



Magyarország célba ér



# Integration of Asylum Seekers in the European Union – Analysis of Policies and Action

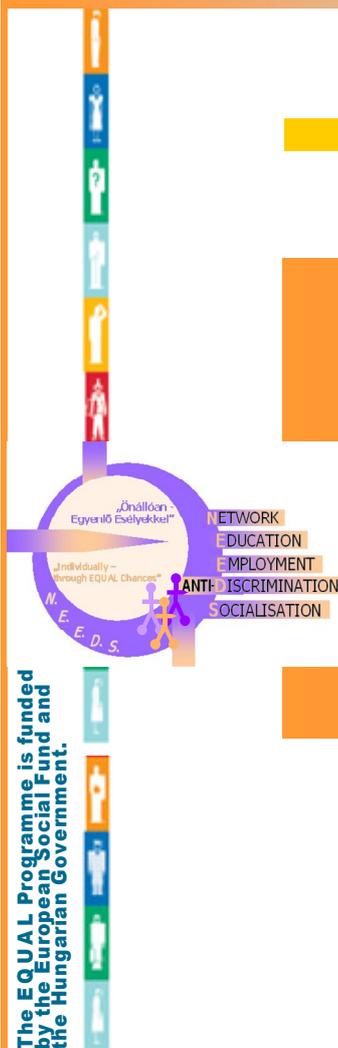


A research prepared for the Hungarian  
Development Partnership  
„Individually – through EQUAL Chances”  
-N.E.E.D.S!

-by Consulta Budapest  
in co-operation with

the Development Partnerships of the  
Transnational Cooperation Agreement  
AVE – ‘Added Value by Empowerment’

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Budapest, Hungary  
2006 - 2007

# Integration of Asylum Seekers in the European Union

## Analysis of Policies and Action

A research prepared for the Hungarian Development Partnership 'Individually through EQUAL Chances - N.E.E.D.S. – Network-Employment-Education-Anti-Discrimination-Socialisation' by Consulta Budapest in co-operation with the Development Partnerships of the Transnational Cooperation Agreement 'AVE – Added Value by Empowerment'.

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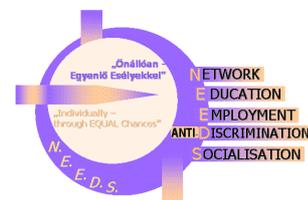
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## Table of Contents

<b>ACKNOWLEDGEMENTS .....</b>	<b>- 4 -</b>
<b>ABSTRACT .....</b>	<b>- 4 -</b>
<b>INTRODUCTION.....</b>	<b>- 5 -</b>
<b>I. SETTING THE RESEARCH OBJECTIVES .....</b>	<b>- 6 -</b>
<b>II. THE DEBATE ON INTEGRATION.....</b>	<b>- 8 -</b>
II.A. Searching for a definition of integration .....	- 8 -
II.B. The supportive and restrictive discourses on integration .....	- 12 -
<b>III. THE EU – FROM HARD LAW TO SOFT GOVERNANCE .....</b>	<b>- 17 -</b>
III.A. Instruments of hard law: The EC Reception Directive.....	- 17 -
III.B. Instruments of soft law: monitoring implementation without imposing legal sanctions..	- 19 -
III.C. Asylum seekers as a thematic group within the EQUAL project .....	- 20 -
III.D. Conclusions on EU law and policy.....	- 22 -
<b>IV. APPROACHES BY INTERNATIONAL NGOS AND THINK TANKS.....</b>	<b>- 23 -</b>
<b>V. POLICIES IN THE COUNTRIES OF THE AVE TRANSNATIONAL COOPERATION.....</b>	<b>- 28 -</b>
<b>V.A. Austria – First Aid in Integration Development Partnership .....</b>	<b>- 28 -</b>
V.A.1. Asylum seekers in Austria - statistics .....	- 28 -
V.A.2. 2. Legal background .....	- 29 -
V.A.3. Vocational training for asylum seekers – projects and initiatives .....	- 30 -
V.A.4. Feedback and statements.....	- 35 -
V.A.5. Conclusion.....	- 36 -
<b>V.B. Hungary - DP N.E.E.D.S.....</b>	<b>- 37 -</b>
V.B.1. Statistical data.....	- 37 -
V.B.2. General legal framework .....	- 38 -
V.B.3. The legal framework of employment and vocational training of asylum seekers.....	- 39 -
V.B.4. Programmes by N.E.E.D.S. ....	- 40 -

V.B.5. Programmes of Menedék – Hungarian Association for Migrants.....	- 42 -
V.B.6. Conclusion and remarks .....	- 43 -
<b>V.C. Netherlands – DP Mobilee and DP Spark.....</b>	<b>- 45 -</b>
V.C.1. Asylum seekers in the Netherlands: facts, figures and regulations .....	- 45 -
V.C.2. A particularly vulnerable group: young asylum-seekers and their specific needs.....	- 46 -
V.C.3. Vocational training for asylum seekers – programs, projects, initiatives.....	- 47 -
V.C.4. Conclusions .....	- 52 -
<b>V.D. Sweden – DP Aros .....</b>	<b>- 53 -</b>
V.D.1. Asylum seekers in Sweden.....	- 53 -
V.D.2. The Role of the State in Integration.....	- 54 -
V.D.3. The role of NGOs in vocational training.....	- 57 -
V.D.4. Special Projects Including Vocational Training for Asylum Seekers .....	- 59 -
V.D.5. A DP for Asylum Seekers in Self Organized Housing – UP Aros .....	- 59 -
V.D.6. ASPIRE – DP ANKOMST GÖTEBORG .....	- 61 -
V.D.7. Integration, Re-integration and Vocational Training.....	- 63 -
V.D.8. Conclusion .....	- 64 -
<b>VI. CONCLUSIONS .....</b>	<b>- 65 -</b>
<b>INTERVIEWS.....</b>	<b>- 68 -</b>
HUNGARIAN EXECUTIVE SUMMARY.....	-72-

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## ABSTRACT

The principal objective of the research is to **analyse the policies of the countries of the European Union related to the integration of asylum seekers** on legal, on policy and on practical level. The broader context is provided by analysis of the prevailing policy considerations on EU level, and in four Member States in particular: the Netherlands, Sweden, Austria and Hungary, countries represented in the EQUAL Transnational Co-operation Agreement - 'AVE'. A special emphasis is given to the **analysis of policies concerning vocational training and the strongly related labour market integration**. Furthermore, the study discusses the vocational training and the labour market integration programmes provided to asylum seekers by the Development Partnerships of AVE in these countries, in order to present the reflections of these DPs on national policies they adjust these integration programmes to.

## INTRODUCTION

Present research is part of the Hungarian EQUAL Programme: Individually - with Equal Chances – N.E.E.D.S.<sup>1</sup> project and has been integrated into the transnational cooperation with the member organisations of the Programme's Transnational Co-operation Partnership: 'AVE - Added Value by Empowerment' formed with Austrian (First Aid), Dutch (Mobilée and Spark) and Swedish (Aros) Development Partnerships<sup>2</sup>. The integration programmes of the organisations of this trans-national cooperation **aim at increasing the labour market chances of the asylum seekers (and in the case of one project immigrants) through vocational training.**

The research aims at supporting the primary objective of the EQUAL Initiative of the European Social Fund<sup>3</sup>: to act as a laboratory to develop and as a lobbyist to promote new alternatives of tackling discrimination on the labour market, and implement the Fund's European Employment Strategy.<sup>4</sup> The strategy of the European Union to combat racism based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation is strongly adhered to and implemented by the EQUAL Programme on the European labour market, and the research as such aims at contributing to this initiative, by its thorough analytical discussion.

The Commission puts a special emphasis on the recognition of country level differences in the context of the efforts made by the EQUAL Development Partnerships: "Several countries enable asylum seekers a ready access to education, training resources and the labour market, and in the longer term there will be scope to compare the results of partnerships operating within these countries, to those operating in countries where access is more limited. This evidence should help inform policy choices that will be made by Member States ..."<sup>5</sup> Accordingly, as the objective of EQUAL is to become a reservoir of new and transferable ideas<sup>6</sup>, and to promote these ideas to high level policy makers in the

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1 To read more about the Hungarian N.E.E.D.S programme, visit  
<https://equal.cec.eu.int/equal/jsp/dpComplete.jsp?cip=HU&national=25>

2 To read more about the TCA 'AVE - Added Value by Empowerment' visit <https://equal.cec.eu.int/equal/jsp/tcaView.jsp?id=4210>

3 See more on EQUAL: <http://europa.eu.int/comm/equal>

4 See a summary of the objectives of EQUAL: Communication from the Commission establishing the guidelines for the second round of the Community Initiative EQUAL concerning transnational co-operation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market - Free movement of good ideas (COM/2003/840)  
[http://europa.eu.int/eur-lex/en/com/cnc/2003/com2003\\_0840en01.pdf](http://europa.eu.int/eur-lex/en/com/cnc/2003/com2003_0840en01.pdf)

5 COM/2003/840 p.4.

6 After the completion of the 2nd round EQUAL Programmes in 2008, the European Social Fund will take over the promotion of the innovative results of the activities of the participating Development Partnerships

European Union<sup>7</sup>, the description puts forward as recommendations the most promising transferable policies and practices.<sup>8</sup>

The research also recognises that for new Member States that still serve primarily as transit countries, integration of asylum seekers is an issue of less importance on the political agenda, while for the others it is a phenomenon of an extended history.<sup>9</sup> This latter group of countries has 'dealt with immigration and integration challenges for decades but not always with satisfactory results, and they are consequently revising their policies'<sup>10</sup>. The Commission of the European Union has clearly recognised the extended scope of policies concerning integration: 'Reflecting the different histories, traditions and institutional arrangements, there are a wide variety of approaches being taken to find solutions to the problems which need to be tackled.'<sup>11</sup> In other words, a clear signal is given that different types of immigrants need different type of integration, thus there is no overall method for the facilitation of the integration but it has to be tailored according to the various cultural, social and personal background factors of each individual arriving to Europe.

## I. SETTING THE RESEARCH OBJECTIVES

Immigration as well as integration has drawn the attention of extended circles of researchers. As Demetrios Papandriou President of Migration Policy Institute noted: 'There is a sudden and vast wealth in the immigration research and intelligence community.' At the same time, he also added that 'Perhaps it is expedient to note that the breadth is superseding the depth of discussion on such

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7 For example, EQUAL organises a large-scale meeting in early November 2006 in Malmö, to promote the models developed by the Development Partnerships of the Asylum Seeker Integration thematic area to policy makers in the EU.

8 EQUAL has already built a database of promising skills including for example skills audit for asylum seekers as well as the inclusion of an asylum seeker to a specific work by offering an initial shadowing opportunity.

9 Special remark by Austrian DP: Independent observations by Austrian NGOs can confirm this fact. Probably, new member states will remain transit countries. Asylum seekers who came to Austria via Poland or Slovakia in the last couple of years told Austrian NGOs about the experiences they made. Most of these field reports were talking about non-integration and even mistreatments. Within a new, harmonised and standardised asylum system on an European level, which provides equal rules for each member country in the EU, the new European member states have to become more attractive for asylum seekers. In case this does not happen, these new member states will remain transit countries for a long time. The role of NGOs is to support this process by a permanent exchange of experiences and a common development of best practises.

