country nationals. A number of countries are experiencing the transition from emigration to immigration country. However, the reports also stresses that “In order to successfully integrate and participate in all aspects of life, migrants must be provided with basic rights in terms of access to education, housing, healthcare and social services. At present, the level of rights varies greatly among the Member States”.

Even though the integration of asylum seekers may not be formally recognised in the Strategy and the Policy Plan, it is promising to note that increased attention is being placed by policy makers on the effective use of the potential of newcomers in general, rather than considering them a burden. **In the light of the upcoming legislative proposals in the area of migration and integration, the timing seems right to lobby for the interest of other groups of newcomers, such as asylum seekers.**

The revamped **Social Agenda**, published at the beginning of 2005, draws attention to Europe's need for a greater number of workers in order to attain the Lisbon growth and jobs objectives. It calls for a process of consultation as to how the question of economic migration should be tackled in this regard. The Green Paper on **Confronting demographic change: a new solidarity between the generations** looks at the extent to which migration can make a contribution to mitigate the effects of the falling population in Europe.

The **Social Inclusion Process**, an important EU policy instrument part of the Social Agenda, highlights in its **2007 implementation report** the adoption of a more holistic approach to the integration of migrants and the social inclusion of ethnic minorities in several Member States, by addressing educational disadvantages, fighting discrimination and promoting participation in civic life more broadly. The report considers that there is still a sizeable 'hard core' of people with little prospect of finding a job who, for that reason, remain at high risk of falling into poverty and social exclusion. **Again, there would be scope in drawing attention to the potential and the needs of asylum seekers, arguing for their insertion in the Social Inclusion Process.**

2007 is also **the Year of Equal Opportunities**. During the Berlin January 2007 summit Vladimír Špidla, EU Commissioner for Employment, Social Affairs and Equal Opportunities, commenting on the results of an EU survey on anti-discrimination said: "The results of today's survey send a clear message that Europeans think discrimination remains rife and they are ready for stronger measures to fight prejudice, intolerance and inequality. I am confident that the 2007 European Year for Equal Opportunities for All will spark a lively debate on diversity, giving a new impetus to tackling discrimination effectively." The Year does not include asylum seekers as a target group, as it is built around the existing acquis of anti-discrimination legislation. **However, 2007 might be a good moment to put the extremely disadvantaged position of asylum seekers on the map, being excluded even from initiatives that are specifically aimed at addressing inequality.**

### 3.2.2. Funding opportunities

The **European Refugee Fund** was set up as part of the Tampere conclusions. Its main objective was to support and encourage the efforts of Member States in receiving asylum seekers and displaced persons by making funding available for reception, integration and voluntary returns. The first phase of the European Refugee Fund was ended in 2004. The second phase started in 2005, giving more emphasis to transnational working and legislative harmonisation in European asylum policy.

As from 2008, the European Refugee Fund will become an integral part of the **Framework Programme on solidarity and management of migration flows**, which includes three other Funds, namely the External Borders Fund, the Integration Fund and the Return Fund. The aim of the new Framework Programme is to provide the financial backing needed to improve the management of migration flows to the European Union and foster increased solidarity between the Member States. At the same time, this will strengthen the EU as an area of freedom, security and justice. **Several of the actions envisaged for asylum seekers are similar to those that the EQUAL partnerships in the Asylum Seeker theme have been developing. With EQUAL ending in 2007, the programme may provide for new funding opportunities.** For the 2008 – 2013 period, around 700 million euro will be allocated to the European Refugee Fund alone.

The **Policy Plan on Legal Migration** envisaged the development of further activities in the area of integration. Apart from the **Integration Fund** under the Framework Programme of DG Justice, Freedom and Security, specific reference is made to the implementation of measures via the **European Social Fund**. Reinforcing the social inclusion of disadvantaged people with a view to their sustainable integration in employment is now a specific priority of the European Social Fund. Even though the integration of asylum seekers, thus making effective use of their potential, may

not be formally recognised in the Structural Funds regulations, there is certainly scope for Member States to include them in national measures and programmes.