10 Brussels, 1.9.2005, COM(2005) 389 final, COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union

11 COM/2003/840 p.4.

issues, and thus the range of available knowledge may be exceeding our capacity to assimilate what we hear.<sup>12</sup>

On these critical grounds, the current research strives to provide a perspective of depth on one specific area of migration studies, related directly to the main theme of the Hungarian N.E.E.D.S. EQUAL Programme, and its above mentioned transnational partner DPs: the ***analysis and confrontation of the various policies influencing the integration of asylum seekers in the countries of the European Union***. An introduction to EU law on integration lays the ground for the discussion, then the policy considerations of think tanks and NGOs operating on EU level are presented, as well as those of governments and NGOs of the four countries participating in the TCA: Austria, Hungary, the Netherlands and Sweden. At the national level, the **vocational training schemes and the strongly related labour market integration programmes** of the Development Partnerships **are also presented. This provides a background to explain how the specific integration programmes may reach their objectives.**

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<sup>12</sup> Betsy Cooper, MPI 2004, p.12.

## II. THE DEBATE ON INTEGRATION

When presenting the current policy debate on the importance of the integration of asylum seekers, one should first take a closer look at the notion of integration itself, i.e. what definitions those organisations use that are most implemented in shaping policies of integration. Many actors are involved in the constant reshaping of that definition as well as its contents. The primary stakeholders of the policy discussion in the European Union evidently include national governments, their ministries responsible for the interior, the labour and for the justice affairs, their National Contact Points for Integration<sup>13</sup>, official bodies of the European Commission, such as the Immigration and Asylum Unit of the Justice, Freedom and Security Directorate-General, the Employment and Social Affairs Directorate-General, the European Migration Network, NGOs operating on EU and national level, as well as networks of NGOs such as the Network of Integration Focal Points<sup>14</sup>, and of course media.

This section is to present first the most characteristic definitions for integration<sup>15</sup>. Secondly, the main elements of the discourse on the integration of asylum seekers are put forward in a general level. The individual standpoints of a selected group of international think tanks and NGOs and those of organisations operating on national level are presented in the subsequent chapters.

### ***II.A. Searching for a definition of integration***

It is apparent that in the debate on integration, the viewpoint of the European Commission, which is responsible for the development and implementation of EU-level integration policies, is of primary importance. Despite the sharp decrease of the number of asylum seekers – partly due to the resolution of intractable European conflicts `producing` large numbers of refugees - the integration of refugees, asylum seekers still remains a pertinent and highly sensitive issue.

This is partly due to the fact that the question of asylum – ever since the conception of any kind of EU-level harmonised asylum policy – was closely connected to the dismantlement of borders and relating security issues, including the need to control illegal migration. It is undeniable that the Member States of the European Union face a considerable migration pressure while there is a manifest lack of coherent and adequate migration policies, especially at an EU-level.

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13 The network of the National Contact Points for Integration set up by the Commission in 2003

14 The network was set up by Caritas Europa and the European Council for Refugees and Exiles (ECRE)

15 The perspective of the different European media is obviously so multisided that it exceeds the framework of this paper. A separate research paper of the N.E.E.D.S. project provides an analysis of the messages of the Hungarian press on asylum seekers.

Consequently, those who claim that the majority of asylum seekers simply abuse the system of asylum are not completely far from the truth. Nevertheless, the responses given to this phenomena (the introduction of restrictive policies concerning asylum procedures, the construction of `Fortress Europe`, etc.) at a European level proved to be less than satisfactory. Even the constant reform of the asylum systems seemed to fail to stop illegal migrants while in some Member States the number of asylum seekers remained to be remarkably high. Moreover, the regulation concerning asylum seekers can not be completely separated from that of migrants since both categories refer to foreigners, and thus the rules applicable to foreigners often become applicable to asylum seekers as well. This especially might be true in the field of employment. The conclusion seems to be inevitable that without restructuring migration policy at a European level, the question of asylum would not settle. Nevertheless, despite recent developments the development and implementation of a full-fledged European migration policy is far from complete.<sup>16</sup>

In this context it is not surprising that Commission documents dealing with migration handle the integration of asylum seekers closely connected to the integration of migrants and recognized refugees. In its Communication, issued in 2003, the Commission defined integration as `a two-way process based on mutual rights and corresponding obligations of legally resident third country nationals and the host society which provides for full participation of the immigrant`.<sup>17</sup> This process `implies on the one hand that it is the responsibility of the host society to ensure that the formal rights of immigrants are in place in such a way that the individual has the possibility of participating in economic, social, cultural and civil life and on the other, that immigrants respect the fundamental norms and values of the host society and participate actively in the integration process, without having to relinquish their own identity`.<sup>18</sup>

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16 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification Official Journal L 251, 03/10/2003 p. 0012 – 0018., Commission of the European Communities Brussels, 11.7.2001 COM(2001) 386 final 2001/0154 (CNS) Proposal for a COUNCIL DIRECTIVE on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities; Brussels, 21.12.2005 COM(2005) 669 final Communication From The Commission Policy Plan on Legal Migration {SEC(2005)1680}; Brussels, 16.7.2004 COM(2004) 508 final Communication From The Commission To The Council, The European Parliament, The European Economic And Social Committee And The Committee Of The Regions First Annual Report on Migration and Integration; Brussels, 11.1.2005 COM(2004) 811 final Green Paper On An EU Approach To Managing Economic Migration; Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research OJ L 289, 3.11.2005; Council Directive 2004/114/ec of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil Exchange, unremunerated training or voluntary service of 1 375/12 23.12.2004; Handbook on Integration for Policy Makers and Practitioners, DG Justice, Freedom, Security, [http://europa.eu.int/comm/justice\\_home/doc\\_centre/immigration/integration/doc/handbook\\_en.pdf](http://europa.eu.int/comm/justice_home/doc_centre/immigration/integration/doc/handbook_en.pdf).

17 Commission Of The European Communities Brussels, 3.6.2003 Com (2003) 336 Final Communication From The Commission to the Council, the European Parliament, the European Economic And Social Committee and the Committee of the Regions on Immigration, Integration and Employment, p. 18.

18 3.6.2003 Com (2003) 336, p. 18.

The Commission follows a holistic approach concerning integration including not only questions relating to labour market integration, economic but also questions connected to social integration, accommodation, education, language competence etc. It is worth, however, examining the target groups of the integration efforts. With respect to the target groups of the EU (and national) integration policies, the Commission identified 3 distinct categories: immigrants, refugees, asylum seekers. While recognized refugees and migrants are fully entitled to participate in integration programmes, there is a sharp distinction with respect to asylum seekers, whose integration is not a priority in the EU. The reasons are manifold, and some will be elaborated in the subsequent paragraphs.

While refugees and persons enjoying other forms of international protection `should also be eligible for integration measures`, asylum seekers `constitute a special group of third country nationals who do not have an ordinary status as legal residents and whose stay is neither permanent nor stable. Integration measures, or rather, policies aiming at their *introduction* to the country of asylum, are necessary under certain conditions, but it falls outside the scope of this Communication to examine these in detail.`<sup>19</sup> Concerning the integration of asylum seekers, the document specifically refers to the Reception Directive itself, which in turn does not oblige member states to provide the accessibility of integration programmes to asylum seekers. It does not necessarily mean that the integration of asylum seekers remains completely in the `grey zone`, out of reach of European policy measures, though indicates the considerable contradictions surrounding the issue.

In order to operate transparently with the complex process of integration, many national and local governments, NGOs have forged their definitions of integration. There is a general agreement that `integration in its fullest sense can only take place after a person has been granted refugee status, and can start making longer-term plans around employment and other areas of their life. However, the experiences asylum seekers have from 'day one' are critical to the ultimate success, or otherwise, of their integration.`<sup>20</sup>

In other words, the moment immigrants arrive in a country, they thrive to acquire a place in that new society. This is true not only for physical needs, but also in the social and cultural sense. Integration of asylum seekers may be advanced by various forms of support, such as legal advice, language training and vocational training, housing support, the accreditation of prior learning, career guidance, job search and orientation courses, integration in volunteer work, employment support, training on work place, job rotation and job sharing. The integration may be also supported by the training of those working directly with asylum seekers, such as social workers and by studies and analysis of discrimination features. Briefly, it is the process by which immigrants become accepted into society, both as individuals and as groups.

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19 3.6.2003 Com (2003) 336, p. 18.

20 From the website of the East of England Regional Assembly: <http://www.eera.gov.uk/category.asp?cat=40>

This definition of integration is deliberately left open, because the particular requirements for acceptance by a receiving society vary greatly from country to country. Even at the introduction of an ideal combination of the above mentioned measures, integration usually does not turn out to be a simple, externally regulated and supervised process taking place in a couple of years. In fact it may even arch over generations of immigrants, which is well exemplified by the families of guest workers who came to Europe in the 60's and 70's, where frequently even children and grandchildren may find greater difficulties in accessing work and education than the more affluent strata of society do.

The openness of this definition also reflects the fact that the responsibility for integration rests not with one particular group but rather with many actors: immigrants themselves, the host government, institutions and communities etc. The interaction between the two parties (immigrants and the receiving society) determines the direction and the ultimate outcome of the integration process. However, these two are unequal partners: the receiving society in connection with its institutional structure and the way it reacts to newcomers has more to say in the outcome of the process.

At present, the European Council on Refugees and Exiles has one of the most used definition of integration: they consider this phenomenon as a process of change that has two different terms. The first one is a dynamic and two way approach according to which, integration requires a preparedness to adapt to the lifestyle of the host society without having to lose one's own cultural identity. From the perspective of the host society it requires a willingness to accept asylum seekers and refugees as part of the national community and take actions to facilitate access to resources and decision-making processes. Secondly, ECRE thinks that integration is a long term process, which starts at the time of arrival in the country of final destination and is finished when the individual becomes an active member of that society from legal, social, economic, educational and cultural perspective. ECRE also claims that integration has a close relation to the phase of reception and the quality and length of the asylum determination procedure itself. It recommends that the reception should be recognised as „an integral part of the integration process, given the potential impact of the reception phrase on the process of integration of those eventually granted leave to settle in a European country.”<sup>21</sup>

Other vital actors from the side of the host countries are the national and local governments. As mentioned above, they have been trying to create a definition for integration in order to handle the process itself. For instance, in the British Government's national strategy for refugee integration, integration is described as: „The process that takes place when refugees are empowered to achieve their full potential as members of the British society, to contribute to the community, and to become fully able to exercise the rights and responsibilities that they share with other residents.”<sup>22</sup> A definition focusing on the dedication of the immigrant by the

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21 ECRE Position Papers – The Integration of Refugees in Europe

22 Integration Matters (IND Corporate Communications, March 2005)

British Department of Justice states, that „integration means the ability to participate to the extent that a person needs and wishes in all of the major components of society, without having to relinquish his or her own cultural identity.”<sup>23</sup>

The government of the Netherlands has a similar definition to the British one, with more emphasis on non-discrimination. Integration is defined as a common (regional) and governmental (national) process with focus on complete and equal participation, mutual acceptance and non-discrimination.<sup>24</sup> The City Council of Uppsala, Sweden states: Integration is a state of co-existence involving equality, mutual understanding and respect between people with different cultural, economic and social backgrounds.<sup>25</sup>

One of the best known and most effective international religious organisations, Caritas Europa, has created its own definition for integration, which regards this phenomenon as a *process of change*, which „requires skills to access the labour market and material conditions such as adequate housing, as well as opportunities to acquire sufficient linguistic competence.”<sup>26</sup> Caritas underlines the importance of protection of family life and recommend the development of the inter-religious dialogue, in which newcomers and citizens can exchange views on values in community and society, learn from each other, and discover commonalities and differences.

Most definitions accept that integration highly depends on the attitudes of the majority society, i.e. on the level of the engagement of not just the immigrants but also the relevant educational and employment organisations and individuals of the host society. Even excellent integration programmes may fail, in case immigrants face discrimination on the labour market and during education. As a confirmation of this reasoning, the EU Commission, when describing the process of integration, underlines the role played by the education and the school system in conveying basic norms and values: „It should be noted that the educational system plays an essential role not only when it comes to knowledge acquisition but also as a place for acquiring formal and informal information on norms and values in society and as a cultural bridge.”<sup>27</sup>

## ***II.B. The supportive and restrictive discourses on integration***

The integration of asylum seekers in the countries of the European Union is unfolding in a space of discourse comprising magnetic restrictive and supportive elements. Although most Member States make efforts to complete the asylum

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23 Department of Justice, Equality and Law Reform, (1999) ‘Integration: A two way process’ pg. 9.

24 Dutch Council for Refugees Integration Barometer, 2005.

25 Quote from the flyer issued by the Council: “Diversity for success” Integration Policy for the Cit of Uppsala.

26 Integrating Migrants, Integrating Societies, Essential Elements for EU Migration Policy, published by: Caritas Europa, Churches’s Commission for Migrants in Europe, COMECE, ICMC, JRS, Quaker Council for European Affairs on the International Migrants’ Day, 18 December 2004.

27 COM (2003) 336 final, page 20

procedure in a shorter period of time, which would theoretically eliminate the *raison d'être* of the whole discussion, due to the nature of the procedure, i.e. the need for a thorough collection of information from the applicants and from countries of origin, many procedures are likely to take long months also in the future. Thus, the issue will be always debated as long as the European Union leaves a door open to asylum seekers, and respects the will of the 1951 Geneva Convention.

The discussion continues to be on the agenda despite the sharp drop of the number of asylum applications. While in some countries the number of applications have increased the asylum systems of most European Union countries are far from being under such a pressure as they used to be at the end of the 90's.

The below presentation, based on interviews with experts from the Commission of the European Union and international NGOs<sup>28</sup> aims at covering the policy considerations currently put forward at discussions over the integration of asylum seekers. The description does not intend to evaluate the moral value or the practical impact of these policies, only to demonstrate the complex tapestry of the discourse.

One of the primarily relevant questions is whether there is a labour potential in the asylum system, and should or can the asylum issue be strongly linked with the work-related immigration. Considering the low recognition rates in Europe, the majority of asylum seekers are not recognised as genuine refugees, they are migrants who turn to the institution of asylum as to a unique and for many the only option to legalise their stay.

The critical stance of the Commission is clear: "the vast majority of refugees remain in their regions of origin in circumstances of extreme poverty and questionable safety and in the meantime the EU spends millions of Euros on processing asylum applications the most part of which do not qualify for any form of international protection."<sup>29</sup>

However, low recognition rates do not by all means mean that rejected asylum seekers are all non-genuine refugees. For example in Austria, the jurisdiction developed by the Federal Independent Asylum Senate and by the Administrative High Court has lead to higher recognition rates, in other countries due to very restrictive legislation the rates are lower, and spending the above mentioned millions of Euros may lead to higher recognition rates.

Indeed, non-genuine asylum seekers deteriorate the situation of the genuine ones to the extent that many of the latter group do not even apply for asylum as by drawing the attention of authorities to their stay they may be returned to other

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28 See a detailed list of experts interviewed at the end of the document

29 Quote from the website of the Commission: [http://europa.eu.int/comm/justice\\_home/fsj/asylum/fsj\\_asylum\\_intro\\_en.htm](http://europa.eu.int/comm/justice_home/fsj/asylum/fsj_asylum_intro_en.htm)

countries e.g. via the 'safe third country' concept, while those who do not apply have more chances to stay.

Asylum seekers are not necessarily an ideal target group for labour market integration. Those who come from war-torn areas may have lost or have not even gained skills required for stable, continuous work, and those in a post-traumatic state may not wish or are not able to participate in any integration requiring high level of mental focus.

Occasionally, asylum seekers do not wish to participate in trainings, as they assume they are expected to show signs of post-traumatic stress disorder, instead of active participation in trainings; they are afraid of being rejected on grounds of not acting like a genuine refugee.

As anti-integration reasoning claims, the majority of asylum seekers cannot present a genuine claim. Although most of them are eager to work, the rather expensive institution of asylum should not be offered as a short-cut to European labour markets. Moreover, quality integration programmes may trigger additional migration flow through the asylum channel, which leads to extra spending on recognition procedures.

Integration is about allocating financial resources. Allocating money for the integration of legal immigrants is already a sensitive issue, not to speak of asylum seekers many of whom are not recognised as genuine refugees and not offered international protection. Such a spending by the state may be regarded by citizens as unnecessary, may create political tensions, lead to a decreasing electoral basis of pro-integration policy makers, especially when connecting these efforts to the conditions of nationals in need of social support, e.g. the unemployed, who are also in need of labour market integration. NGOs promoting integration "are often seen as 'softies' ('soft-touch' promoters) who do not have the interest of their country at heart"<sup>30</sup>.

At the same time, asylum seekers' access to labour market may ease criticisms on their lack of contribution to the costs of their stay, especially if they cover jobs of labour shortage typically unskilled or semi-skilled positions or those of general labour shortage e.g. in healthcare or the catering industry. Moreover, foreigners in general make an invaluable contribution to the development of the national economy by their flexibility on the labour market – although this aspect is rarely advertised by mass media.

As the negative discourse details, pre-recognition integration may be interpreted as an inherent message from the host country to offer a warm integration support for a long term, regardless of the outcome of the refugee recognition procedure. Early recognition prematurely sets the minds of asylum seekers to consider their stay as definite. Pre-recognition empowerment may also contribute to the

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30 Asycult, 2004. Asycult. (2004) Asylum Seekers on the Labour Market – A Missed Chance? – The Survey Report of the TCA Asycult, Taabazuing Cosmas p.7.

continued stay of the rejected asylum seekers, as by integration they may find a greater network to support their illegal stay after the rejection of the asylum claim.

This latter argument, however, cannot be based on scientific evidence, and pro-integration experts emphasise that those migrants are most likely to start a clandestine life after rejection of their application who are afraid of consequences of return, independently from previous integration support. Moreover, migrants go locations where they already have family or other contacts, thus continued illegal stay after rejection primarily depends on the existence of social networks and not on integration programmes.

Integration of asylum seekers is thus partly about the empowerment of immigrants, who eventually need to return to their countries of origin. In other words, countries supporting the integration of asylum seekers spend on the empowerment of foreign nationals who live for a certain period of time in Europe. As a positive interpretation, this time of personal growth has been addressed as a form of international aid, contributing to the stabilisation and growth of the migrant sending countries. This form of making international aid available is highly efficient as it reaches directly people from developing countries, and there is significantly less probability that development funds are not properly allocated.

The promoters of integration are also keen on the setting up of a separate channel for employment immigration to the European Union on the basis of labour market needs. Although the Tampere meeting of the European Council in October 1999 agreed that the new EU immigration policy should be based on a comprehensive approach to the management of migratory flows with a view to establish a balance between humanitarian and economic admission, this balance is still to be instituted. The *Policy Plan on Legal Migration* of the Commission issued in 2005 “defines a road-map for the remaining period of The Hague Programme (2006-2009) and lists the actions and legislative initiatives that the Commission intends to take, so as to pursue the coherent development of EU legal migration policy”.<sup>31</sup> Proper measures in this field will/would take the lid off the debate on the failures of the current asylum system and on the necessity of the pre-recognition integration. This interpretation is also shared by many NGOs claiming that the misuse of the asylum channel demonstrates the lack of an alternative system to reach Europe: “the European Fortress has only one entrance with a gate-keeping that is lengthy, laborious, inefficient and costly.”<sup>32</sup>

Scores of ideas have been put forward for a new employment immigration scheme. For example, similarly to the U.S. Green Card system, those candidates could be selected who need little efforts for integration and can become tax payers on the short run. Alternatively, through the expansion of the already existing EURES representations to non EU countries adequate information could be provided and face-to-face interviews organised for those interested in labour in Europe. The issuing of job seeking visas would be also a step ahead, whereby the

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31 Policy Plan on Legal Migration, p.3.

32 Asycult 2004 p. 25.

potential employee can participate at interviews and after a successful admission process, one can start working immediately without a need to return to the country of origin and wait for a working visa for months.

In summary, the discourse over the institution of asylum covers elements that inherently do not belong to the theme of asylum but to the management of migration for work. Therefore, the future of this debate will depend to a great extent on the practical aspects of how the European Union will tackle its need for labour force and how it will be harmonised with the career related aspirations of people from non-EU countries.

### III. THE EU – FROM HARD LAW TO SOFT GOVERNANCE

The European Union institutions have repeatedly recognized the controversial situation of asylum seekers in the Member States of the European Community. The difficulties stem mainly from the fact that asylum seekers' access to the labour market is generally prohibited or is very restricted in the majority of EU countries. This imposes a significant impediment on the applicants' social, vocational and labour market integration and might delay this process considerably.

The EU law currently provides both for hard-law and soft-law instruments for establishing some basic rules governing asylum seekers' vocational and labour market integration. These instruments are meant to set certain minimum standards and basic guidelines that should be followed by Member States and transposed into their national legislation and state practice. However, States are generally granted a wide margin of appreciation when it comes to the implementation of the general principles.

#### ***III.A. Instruments of hard law: The EC Reception Directive***

At the moment there is no formal legal basis that would grant to EU institutions direct competence in regulating/promoting the integration of asylum seekers. As one specific field of social policy, vocational and social integration of asylum seekers is a matter left for the competence of Member States, and national practices differ widely in this field.

The EU has nevertheless undertaken the goal to meet the specific needs of asylum seekers and support their vocational and social integration. It established certain minimum standards stipulated in the EC Directive on the Reception of Asylum Seekers<sup>33</sup>. The directive itself is a unique instrument for a region in the World to regulate the standards of reception services. These minimum standards had to be transposed into the national legislation by all EU Member States before 6 February 2005 – with the exceptions of Ireland and Denmark who had opted out of this Directive.

The Reception Directive includes two articles that are relevant to labour market and vocational integration of asylum seekers: Article 11 focusing on employment and Article 12 dealing with vocational training. The two articles establish certain general principles that have to be implemented in state practice.

The employment article stipulates a number of rules supporting the asylum applicants' access to the labour market. For example, Member States are only

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33 Council Directive 2003/9/EC of 27 January 2003. Available at <http://www.europa.eu.int/eur-lex/>

allowed to prohibit asylum seekers' access to the labour market for a limited period of time that should be clearly determined in national law. In case the asylum application has not been followed by a decision of first instance within one year, Member States shall decide the conditions for granting access to the labour market for the applicant. This means that Member States should grant access to employment for asylum seekers one year the latest after lodging their application. In other words only those in the first instance procedure after one year might get access to the labour market, and even those only under conditions "clearly defined in national law" – which means under conditions determined and restricted by the national governments. In reality, very few asylum seekers are in the first instance procedure after one year, thus the impact of the law is limited.

The Directive sets forth thus indirectly the asylum applicants' right to work. Access to employment shall not be withdrawn during the appeal procedure, until a negative decision on the appeal is notified.

The 12 months period is, however, not the only limitation on the asylum seekers' right to work, granted indirectly by the Reception Directive. Article 11(4) states that "Member States may give priority to EU citizens and nationals of States parties to the Agreement on the European Economic Area and also to legally resident third-country nationals". It is easy to conclude that such a provision, if transposed into the national legislation of Member States, can curtail significantly asylum applicants' access to the labour market, since practically all other categories of legally resident individuals might be granted priority. The Reception Directive allows thus for a lot of discretion for Member States as far as access to employment of asylum applicants is concerned, and limits significantly the applicants' right to work.

The Reception Directive article on vocational training (Article 12) is rather vaguely formulated and provides very little basis for enforcing asylum seekers' access to vocational training. It only mentions that Member States "may allow asylum seekers access to vocational training irrespective of whether they have access to the labour market". Moreover, it makes access to vocational training related to an employment contract conditional on whether the asylum applicant has access to the labour market in accordance with the previously discussed employment article. In other words, the Directive imposes no obligations whatsoever on Member States regarding the vocational training of asylum seekers. This means in practice that we cannot talk about minimum standards laid down by the Reception Directive in this field. Minors are the only category constituting an exception, as Article 10 grants for them the right to education and schooling, but there is no mentioning of vocational training in their case, either.