Finally, in November 2006 the Community programme for employment and social solidarity called **PROGRESS** was officially adopted. PROGRESS aims to support the implementation of the EU's objectives in the employment and social affairs area as set out in the Social Agenda. It is thus meant to contribute to the achievement of the Lisbon Strategy. PROGRESS will support initiatives aimed at reinforcing the role of the Community in proposing strategies, implementing and following up EU objectives and their translations into national policies and in transposing and following up the application of EU legislation in a coherent way throughout Europe. It is divided up into five policy sections which are (1) Employment, (2) Social inclusion and social protection, (3) Working conditions, (4) Non-discrimination and (5) Gender Equality.

PROGRESS will build on the experience of the past Community programmes and seek complementarity with other EU instruments. A strong focus will be placed on activities which have the highest added value, based on their contribution to achieving or implementing EU objectives and their support to pan-European or transnational activities. The financial envelope for PROGRESS for the 2007-2013 period amounts to 743,25 million euro. PROGRESS is a policy development tool. It does not support assistance or training to vulnerable groups. Instead it aims to develop policy capacity on various issues. Its main clients are therefore universities, research institutes, consultancies, European-level networks of NGOs etc. It does not explicitly exclude asylum policy related developments. Although PROGRESS will work according to annual policy priorities (see: [http://ec.europa.eu/employment\\_social/progress/docs\\_en.html](http://ec.europa.eu/employment_social/progress/docs_en.html)), there could be a possibility to apply for funding, specifically in the policy sections related to Employment, Social inclusion and non-discrimination.

### **3.3. EQUAL MESSAGES TO POLITICIANS AND DECISION MAKERS**

Based on earlier policy analysis and identification of good practices in the EQUAL Asylum Seeker theme, some first messages have emerged for consideration by politicians and decision makers at both EU and national levels. The various sessions, seminars and workshops of the Policy Forum will seek to further crystallise these and place them on the agendas of those that are participating in the event.

#### **3.3.1. General messages**

**EU policy actors: European Commission; European Parliament; and Member States.**

- There is a need for improved mechanisms to feed real practical experience into policy making, ensuring continuous linkages between practice and policy. Closer links are needed between what is happening on the ground and evidence on 'what works when' and the framing and implementation of legislation. With particular regards to the Reception Directive, practical experiences showing the benefits of going beyond the minimum standards should be used to suggest reviews to the Directive.
- Ongoing evaluations and research should provide improved evidence on the costs and benefits of activities that promote the social and vocational integration of asylum seekers. Preferably, such evidence should be identified in several national contexts.
- The European Social Fund 2007-2013 should learn from EQUAL's transnational lessons. The Transnational Partnerships that collaborated in the EQUAL Asylum Seeker theme could also act as examples for the transnational element included in the new European Social Fund. Although not necessarily related to asylum, lessons could relate to the organisation of the partnerships, the work programmes developed and / or the products that were delivered in general.
- The European Refugee Fund also includes a transnational element, namely the Community Actions. The upcoming third phase of the Fund (2008 – 2013) will place an increased focus on transnationality. The lessons learnt by the EQUAL Transnational Partnerships could inform, or even be the basis, for new projects to be developed under the Community Actions of the European Refugee Fund.

## National Authorities

- The good practices derived from EQUAL and other initiatives should be used to convince national policy and decision makers to opt for a more generous application of the Reception Directive in their respective countries.
- Asylum seekers' lives should not be "wasted by waiting". In some countries an asylum seeker can still wait anything from months to years while their application is being processed. Providing them with opportunities to contribute to the society in which they live will facilitate their (re-)integration and make them feel more motivated and empowered.
- Asylum seekers should continue receiving support even when a decision on their application has been reached. When asylum seekers receive a positive or negative decision on their application, they are in many countries considered a different target group. This often implies a duplication of integration efforts for those whose application has been accepted, or, even worse, a complete stop of support for those that have been rejected. It is important to ensure some form of continuity instead of the disruption or duplication of assistance.
- The European Social Fund 2007-2013 should include asylum seekers as a target group. National and regional authorities should allow the inclusion of asylum seekers in programmes and projects funded by the European Social Fund. It is worthwhile pointing out that the sixth preamble of the European Social Fund refers specifically to the need to pay attention to the integration of migrants, including those seeking asylum. EQUAL partnerships have shown the benefits of providing education, training and access to employment for this very disadvantaged group of people. The European Social Fund is the only EU financial instrument that has the scale and the scope to provide asylum seekers with such opportunities.