It can be concluded that the Reception Directive, apart from setting a number of general principles, provides very little legal basis and rather weak instruments for the enforcement of asylum seekers' access to employment and vocational training. It grants instead a very large discretion for Member States in this regard. As a result, other instruments are also needed besides the Directive in order to move forward the development of a common European system and practice that can effectively promote vocational and labour market integration of asylum applicants.

The monitoring of the transposition of the Reception Directive is still under way, hopefully the recent report of the Odysseus network will soon be available. Nevertheless, the monitoring conducted by ECRE or the ICF indicate that there are considerable differences in the member states considering the implementation of the relevant provisions (Article 12-14) of the Reception Directive<sup>34</sup>.

Some member states undertook to introduce more favourable conditions than the one -year moratorium made possible by the Reception Directive concerning the access of asylum seekers to the labour market (e.g. Austria) while others (e.g. Great Britain) transposed the reception Directive almost literally. The former approach is in line with relevant UNHCR comments as well which reiterate that asylum seekers might be excluded from the labour market for no more than 6 months. Nevertheless, several states even those which do not preclude the access to the labour market tend to maintain or establish complex and time-consuming work-permit procedures often based on prioritisation of EU citizens and nationals or evaluation of labour market conditions. In Spain, however, the work -permit procedure is quasi automatic.

Member states also apply different criteria with respect to the access to vocational training. Some member states directly or de facto preclude the access of asylum applicants to vocational training (Germany) while in Great Britain vocational training of asylum seekers is hindered by practical obstacles. The system of accommodation of asylum seekers also varies in the member states, but many of them established reception centres which are not necessarily situated in an area where asylum seekers would find easily employment.

### ***III.B. Instruments of soft law: monitoring implementation without imposing legal sanctions***

Besides using some hard-law instruments in order to regulate labour market integration and vocational training of asylum seekers, the European Commission has appealed mainly to soft law governance in this field. Instruments of soft law have already been applied to several other social and public policy areas, such as employment, social inclusion, pensions and most recently, health care. This regulatory model was subsequently extended to the issue of labour market integration of asylum seekers.

Soft law governance means monitoring Member States' performance without closely regulating State action or applying direct legal sanctions in case of unsatisfactory conduct. The European Union establishes the general framework of governance, it sets common guidelines and principles, but it grants considerable discretion and flexibility to Member States in implementing these guidelines. The EU monitors performance of Member States but instead of applying legal sanctions it exercises mainly political pressure in order to enforce the common principles.

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<sup>34</sup> 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; Final Report by the Information and Cooperation Forum (ICF), published by Pro Asyl, 26 February 2005.

Soft law governance was developed specifically for social policy fields such as employment, social inclusion, health care, pension systems where state practices, traditions and organization of service delivery and financing differ a lot across countries; given the large variety in design, level of development and functioning of national welfare systems it would be very difficult to enforce common rules established in hard law and apply uniform legal sanctions in case of unsatisfactory performance. The European Employment Strategy (EES) is the regulatory framework bringing together the main elements of soft law governance; these elements are generally known as the components of the Open Method of Coordination:

Establishing common goals, developing common guidelines at the European level, and determining deadlines for their implementation;

Assisting Member States and regional partnerships in implementing these guidelines on the national and regional level, while granting them a certain degree of discretion and flexibility in this process and paying due regard to cross-country and regional differences;

Monitoring States' and partnerships' performance by assessing their periodical reports on implementation and issuing recommendations in order to promote progressive realization of the required goals;

Establishing common benchmarks and indicators for evaluating performance;

Promoting mutual learning, exchange of experiences and sharing best practices by regular collaboration and ongoing transnational partnership.

The European Employment Strategy (EES) imposes on Member States the requirement to transpose the four employment pillars – employability, entrepreneurship, adaptability and equal opportunities – into their national action plans. These four pillars were subsequently undertaken by the EQUAL program, which is thus generally regarded as a political consequence of the European Employment Strategy: the EQUAL builds on the main EES principles, it follows the specific working method of the EES, and it applies soft governance to performance monitoring.

### ***III.C. Asylum seekers as a thematic group within the EQUAL project***<sup>35</sup>

The European Commission launched in 2000 the EQUAL project in its *Communication of 14.04.2000 establishing the guidelines for the Community initiative EQUAL concerning transnational cooperation to promote new means of combating discrimination and inequalities in connection with the labour market*<sup>36</sup>.

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<sup>35</sup> <http://europa.eu/scadplus/leg/en/cha/c10237.htm>

<sup>36</sup> C(2000)853 - Official Journal C 127 of 05.05.2000

EQUAL is a follow-up to the previous Community Initiatives "Adapt and Employment" (Now, Horizon, Integra, Youthstart - 1994-1999) and is funded by the European Social Fund Community in co-operation with national funding. For the period 2000-2006, the Commission included the EQUAL project into the four new Community initiatives<sup>37</sup> presented in *Regulation* (EC) No 1260/1999 laying down general provisions on the Structural Funds.

Besides the four pillars borrowed from the European Employment Strategy - employability, entrepreneurship, adaptability and equal opportunities, - a specific fifth pillar was included into the major focus areas of the EQUAL program: the promotion of social and vocational integration of asylum seekers, which is a mandatory field for all Member States joining the initiative.

Promotion of asylum seekers' labour market integration is characterized by the European Commission as "an extremely complex matter approached in different ways in different Member States"<sup>38</sup>. Due to the complexity of the problem and the large cross-country differences in attempts to handle this issue, soft law governance designed for employment and social inclusion policies seemed a useful regulatory framework for this particular field also. The Commission decided to apply the EQUAL framework in order to assist the development of new ways of facilitating access to the job market and vocational training for asylum seekers.

The EU requires all partner Member States to provide for at least a minimum amount of action focusing on asylum seekers - depending on their numbers. Action designed specifically for supporting social and vocational integration of asylum seekers may take the form of sectoral development partnerships (action by all the relevant partners at national level to fund the integration of these persons) or geographic development partnerships (in an area where there is a relatively large number of asylum seekers). Three categories of asylum seekers should benefit of such activities:

- 1) Those whose applications are currently being examined by the Member State;
- 2) Those who have been accepted under a relocation or humanitarian evacuation program or under temporary protection arrangements;
- 3) Those who have not been granted the status of refugees but who come under another form of protection (additional or subsidiary protection) because their personal circumstances prevent them from returning to their country of origin.

According to the official Community sources, each Member State participating at the EQUAL program allocates funds for initiatives targeting asylum seekers<sup>39</sup>. As

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37 The other three initiatives are INTERREG III , LEADER+ and URBAN II

38 See the Commission Communication C(2000)853 - Official Journal C 127 of 05.05.2000

39 See the data published by the European Commission:  
[europa.eu.int/comm/employment\\_social/equal/data/attachment/sumtheme\\_en.pdf](http://europa.eu.int/comm/employment_social/equal/data/attachment/sumtheme_en.pdf)

shown by the available data, Portugal allocates the smallest share of its EQUAL budget on asylum seekers (1%), and Luxembourg allocates the largest share (13%). Most of the countries allocate between 3-7% of their EQUAL budgets for programs promoting the integration of this group. On average, the group of asylum seekers receives the smallest share of EQUAL budgets of Member States – about 4% of the available funds<sup>40</sup>.

### ***III.D. Conclusions on EU law and policy***

The EU has very limited direct legal competences in regulating integration of asylum seekers. The EC Reception Directive, apart from setting a number of general principles, has provided very little legal basis and has proven to be a rather weak instrument for enforcing asylum seekers' access to employment and vocational training. The European Commission has opted for soft law governance in this field, a method tested previously in other social policy fields. Soft law governance seems most suitable for overcoming the difficulties arising from large cross-country differences in policies targeting asylum seekers. The Commission is currently applying the elements of the European Employment Strategy and Open Method of Coordination to the promotion of labour market access and vocational training of asylum seekers. These elements have been synthesized in the EQUAL program applying the principles of employability, entrepreneurship, adaptability and equal opportunities to the improvement of asylum seekers' access to the labour market. Integration of asylum seekers has become the fifth pillar of the EQUAL initiative, and a mandatory field of action for all partner countries. However, the group of asylum seekers still receives on average the smallest share of EQUAL budgets granted to Member States.

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40 Borbély Szilvia. Az EQUAL Európában. Kutatási zárótanulmány. Szakszervezetek gazdasági és Társadalomkutató Intézete, Budapest, 2004.

## IV. APPROACHES BY INTERNATIONAL NGOS AND THINK TANKS

From the perspective of the receiving society, non-governmental actors are performing a highly important role. According to Rinus Penninx, they strongly influence, whether positively or negatively, the integration itself.<sup>41</sup> These vital institutional actors include churches, trade unions, employers' organisations, political parties, the media and other civil society actors. NGOs are important in two ways: first and foremost they function as direct partners in the implementation of policies. Secondly, they are perhaps even more important as political actors. They might influence the political climate and might be vital agents in combating exclusion, discrimination and xenophobia. Currently, one of the most effective network of NGOs operating on EU and national level is the Network of Integration Focal Points. (The network was set up by Caritas Europe and the European Council for Refugees and Exiles, ECRE.)

NGOs working closely with asylum seekers have gathered a tremendous experience on integrating asylum seekers. However, not all of them have elaborated a clear position. A reference point for various NGOs, **UNHCR** does not have a declared standpoint or position paper on the integration of asylum seekers,<sup>42</sup> instead, the organisation recommends a fast and efficient asylum procedure which is completed in a reasonable time, and in case of a positive decision, integration should soon follow. Moreover, most NGOs share the viewpoint that "European governments are inherently not interested in the integration of asylum seekers. Procedures are likely to be accelerated even more, thus leaving little chance for pre-determination integration programmes."<sup>43</sup>

For most of them it is clear that "pre-recognition training should have a different methodology compared to post-recognition programmes."<sup>44</sup> In the future, a key element of trainings should be social orientation, which is key to integration.

The **European Council on Refugees and Exiles**, one of the major think tanks in Europe, believes, that integration of asylum seekers begins from the Day One of arrival.<sup>45</sup> Lack of housing, food supply, legal advice propels integration to a

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41 Rinus Penninx is professor of Ethnic Studies of the University of Amsterdam. Source article: The Role of Communities, Institutions and the State

42 Interview with Christoph Pinter, Senior Legal Consultant at UNHCR Austria

43 Interview with Richard Williams, EU Representative of ECRE in Brussels

44 Interview with Phil Lonce, director of Vluchtelingenwerk Vlaanderen, Brussels

45 Statement by Richard Williams, ECRE representative in Brussels

negative direction, while it may be channelled to the direction of inclusive integration. ECRE points to two reasons why integration should begin during the reception phase, these are the delays in processing asylum requests and secondly the impact of the reception phase on those who are eventually granted refugee status. ECRE contends that the reception phase plays a key part in shaping the success or otherwise of the overall integration process for those eventually granted refugee status or permission to remain.

The Brussels representation of the **International Organisation for Migration** believes that training programmes are imperative to maintain the psychological health of asylum seekers, as during the long months of expecting for the result of the asylum process, they experience a loss of dignity and a sense of losing the ownership of their own future. The organisation makes efforts to establish a very strong link between their Belgian integration programmes and reintegration.<sup>46</sup> Trainings should follow individual needs structured according to individual assessment. As many asylum seekers are returned from Belgium, the tailored training programmes should ideally cover skills necessary after return, however, virtually none of the asylum seekers is happy to engage in a hypothetical talk over what skills s/he would like to develop for the likely case of return. Nevertheless, IOM focuses on micro-business and entrepreneurial training, where skilled acquired can be of good use both in case of a continued stay in Belgium and in case of return.

A recent return programme<sup>47</sup> for some 50 migrants from Congo proved the success of the methodology. A business plan was prepared by each participant before departure, and its realisation was followed up for six months by the local IOM representation in Kinshasa. As 85% of the returnees still perform the same job, the idea of micro-business training in major world languages can be regarded as a highly promising model. Accordingly, IOM understands that training during the recognition procedure should not include preparation for communication in minor languages such as Flemish.

At the same time, **IOM** faces numerous difficulties in training, such as the lack of interest or the lack of resources from asylum seekers to participate. For example in case asylum seekers are dispersed in the country, they may not have the financial resources to come to Centres where trainings are organised, especially if they have to cover any expenses such as food or accommodation. Furthermore, organisers should recognise the real needs of the labour market, as frequently employers are not interested in immigrants in general despite well prepared CVs and improved interview skills.

Finally, the **Churches Commission For Migrants In Europe** regards fundamentally all migrants regardless of their status and the legality of their stay

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46 Summary based on an interview with Pascal Reyntjens, Regional Liaison and Coordinator, International Organisation for Migration and official documents of the organisation

47 The programme was supported by the European Refugee Fund

as human beings created to the image of God.<sup>48</sup> They all deserve integration programmes and as employment is a key to integration, they should have access to work. Integration, however, should be based on a thorough methodology. One should learn from organisations in countries with an extended background in integration. The Commission draws the attention to the latest methods in language training. The majority of migrants do not have experience in learning language in a classroom setting, but during everyday activities. Those migrants who learn exclusively in a class are left behind by those who study while performing a certain activity, i.e. preparing for a certain job and learning the job related words simultaneously. An on-the-job language training can be regarded as one of the most efficient models for language training. Training is an asset by itself, but it should also lead to the issuing of a formal certificate. First of all, the documented study period gives a sense of dignity to the migrant. Secondly, the documented study also fills the gap in the career of the migrant, and enhances the possibilities of finding a job later on, regardless of the location of her/his stay in the EU or in the country of origin.<sup>49</sup>

It is apparent that the viewpoint of think tanks and NGOs seem to cover several aspects of the possible fields of integration of asylum seekers. Most of them place focus on the training of asylum seekers, nevertheless, they place an emphasis on different aspects of it. Thus, **Churches Commission For Migrants In Europe** draws the attention to language training, **International Organisation for Migration** claims that training programmes are imperative to maintain the psychological health of asylum seekers, while **IOM** advocates 'tailored' training which is based on individual assessment. It is noteworthy that **ECRE** advocates integration as early as possible while **UNHCR** comments cast doubt on the political will behind the national or European integration schemes for asylum seekers. In general, employment appears to be one of the core component of integration, and the focus of all related training programmes.

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48 Summary based on an interview with Doris Pescke, General Secretary, Churches Commission for Migrants in Europe and official documents of the organisation

49 It is also important to make a reference of smaller, national organisations, as their ideas are also highly important. For example, the Brussels-based Overmolen Centre, puts a special emphasis on the tailored training of asylum seekers. Some of them arrive with a complex training background in the area of health care or other professions, and their training cannot be the same as for those with little or no education. Trainers should also consider that many asylum seekers have gained work related experiences in the informal economy, i.e. living from selling and buying products without a formal company framework. A part of the integration of asylum seekers should be on building social networks, which may include the organisation of leisure time activities with local people. (Overmolen Centre organised free time activities for example with members of the Brussels Rotary Club.) Training is most efficient when linked to the creation of jobs. For example, training courses ending with an internship in the best hotels of Brussels may lead to permanent jobs for participant asylum seekers, given that their experience in preparing international dishes is welcome at a hotel with an international clientele, where languages of asylum seekers are also more likely to be spoken. In other words, a good selection of the organisations for the internships may immediately lead to a long-term position making content all parties involved, while low-key solutions either in the case of internships or first placements may discourage both the asylum seekers and employers. - Summary based on an interview with Anna Bogard, Project Leader of Overmolen Centre in Brussels and official documents of the organisation.

Meanwhile, a meaningful debate is under way in the European Union to examine, present and contrast the different approaches of Member States to migration itself. This debate - as it was discussed above - has an undeniably direct effect on the debate over the employment or integration of asylum seekers.

An important forum of this ongoing discussion is the **European Migration Dialogue** (EMD) which is a partnership of related civil society organisations, think tanks, academic institutes, foundations, coalitions of various stakeholders. EMD has the objective to promote and facilitate an in-depth, well-informed debate and exchange of information on migration and European migration policies. Such a discussion is needed on both European and national level and its contribution could be immeasurable to the development of an effective policy building. Besides organising an annual meeting, the EMD e.g. has produced a report focusing on the differences of the North American and European attitudes, approaches to the question of migration<sup>50</sup> or a number of country reports. The former report arrived to the conclusion that while North America considers immigration as a national interest, it is not the case in Europe. It is stated in the report that ‘the North American approach is to maximise the benefits and minimise the drawbacks of migration, Europe focuses on restriction and prevention.’<sup>51</sup>

The country reports focus on “the immigration debate” and the „integration debate”. The immigration debate concentrates on „whether governments provide a rationale for immigration policies or whether they make a case against immigration” while the integration debate examines „whether governments acknowledge that integration can be successful, and make the case for investing in it (financially and in terms of adapting the society and its institutions to diversity). Alternatively, do governments tend to focus on integration failures to make a case against further immigration?”<sup>52</sup>

The introduction to the country reports states that “countries across Europe are concerned about the sustainability of their social models, and the challenges associated with stagnating economies, rising unemployment, skills and labour shortages and ageing populations. In this climate, it appears there is a growing acceptance of the idea that immigration and immigrants might contribute positively, cushioning the impact of these problems now and in the future” which indicates a slight improvement compared to the findings of the former comparative report on the different attitudes of North America and Europe.<sup>53</sup> On the other hand, successful and acceptable immigration policies rely heavily on the successful integration of immigrants” and employment appears as a core issue in

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50 Jan Niessen and Yongmi Schibel, EU and US approaches to the management of immigration. Comparative perspectives (MPG, 2003).

51 Jan Niessen and Yongmi Schibel, Ibid.

52 Jan Niessen, Yongmi Schibel and Cressida Thompson (eds.) Current Immigration Debates in Europe: A Publication of the European Migration Dialogue September 2005

53 Jan Niessen, Yongmi Schibel and Cressida Thompson (eds.) ibid, p. 6.

the debate.<sup>54</sup> The report also states that “in light of this, it is important that policy makers understand that *immigration policies* impact significantly on integration. Targeted recruitment, creative assessments of skills, equal treatment and facilitating professional mobility enhance immigrant integration potential. Economic arguments can thus firmly underpin immigration and integration policies.”<sup>55</sup>

The report issued in 2005 by the **PICUM** (the Platform for International Cooperation on Undocumented Migrants) focuses on another sensitive aspect of migration issues: on that of the integration of illegal migrants. The report notes the growing need for further regularisation processes.<sup>56</sup>

The above brief summary on the standpoint of a selection of the most influential NGOs describes some of the many facets of principles followed by these organisations during integration activities. These principles do make a change, but their impact depends on the policy environment on the national level. The next chapter demonstrates that any effort NGOs make in favour of asylum seekers may reach their goal only if the policy and legal environment is also in favour of integration.

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54 Jan Niessen, Yongmi Schibel and Cressida Thompson (eds.) Ibid, p. 6.

55 Jan Niessen, Yongmi Schibel and Cressida Thompson (eds.) Ibid, p. 6.

56 PICUM, Comment on Green Paper on an EU Approach to Managing Economic Migration, 2005

## V. POLICIES IN THE COUNTRIES OF THE AVE TRANSNATIONAL COOPERATION

This chapter analyses the different policies and practices in place as far as vocational training and labour market integration is concerned in the four countries of the Transnational Cooperation Agreement – ‘Added Value by Empowerment’: Austria, Hungary, the Netherlands and Sweden. Each country description touches upon the current legislation background to integration in general, and legislation on vocational training in special for asylum seekers. The description thus covers vocational training courses – run by the state and NGOs, as well as information on funding, on the numbers of asylum seekers in these trainings, feedback on these courses, whether they have been efficient, and truly helped the integration of participants on the labour market. The country sub-chapters put a special emphasis on the projects of the EQUAL Development Partnerships participating in the project, but also illustrate other initiatives by other NGOs or by the state.

### V.A. Austria – First Aid in Integration Development Partnership

#### V.A.1. Asylum seekers in Austria - statistics

Austria has been in recent years one of the most popular targets for asylum seekers in Europe. Considering the absolute number of asylum applications, the country was in 2005 on the fifth place, accounting for 7 % of all requests lodged in the industrialized world<sup>57</sup>.

Table 1 illustrates the number of asylum applications submitted in Austria between 2001 and 2005. We can observe a continuous decrease since 2003. In 2004 and 2005 most asylum applications were lodged by people from the Russian Federation, Serbia-Montenegro and India. With 18 asylum-seekers per 1,000 inhabitants Austria ranked the second out of the 50 asylum countries included in the study of the UNCHR<sup>58</sup>.

Table 1: Number of asylum applications submitted in Austria, 2001-2005<sup>59</sup>

Year	2001	2002	2003	2004	2005
Applications	30,140	39,350	32,360	24,630	22,470

57 The absolute numbers of asylum applications launched in Austria for the period of 2001-2005 were published in the UNHCR report Asylum Levels and Trends in Industrialized Countries, 2005. The report is available at <http://www.unhcr.org/cgi-bin/texis/vtx/statistics>

58 UNHCR, Asylum Levels and Trends in Industrialized Countries, 2005, page 5

59 Bundesministerium für Inneres; See, for the data, [www.bmi.gv.at/publikationen](http://www.bmi.gv.at/publikationen)

Approvals	1,152	1,073	2,084	5,208	NA
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## V.A.2. 2. Legal background

Asylum seekers in general are not allowed to work, although according to the Foreigner Employment Law (AuslBG, § 4 Z 7), they can start some specific type of work after 3 months. They have access to the domestic labour market but they may get only seasonal and harvest work in agriculture<sup>60</sup>. Finally, according to the EU-enlargement adoption laws, seasonal workers do not have the right to work further in Austria after this time limited seasonal work (§ 2 Z 1)<sup>61</sup>.

Asylum seekers do not have state subsidised access to social services or German language courses. This means for some of them a living together with most diverse nations in the refugee residential accommodations for years, without integration possibilities and expedient activity. Thus, until they are granted asylum they cannot build up a reasonable language knowledge, knowledge of regional circumstances, business and personal qualifications.

Foreigners (as defined in §2 Z 1) can have auxiliary jobs connected directly to their accommodation and care services with their accordance as it is written in the *Basic care agreement (GVG-B) between the federation and the counties* of the 15<sup>th</sup> of July 2004 in § 6 para. 562. This might be work such as cleaning, kitchen work, transport, maintenance or auxiliary activities for the federation, county or municipality such as landscape maintenance and –design, care of park- and sport facilities, as well as support of the administration. The Federation Support Law stipulates in §7 par. 5, that for non-profit auxiliary activities “there has to be given an appropriate compensation, with consideration to the benefits for the supervision”. This means that the amount of compensation (between 3 - 5 Euros/hour) is related to the fact that asylum seekers receive benefits as a basic supply. Yet it is hard to understand why this basic supply is being reduced when an asylum seeker works in non-profit activities and earns something additional.<sup>63</sup>

On July 21, 2005 the actual Asylum Law passed with no objections in the Federal Council and became effective since the 1st of January 2006. The new version is very controversial and widely discussed as it contains for example the possibility of a forced feeding of asylum seekers or that the police can have access not only

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<sup>60</sup> AuslBG, § 5

<sup>61</sup> 414 der Beilagen XXII. GP - Regierungsvorlage – Materialien.  
[http://www.parlinkom.gv.at/pls/portal/docs/page/PAGE/DE/XXII/I/00414/fname\\_017016.pdf](http://www.parlinkom.gv.at/pls/portal/docs/page/PAGE/DE/XXII/I/00414/fname_017016.pdf)

<sup>62</sup> UNHCR. Grundversorgungsvereinbarung – Art. 15a B-VG. <http://unhcr.at/pdf/1480.pdf>

<sup>63</sup> EPIMA. Autarq2 Positionspapier zu Gemeinnütziger Beschäftigung von AsylwerberInnen.  
[http://www.epima.at/documentation/autarq2\\_pp\\_gemn\\_beschaeftigung.pdf](http://www.epima.at/documentation/autarq2_pp_gemn_beschaeftigung.pdf)

to apartments of migrants but also to organizations, like NGOs “in which foreign citizens consort” without a command by a judge.