### 3.3.2. Messages specific to the sub-themes of EQUAL Asylum Seekers

#### *Advice, Education and Training*

#### **EU policy actors: European Commission; European Parliament; and Member States:**

- There is scope for "exceeding" the minimum standards of Article 12 of the Directive on minimum standards for the reception of asylum seekers. The experience of the EQUAL partnerships in the area of training illustrates the benefits that this can bring not only to individuals but also to the host society. Member States which allow asylum seekers to access vocational training can testify higher levels of motivation and faster integration. Asylum seekers faced with the necessity to return to their country of origin are also better prepared and more positive about their future.

#### **National / regional / local authorities and employers:**

- Civic orientation and intercultural learning help both asylum seekers and the host society. Integration is a two-way process. EQUAL has shown that civic orientation helps asylum seekers to better understand the host society and its basic values. Intercultural learning is a successful tool to increase dialogue and mutual understanding between newcomers and the local community.
- The development of specific vocational programmes for asylum seekers facilitates the learning process and enables them to better "profile" themselves on the labour market. Asylum seekers, due to their cultural backgrounds and their ability to speak more than one language, can act as excellent mediators or 'bridges' between their ethnic communities and public institutions. EQUAL partnerships have experimented with several new job profiles, which have been specifically effective in Member States with a tight labour market or where access of asylum seekers to the labour market is limited to positions which cannot be filled by nationals or other persons legally residing in the country.

## **Employment**

- There is scope for “exceeding” the minimum standards, particularly for Article 11 of the Directive on minimum standards for the reception of asylum seekers. The experience of the EQUAL partnerships in the area of employment illustrates the benefits that this can bring not only to individuals but also to the host society. A number of Member States which provide direct access, or access after only a few months, can testify higher levels of motivation, faster integration and lower costs for reception, social support and healthcare.

## **National / regional / local authorities and employers**

- Building strong relations with employers, employer associations and social partners is essential for enhancing awareness of the potential of asylum seekers and the value that they can bring to an organisation and the overall community. EQUAL partnerships have made substantial efforts in “making the case” to employers, employer associations, social partners and other actors for hiring asylum seekers. Those who have accepted the “challenge” are now convinced of the benefits of doing so and have also been helping to convince others.
- Traineeships, job placements and other forms of work experience are a first and important step to help the vocational integration of asylum seekers and to address skills shortages and other labour market needs. Traineeships, job placements, and other approaches such as job shadowing and voluntary work, strongly favour the integration of asylum seekers and increase their self-confidence. They offer an excellent way of ensuring, where possible, access to regular employment as asylum seekers can then show proof of experience in the host country as well as being given the opportunity to “network” with employers and promote their skills.

## **Capacity building**

### **EU policy actors: European Commission; European Parliament; and Member States.**

- Basic training or other forms of standard preparation for all those who work with asylum seekers in a professional capacity (public, private or voluntary sector) should form a practical component of the Common European Asylum System. EQUAL partnerships have proved that this increases the quality and effectiveness of the services offered and makes asylum seekers feel understood and empowered. Such training should be adapted to the particular context of the host country and be pitched at different levels of complexity according to the roles played and skills required by the employees undergoing the training.
- The current Directives of the Common European Asylum System (e.g. on a common application process and the qualification of refugees and persons in need of international protection) all include provisions which require increased organisational and institutional capacity from Member States at different levels. There would be scope for the European Commission to provide additional guidance, training or opportunities to exchange experiences between Member States on how to best develop such capacity. In addition, a system of quality assurance should help to monitor whether such capacity is indeed being developed.

## **National / regional / local authorities and employers**

- Training for all those who work with asylum seekers in a professional capacity whether through the public, private or voluntary sector should be seen as standard practice in the same light as diversity training or professional training for work with disabled or other disadvantaged groups. Asylum seekers are a unique client group, with a very particular set of needs.

- Networks and networking tools substantially improve communication and coordination, thus improving the quality, efficiency and effectiveness of service providers. EQUAL partnerships have managed to create important and sustainable operational links between public authorities, NGOs and private sector organisations.