Only its last paragraph (§ 68) mentions the possibility for integration support for recognized refugees. This can be language courses, vocational courses, lectures in Austrian culture and history, meetings with Austrian citizens for a better understanding, information about the residential market and services of the Austrian Integration Fund. But this is formulated as an optional clause, therefore recognized refugees have no right for this service, and there is no reference to asylum seekers waiting for the admittance. The same document stipulates that recognized refugees should get “as far as possible” rights equal to those of Austrian citizens.

The provision of the integration support is performed via private, humanitarian, church and welfare institutions or local governments. The service rendered has to be fixed in a civil law contract, where also the payment is fixed.

The only concrete offer for asylum seekers is a consultation on the return to the country of origin, which includes the clarification of the perspectives during and after the asylum procedure. If an asylum seeker accepts this offer he/she gets also financial support for the travel expenses.

### **V.A.3. Vocational training for asylum seekers – projects and initiatives**

Several projects dealing with vocational training of asylum seekers have been implemented in Austria. The following sub-chapters provide a brief description of some major initiatives.

#### ***The project First Aid in Integration project***

First Aid in Integration is an EQUAL project developed and implemented in partnership with the Austrian Federal Ministry of Economics and Labour. It runs from July 2005 to June 2007.

The project concentrates on asylum seekers with temporary residence permit. According to Article 19 of the Austrian asylum law 2003/2004 this group has access to seasonal employment only within a quota established by Article 5(1) of the law regulating the employment of foreigners.

The project pursues the following objectives: development of integration standards for all participants; qualification and preparation of asylum seekers for labour market; qualification of multipliers in businesses, organizations, public institutions; knowledge transfer to all participants involved; exchange of practical and theoretical knowledge on European level; provision of suitable input of information and communication techniques to support the proceedings. It includes 5 modules

and the so-called Action 3., which is responsible for public relations and networking with other regional/national organisations working in similar fields.

### Module 1: Development of Standards for Support and Labour Market-Specific Integration

At present, there are no guidelines for the initial phase of asylum seekers' working life (mostly because of the legal restrictions of their access to work). This module tries to strengthen the asylum seekers' ability to act and use their first motivation and thus to prevent their resignation.

The asylum seekers who actively participate in the training know very well that their chances to get access to the labour market are very limited. But in spite of that, the training is very important for them. They do not only acquire knowledge but also strengthen their self confidence, hope and sense of dignity. And maybe, under another law, another government, their acquired knowledge will be even useful on the labour market.

### Module 2: Training and Qualification of Multipliers

The training in Module 2 is not does not address asylum seekers, but people who are in close contact with them – social workers, advisors, counsellors, and people from the administrations of different institutions - some 60 participants in total. Each single multiplier, counsellor, employer or public attendant can transmit his or her knowledge to the asylum seeker and thus multiply the obtained benefits. In other words, this training will create a sort of trade union background for asylum seekers.

The participants have been very active and they can use their skills. Members of all NGOs supporting asylum seekers participated in this module; they exchanged their experiences and knowledge, and they learned to combine theoretical knowledge with good practice.

### Module 3: Qualification – Competences for Job and Everyday Life

The Modules 3, 4 and Module 5 are integrated programmes. Although the organisers worried about a high dropout rate at first, literally all participants stayed until the end, some 230 completing the course.

The central focus is on knowledge and competence improvement is on socio-cultural aspects with particular attention paid to gender mainstreaming, coping with local conditions and explanation of responsibilities of authorities and institutions that are relevant to employment and education.

The module involves 16 groups (8 groups during each session), which have been composed on grounds of individual profiles based on several criteria like language skills, educational level, previous work experience, interests, biography of learning, gender, age, duration of stay in Austria, etc. At the end of the courses a curriculum for asylum seekers will be created in order to help them preparing for the regional and the European labour market. When the organisers were scheduling the courses, they had to take into consideration that around 10% of asylum seekers are illiterate, have no skills in reading and writing.<sup>64</sup>

#### Module 4: Job Orientation – Get Ready!

In this module, participants get a first introduction to the Austrian labour market. They acquire basic knowledge about the preconditions and parameters of employment and occupation in Austria. After the course the asylum seekers will have acquired vital information on the Austrian school and education system and will be familiar with relevant legal conditions of employment. The participants in this course will be informed about possibilities and advantages of employment, having in mind their personal, social and political participation possibilities. The asylum seekers will get specific counselling adapted to their already existing skills and qualifications. Possibilities of further education and job search will be considered. Through field trips they will become familiarized with various working fields in practice.

#### Module 5: Autodidactic Centre, Networking and Knowledge Platform

The aim of this developmental module is the establishment of an autodidactic centre for asylum seekers that makes it possible for them to acquire the necessary IT skills for their future occupational field. Innovative concepts for designing interactive learning programs will be developed and put at the asylum seekers' disposal. In addition, the module will establish a network and knowledge platform for asylum seekers and supporting organizations.

#### Action 3: Networking, Extension and Mainstreaming

The aim of Action 3 is to disseminate information about the outcome of the partnership, the possibilities of application, as well as the transfer of knowledge to public institutions. Another aim is to raise the political and social awareness in order to promote the implementation of the integrative model of the project, in the very early phase of asylum seekers' residence in Austria. Particular attention is paid to gender mainstreaming, which is compulsory within the EU and in Member

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<sup>64</sup> Estimate by Mr Reinhold Eckhardt, project manager of First Aid, however this is country specific. People from Arabic countries have lower literacy rate and refugees from Chechnya are all literate.

States. The legal basis of the implementation of gender mainstreaming in Austria is provided by Article 7 of the Federal Constitutional Law as well as by three resolutions of the Council of Ministers. In addition, in a number of Austrian provinces individual provincial parliament and government resolutions have created the necessary legal foundations for the implementation of gender mainstreaming.

### ***The In Power project***

The project In Power<sup>65</sup>, implemented in the country of Steiermark, involves several NGOs, such as Danaida, Zebra and Omega, with considerable experience with asylum seekers. The activities of these NGO's are supported by governmental organizations like the office of the county administration and the chamber of commerce in Steiermark.. The aim is to regionalize support activities for asylum seekers in Steiermark. To this end, the activities are focused on small and middle communities. The major fields of activity are:

#### Qualification

One major aim of the project is qualification, vocational orientation and advancement of self-organization of asylum seekers in refugee accommodations in rural surroundings. The association Omega offers profession-related German language courses as well as PC courses, including the development of necessary skills for creating a personal webpage. The program also includes visits to several companies and institutions working in the fields of agriculture, foresting, healthcare, social work and gastronomy. In addition, an editorial team publishes - in cooperation with the asylum seekers - a regular newsletter and a handbook including all experiences in the field of qualification. These publications will serve as further guidance for the communities at other refugee camps as well.

#### Assistance

The project "In Power" offers competent assistance and support for the integration of asylum seekers and refugees in Steiermark communities with refugee camps. The association "Zebra" offers information about the legal conditions and possibilities, and it operates as a link between the Austrian community and the refugee camp. "Helping hands" provides interested people with an overview of equal opportunity legislation.

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65 In Power, Regionalisierung von Unterstützungsleistungen für AslywerberInnen in der Steiermark

## Information and advising

The In Power project offers information and advising on work possibilities and the connected legal terms for asylum seekers, companies and the so-called multipliers (refugee advisers) in the regions of Felzbach, Mürzzuschlag, Hartberg and Judenburg/Knittelfeld. ISOP (Innovative Sozialprojekte) and the association Zebra have developed a modular teaching concept for refugee advisers in cooperation with partners from Scotland, Finland and Poland. In Steiermark this model will be tested by hiring, instructing and assisting four refugee advisers in the mentioned regions. The resident advisers will be themselves immigrants. They will help companies to find and hire seasonal workers and will build up local networks consisting of asylum seekers, seasonal companies, local inhabitants, community organizations and strategic partners. They also play a role in general awareness raising and sensitization.

### ***The EPIMA2 project***

EPIMA2<sup>66</sup> is an initiative targeting specifically young asylum seekers. Its aim is the development of vocational and integrative measures for young asylum seekers in Austria. The target group involves young people aged 15–25, if there is a perspective for a longer stay and integration into the Austrian society. 140 young asylum seekers will participate in this program between autumn 2005 and summer 2007. Here are some concrete projects:

In Vienna, young asylum seekers can gain work experience in radio journalism and gastronomy;

In Linz, they can get career counselling and guidance, work as interns and sometimes have work contracts; they can also obtain certain qualifications such as a forklift driver;

In Salzburg they can learn about the specificities of working in the alpine areas in cooperation with the “Alpenverins-Sektion” Salzburg;

In Burgenland, they can work as forest workers and in the Tourism sector;

In Graz they can work in the garden- and park-care;

In Mödling, they can learn how to look after the elderly and ill people in social care homes.

One of the success stories is to be found in the town of Hall in Tirol. Since autumn 2004, a community initiative promoting the work of asylum seekers has been implemented in this town of 12,000 inhabitants. Out of the 12 families living in the

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<sup>66</sup> See, for more details, [www.epima.at](http://www.epima.at)

asylum camp, 15-17 persons are working 20 hours a week (on average), in several areas, such as gardening, cemetery care, elderly care in social homes, etc. Their work is paid, and they also have accident insurance for the time of employment. The 2005 budget – including the insurance costs – was 80,000 Euro<sup>67</sup>.

### ***Specific programs for female immigrants***

The association Danaida has been working for years in the field of education of female immigrants. They offer specific programs for women, who can join German language courses and computer skills trainings. The results of these vocational trainings are documented and are considered in the further qualification measures. Childcare facilities are provided during the courses.

### ***Job trainings offered at Werkstätten- und Kulturhaus in Vienna***

The WuK (Werkstätten- und Kulturhaus) in Vienna is a non-profit organization involving 130 autonomous groups working in the house. Under the motto “Integration, not Marginalization” the WuK job training and counselling projects are intended to implement labour market integration policies through counselling, assistance, activities and training for jobless young adults within the responsibility of the WuK umbrella association. They have experience with the intermediation of knowledge to adolescents, so they offer for example as a special orientation course for asylum seekers an event technique workshop, where they can get practice with the technique for events.

### **V.A.4. Feedback and statements**

“If you have the whole time holiday, it is not holiday any more” describes 17 years old Bambaya from Guinea the situation of the asylum seekers in Austria.

Martin, another refugee had unlike most other seekers in his age good luck and was accepted to the EPIMA project, what means that he has been joining courses in the “Wiener Modul 1”, learns German, IT, mathematics, English for some months now.

“The first aim should be to advance the self-help resources of the participants- in one word empowerment – and to build a bridge to the labour market. With internships and test days at several companies, these companies also can abolish

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67 [http://www.epima.at/documentation/autarq2\\_pp\\_gemn\\_beschaefigung.pdf](http://www.epima.at/documentation/autarq2_pp_gemn_beschaefigung.pdf)

prejudices and on the other side receive a realistic view to the possibilities when employing these young people”, says Elisabeth Freithofer from the Integration House Vienna

Heinz Fronek, from the Asylkoordination Austria, emphasizes that projects like EPIMA can not solve the described problems, but they are laboratories, pilot projects where new ways of working together can be tested out.<sup>68</sup>

#### **V.A.5. Conclusion**

The governmental institutions in Austria have a very restrictive policy of work possibilities for asylum seekers. It is nearly impossible to get work permit, while the asylum recognition procedure is going on. An exception is if the asylum seeker is married to an EU citizen, then he/she has the right to get work permit, but this is then also limited for one year, only valid for one company and has to be applied for every year again.

There is no remarkable interest to launch educational programmes for asylum seekers partly due to relatively difficult economic situation of Austria. The actual asylum law which became effective on January 1, 2006 includes no integration or vocational training programmes for asylum seekers. The Austrian state is mainly interested in delegating the integration work to non-governmental organizations. These organisations need to accept the responsibility for the accommodation, provision and legal advice.

There are a number of remarkable NGO projects in cooperation with governmental organisations, like “First aid in Integration” or “In power”. Most of these projects are partly promoted by the EQUAL project of the European Social Fund, also focusing on some new ideas like an autodidactic centre for asylum seekers or the one to regionalise support activities for asylum seekers in small and medium size communities. The importance of networking, extension with “multiplicators” and gender mainstreaming is clearly being seen in the concepts. However, as long as the political concepts of the Austrian state is restrictive with regards to the access to work of foreigners, which currently allows only three month of seasonal work or of non-profit auxiliary activities, there is not real potential in developing the described concepts into a countrywide solution.

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68 Lebenszweck und Bedeutung [Sylvia Köchl, April 2003], [www.asyl.at](http://www.asyl.at)

## V.B. Hungary - DP N.E.E.D.S.

### V.B.1. Statistical data

The statistical data issued by the Hungarian Office of Immigration and Nationality revealed a sharp decline of the number of asylum-seekers arriving to Hungary, dropping almost 'dramatically' from 2002 to 2004/2005. The number of asylum applications submitted in 2005 was only cca. 25% of the number registered in 2002. However, in 2006 this tendency seemed to halt. Nevertheless, the UNHCR predicted that the number of asylum applicants who intend to stay in Hungary would increase especially after the accession of the country to the EU. This implies that the existing integration strategies and the development of new coherent integration schemes is to be kept high on the agenda.<sup>69</sup>

In addition, statistical data also shows the rise of the number of asylum seekers arriving in Hungary in 2006. In the first 6 months of 2006 a significant increase (cca. 30%) was detected compared to the data concerning the first 6 months of 2005.

Although the proportion of asylum-seekers arriving illegally in the country has also decreased, the decline is not so spectacular, and in 2005 a significant part of the asylum seekers still arrived in Hungary illegally.

Chart 1. The number of asylum applications<sup>70</sup>

Year	Asylum applications	Asylum applicants arriving illegally	Asylum applicants arriving legally
2002	6412	5728 (cca. 89,3%)	684
2003	2401	1843 (cca. 76,7%)	558
2004	1600	1146 (cca.71,6%)	454
2005	1609	1040 (cca.64,6%)	569
2005. 1 <sup>st</sup> six months	765	315 (cca.41,1%)	450
2006. 1 <sup>st</sup> six months	999	277 (cca.27,7%)	720

69 Andrea Szabolits (UNHCR): Asylum in Hungary: Crisis averted but challenges emerging, <http://www.unhcr.ch/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&page=home&id=428b09714>, 12.05.2005.

70 Data provided from the official home page of OIN.

## V.B.2. General legal framework

The main Hungarian legal documents governing the asylum procedure, the stay and reception conditions of asylum seekers in Hungary include, amongst others:

- Act CXXXIX of 1997 on Asylum<sup>71</sup> (hereinafter: Act on Asylum)
- Government Decree 172/2001 (IX.26.) on the detailed rules of procedures covered by the Asylum Law<sup>72</sup> (hereinafter: GD 172/2001.)
- Government Decree 25/1998 (II.18.) on the care and maintenance of persons covered by the Asylum Law<sup>73</sup> (hereinafter: GD 25/1998.)
- Ministry of Social and Family Affairs Decree 8/1999. (XI. 10.) on the issuing of work permit to foreigners
- Act XXXIX of 2001 on the entry and stay of foreigners (hereinafter: Alien Policing Act)<sup>74</sup>
- Government Decree No. 170/2001 (IX. 26.) On the Implementation of Act XXXIX of 2001 On the Entry and Stay of Foreigners (hereinafter: GD 170/2001.)<sup>75</sup>

The asylum applications are to be submitted to the Refugee Authority of the Office of Immigration and Nationality, and in the administrative phase of the asylum procedure, the Refugee Authority is to render a decision within 60 days as of submission. The head of the Refugee Authority may extend this deadline by an additional 30 days (Article 38, Act on Asylum). Generally, decisions are taken within these time limits.

Similarly, the time-limit of the subsequent judicial phase set by law does not exceed 30 days.<sup>76</sup> However, in consequence of the considerable workload and backlog of Municipal Court (not necessarily comprised of asylum cases), the judicial review procedure tends to extend over one year - provided the applicant does not abscond in between. In fact, the first hearing is usually held after 6 months following the initiation of the judicial review procedure, and another 6

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71 Adopted: 09.12.1997; promulgation: 15.12.1997; entered into force: 01.03.1998, amended by Act LXXV of 1999 (adopted: 22 June 1999, promulgation: 05.07.1999, entered into force: 01.09.1999) and by Act XXXVIII of 2001 (promulgation: 21.06.2001, entered into force: 01.01.2002)

72 Promulgation: 26.09.2001, entered into force 01.01.2002

73 Promulgation: 18.02.1998, entered into force 01.03.1998; amended by Government Decree No. 171/2001 (IX.26.), promulgation 26.09.2001, entered into force 01.01.2002

74 Promulgation: 22.06.2001, entered into force: 01.01.2002

75 Entered into force: 01.01.2002

76 Article 39(3) Act on Asylum

months may elapse if a second hearing is needed to clarify the application. If the applicant absconds in between, which is often the case, the judicial review procedure might take 'only' 6-8 months.

### **V.B.3. The legal framework of employment and vocational training of asylum seekers**

The employment of asylum seekers in Hungary raises complex issues including the legal framework regulating the (pre)conditions of employment, the accommodation and freedom of movement of asylum seekers, the language training of asylum seekers or their participation in vocational training programmes.

The legal framework of the employment of asylum seekers excludes asylum seekers from the labour market during the first year following the submission of their application by providing that an asylum seeker may only 'engage in employment on the premises of the reception centre within one year as of the submission of the claim'.<sup>77</sup>

Subsequently, they may work according to the general rules applicable to foreigners, which means that they are subject to a lengthy procedure. After the mandatory one-year period a work permit can be requested from the local labour office. However, if there are suitable Hungarian (EEA) candidates for the job, the work permit can not be issued.<sup>78</sup> The Act on Asylum excludes the self-employment of applicants (Article 16 (2)). The work permit can be issued for not more than a year and it has to contain the name and address of the employer and the field of the activity. The employer then sends his request for a work permit to the Office, which takes a decision within 30 days, and then the request is sent on to the Labour Centre, which may issue the permit within another 30 days. So it takes about two months actually to enter employment after finding a suitable job.<sup>79</sup> The costs of the medical examinations required for the issue of the work permit are covered by the Office on one occasion. If the asylum seeker cannot find employment he can have himself registered as an unemployed person at the Employment Centre nearest his address. The advantage of doing so is that he will receive job leads on a regular basis and will be eligible to participate in retraining programmes.<sup>80</sup> Also, in the case of losing the job after 180 days of being employed, they will be entitled to unemployment benefits and will also be eligible for a two-year renewal of their regular sustenance benefits.

In contrast, recognised refugees may work pursuant to the general rules applicable to Hungarian citizens. However, due to the lack of adequate and permanent state integration support system or state funded NGO network, the

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<sup>77</sup> Article 16 (2) has been introduced by Article 47 of Act XXIX of 2004

<sup>78</sup> Article 3, Ministry of Social and Family Affairs Decree 8/1999. (XI. 10.) on the issuing of work permit to foreigners.

<sup>79</sup> <http://www.menedek.hu>

<sup>80</sup> Ágnes, Hárs: Migration and the labour market, Budapest, 2005.

integration of even recognised refugees to the labour market proved to be highly problematic. In Hungary, no access to vocational training opportunities is provided to applicants.

#### V.B.4. Programmes by N.E.E.D.S.

The objective of the „Individually - with Equal Chances” project, within the framework of the EQUAL program, is to increase the chances of the asylum seekers in Hungary, as a target group, in the labour market by a 3-layer program, which enhances the future employment of asylum seekers in accordance with the legal regulations. The program includes a labour market research, consisting of 4 elements, including the appraisal and evaluation of the demands and skills of the asylum seekers, the willingness of the potential employers to employ asylum seekers, the content of the messages transmitted by the media and the Hungarian and the international legal and regulatory environment. The 3-layer program is to be realised by training modules of practical training, entrepreneur-employee training and intercultural - social after-class activities. The indirect goal is the demand-based modification of the legal framework. The project ensures open communication with society through its events and forums.

In the **vocational training module**, 6 different training modules are offered for asylum seekers residing in Hungary’s three refugee reception centres.(Debrecen, Bicske, Békéscsaba) Each focuses on the skills and information relevant for a given profession as performed in Hungary<sup>81</sup>, based on a methodology compatible with the linguistic and cultural diversity of students.

As a particularly important pilot component of the programme, a special emphasis is laid on the **entrepreneurial module**. The specific aim is to convey a message towards the primary target group that it is possible to perform an economic activity even in cases of a refusal of employment, through starting an own business or joining a small business existing in their area of interest. The courses provide a 4-folded thematic curriculum, focusing on essential entrepreneurial know-how accompanied by profession oriented model.<sup>82</sup> The programme ambitiously aims to give an alternative tool to the hands of the asylum seekers participating in our entrepreneurial training courses.

Working - as all human activities - is a cultural one, regardless of the specific vocation. The communication practices, the hierarchic relations, cooperation and even the use of space, time, all have their culturally determined representations, underlying the expected scenarios one uses in daily routines. Breaking such scenarios – either by ignorance or difficulties in adaptation – can result in conflict. Moreover, the differences of cultural patterns on the presentation of oneself in a

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81 Professions: hairdressing, informatics support, gardening, carpet-weaving, pottery, cooking

82 Profession oriented models: catering, retailing and craftsmanship

job interview situation can be an obstacle for efficient communication. The **intercultural trainings** intend to prepare participants for an increased awareness of cultural patterns, and to equip them with skills facilitating successful cooperation with local employers, co-workers or clients.

Besides the activities directly targeting asylum seekers, the project also intends to induce improvements in the environment of asylum seekers - the immediate social environment of the Reception Centres, the legal environment consisting of prevailing legislation and institutional practices, and finally the wider social environment constituted by the host society. All in all, the project – through its events and forums reaches out towards the society and local community, tackling existing stereotypes with the hope of establishing communication and cooperation towards and within society.<sup>83</sup>

Although the project is regarded as an innovation in Hungary it has to cope with unexpected reactions. For instance, the number of asylum seekers interested in access to Hungarian labour market is low, due to the transit nature of the migration. Moreover, the present legal framework does not make the asylum seekers' employment possible, which has a negative effect on the success of the participation in the trainings.<sup>84</sup>

As the legal possibility of employment is absent, one of the most important results can only be some recommendations for the decision-makers: the training of asylum seekers should be subsidised in the future, and those skills should be transferred that can be efficiently applied in the target countries of the European Union. Such training should prepare asylum seekers to express their concerns, problems more openly and engage in processes of mutual problem solving. In addition to motivation, it is also important to reach a better social integration for asylum seekers by keeping them within local communities. Under this model, asylum seekers are not separated at Reception Centres, but placed among local inhabitants in different communities. Moreover, integration should be regarded as a long term process, which starts at the time of arrival in the country of final destination and is finished when the individual becomes an active member of that society from legal, social, economic, educational and cultural perspective.<sup>85</sup>

The total implementation of equal opportunities between men and women can be a pitfall of the successful trainings. It is a general tendency that female asylum seekers come with their families to trainings or they do not come at all, and in many cases they express that in case equal opportunities are fully implemented, they would be less content than before. Thus, sensitive solutions need to be found

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83 The ways of implementation are: public debates, forums, television programmes etc.

84 10% of the target group may be mobilised.

85 Integrating Migrants, Integrating Societies, Essential Elements for EU Migration Policy, published by: Caritas Europa, Churches' Commission for Migrants in Europe, COMECE, ICMC, JRS, Quaker Council for European Affairs on the International Migrants' Day, 18th December, 2004.

to ensure equal opportunities for men and women and at the same time to maintain security, stability and traditions in the families.

#### **V.B.5. Programmes of Menedék – Hungarian Association for Migrants**

Several other NGOs work for asylum seekers in Hungary. The largest and most well-known Hungarian NGO is Menedék – Hungarian Association for Migrants. Menedék was established in January 1995 as a civil initiative. Their most important aim is to provide assistance of cultural-, legal-, and social integration through different projects for migrants who wish to settle down in Hungary. Menedék also develops cooperation and keeps contacts with other civil organizations with the same purpose.<sup>86</sup>

One of their most important projects is the “Assistance of the migrants’ labour market integration through trainings for social workers” sponsored by HEFOP. This programme aims to create a migrant-specific training material until the first part of 2007.<sup>87</sup> The so-called “Diversitas: tolerance and refugee-administration training for secondary school students” project destined for promoting the independent success of asylum seekers through trainings on the unwritten rules of everyday life and Hungarian culture.<sup>88</sup> The Regional Development Programme (CDNP) is to help refugees and asylum seekers in the Central-Eastern European region with consultation aiming at more effective social services. The programme is able to improve regional communication and support different learning strategies and trainings in practice.

The Menedék has also launched its Equal Labour market orientation project for asylum seekers which is still under way. Several partners participate in the project including the Hajdu-Bihar County Labour Office, Békés County Labour Office, the Cordelia Foundation, which has an outstanding expertise in the detection of PTSD and the psychological treatment of asylum seekers, and the ILS language school. This Labour market orientation project is supposed to be a pilot project during which different methodologies are tested and their applicability is assessed continuously. Within the framework of the project training, methodology materials and CD-rom will be compiled and published in order to facilitate the organisation and management of similar training programs for asylum seekers. The project is accompanied by a media campaign which aims at awareness raising and an improvement of general public opinion hostile towards aliens in general, including asylum seekers. The media campaign intends to facilitate the development of a host community which is more understanding and tolerant towards asylum seekers.

The preparatory phase of the project started in January - February 2005, while the implementation phase was set off on the 1<sup>st</sup> of July 2005. The project consists of 4

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86 [www.menedek.hu](http://www.menedek.hu)

87 The training material summarizes labour laws and cultural features for migrants.

88 Lectures at secondary schools and reception centres, summer camps with cooperation of Hungarian students etc.

training courses with 20 participants each and there are generally more applicants than available places. (For the third course launched in October 2006 in Debrecen there were at least 40 applicants). The selection of the applicants is based on a psychological examination, and an individual assessment of their abilities, skills and language competence. The first phase of the courses consists of language training, while the second comprises of labour market orientation held by the representatives of the respective Labour Offices.

Two of the training courses are held in Békéscsaba and two of them are held in Debrecen, respectively, due to the existing reception centres in these towns. In order to be able to assess the effectiveness of the project in different environment, in Debrecen the courses are held in the town, in the ILS language school or in the Labour Office, in Békéscsaba the courses are held in the reception centre.

#### **V.B.6. Conclusion and remarks**

NGO reports revealed that till 2005 the reception centres provided approximately 10-15 jobs available (gardening or cleaning) which could increase the applicant's resources (€20) granted monthly by the state to €60-70 per month.<sup>89</sup> In 2005, however, despite the fact that the asylum procedure extends over one year, these possibilities ceased to exist and no employment was available in the Reception Centres due to the lack of adequate State funds.<sup>90</sup> Nevertheless, the OIN made steps to apply for support to the EU EQUAL Programme in order to implement some pilot projects to this end in reception centres during 2005.<sup>91</sup>

#### ***Employment of asylum seekers pursuant to general rules of employment of foreigners***

In practice, the legal requirements prescribed by the Act on Asylum are scarcely met. After the one-year period a work permit can be requested from the local labour office. However, it can only be issued if there are no suitable Hungarian (EEA) candidates for the job<sup>92</sup>.

The employers - often prejudiced against asylum seekers and refugees - are rarely inclined to engage in a lengthy procedure for employing foreigners, especially asylum seekers. Thus, the legal construction provided by the Act on Asylum remains almost dead letter and practically inapplicable without further, integration facilitating schemes and programmes.

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<sup>89</sup> Information and Cooperation Forum Country report (Hungary), 2004

<sup>90</sup> Checklist of topics for assessing reception conditions, UNHCR 25 February 2005

<sup>91</sup> Checklist of topics for assessing reception conditions, UNHCR 25 February 2005

<sup>92</sup> Article 3, Ministry of Social and Family Affairs Decree 8/1999. (XI. 10.) on the issuing of work permit to foreigners.

### ***Practical problems to be solved***

The integration of asylum seekers to the labour market raises complex issues, including residence, language training, or available vocational training possibilities.

#### **a) Accommodation**

The accommodation of asylum seekers might play crucial role in facilitating or hindering their integration into the labour market. In principle, if no alien policing measure has been applied against the applicant, it is the Refugee Authority which designates the place of residence of an asylum applicant, and asylum seekers are predominantly accommodated in open Reception Centres in Debrecen, Békéscsaba and Bicske. These facilities, in principle, grant freedom of movement to asylum seekers. Nevertheless, they are obliged to be in the Reception Centres between 10 p.m. and 8 a.m.<sup>93</sup> Any leave in excess of 24 hours must be approved by the Refugee Authority, and any leave exceeding 24 hours without permission is regarded to be a violation of rules of habitual stay. (Article 11 (2), GD 172/2001). Although the material conditions of the Centres are generally adequate, prolonged stay in reception centres isolated from the local community living in the surrounding villages and towns could lead not only to hospitalisation (within a few month) but also effectively hinders any integration scheme or programme.

Moreover, the location of the Centres can also impede the integration of asylum seekers into the labour market, this might especially be true in the case of Bicske where the 60 percent of the local population are commuters working in Budapest.<sup>94</sup>

#### **b) Language training and vocational training**

Asylum seekers are not entitled to attend free Hungarian language training courses. Without adequate language competence their employment outside the reception centre is practically impossible. Likewise, apart from specialised integration programmes run by NGOs, the fact that applicants have no access to vocational training poses similar problems.

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93 24/2001. (XI. 21.) Decree of the Ministry of Interior on the organisational structure of refugee affairs and the responsibilities of refugee reception centres

94 Information and Cooperation Forum Country report (Hungary), 2004, p. 170.

## V.C. Netherlands – DP Mobilee and DP Spark

### V.C.1. Asylum seekers in the Netherlands: facts, figures and regulations

The Netherlands used to be one of the most frequently targeted European Union countries by asylum seekers, until very recently. Due to the restrictive procedural regulations adopted in 2000 concerning the evaluation of asylum applications, the number of requests for asylum has dropped considerably, representing in 2005 only one quarter of the yearly requests submitted before 2000. The number of persons accepted for the asylum seeker procedure has dropped even more, reaching in 2005 less than one-sixth of the values before 2000. Table 1. below illustrates the number of asylum applications and the number of people accepted for the asylum seeker procedure in the Netherlands, between 1998 and 2005. As relevant from the figures, in 2004 and 2005 there were less than 5400 newcomers per year who were granted the status of asylum seeker, which is significantly lower than the figures registered in previous years.

Table 1. Number of asylum requests and number of persons accepted for the asylum seeker procedure, the Netherlands. Source: UNHCR <http://www.unhcr.ch/statistics>

Year	1998	1999	2000	2001	2002	2003	2004	2005
Applications	42.217	39,299	43,898	32,580	18,667	13,402	9,782	10.000 <sup>95</sup>

By the end of the nineties, the long period of processing asylum requests has been identified as a problem needing urgent solution. The remedy was adopted in 2000, by means of a new law, the Aliens Act 2000<sup>96</sup>, which reduced considerably the period for processing asylum applications. Since the entry into force of the Aliens Act, the Immigration and Naturalization Service of the Ministry of Justice (IND)<sup>97</sup> may decide for a fast procedure, when the asylum request has to be dealt with within 48 hours.<sup>98</sup> When it appears impossible to make a decision in such a short time, the asylum seeker is referred to a Screening and Reception Centre where there is more time for processing a request. Research to the claim is

95 Not final data

96 A detailed presentation of the rules and procedures stipulated in Aliens Act 2000 is available in English on the web page of the Dutch Ministry of Justice, at [http://www.justitie.nl/english/Images/aliensact\\_tcm75-28563.pdf](http://www.justitie.nl/english/Images/aliensact_tcm75-28563.pdf).

97 The Immigration and Naturalization Service (IND) is the body responsible for the assessment of all requests for asylum in the Netherlands. Further information is available at <http://www.ind.nl/nl/index.asp>

98 More on the description of the latest procedures on [www.ind.nl](http://www.ind.nl)

always performed. If a negative judgement is given within 48 hours then an appeal can be made. Pending the appeal, the applicant is referred to a reception centre.

According to the Aliens Act 2000, the Immigration and Naturalization Service must reach a decision on each asylum application within six months. This period may be prolonged with other six months at the most, if the IND wants to further investigate a case. In case a negative decision is appealed in the court by the applicant, the period of stay of the asylum seeker will be extended even further, until the delivery of the final and binding judgment.

Asylum seekers live in specific centres while awaiting decision, where they have several opportunities for activities, like taking part in educational courses (specifically not Dutch lessons, they are not allowed to by law to do so until they get status.). Children under 18 are enrolled in schools. Asylum seekers are allowed to do voluntary work and work as a paid employee for up to 12 weeks per year. In practice, such work means low-paid seasonal jobs, e.g. in the agricultural sector.

Specific programs directed especially at asylum seekers are generally rare in Europe. This was true for the Netherlands as well, until the launch of the EQUAL round 1 program, a European Union initiative intended to develop new ways of combating all forms of discrimination and inequality in access to labour market. The five EQUAL pillars are Employability, Entrepreneurship, Adaptability, Equal Opportunities and Asylum seekers<sup>99</sup> One of the areas targeted by EQUAL concerns the specific needs of asylum seekers regarding access to the labour market. Vocational training constitutes one of the fields promoted by the program. EQUAL operates on a matching-funding basis: the European Union's contribution amounts to 3,000 million euros for the period of six years (2000-2006), and this sum is matched by national funding<sup>100</sup>.

### **V.C.2. A particularly vulnerable group: young asylum-seekers and their specific needs**

The Netherlands were among the first ones in the European Union recognizing that provision of adequate vocational training for young asylum seekers is important not only for the individual applicant but also for the host society. This view has been repeatedly promoted by Dutch NGOs and representatives in international organizations, both in national and international debates.

Mrs. Ans Zwerver, Dutch Rapporteur of the Council of Europe Parliamentary Assembly on the issue of refugees (Netherlands, Socialist Group) emphasized in

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99 [http://europa.eu.int/comm/employment\\_social/equal/mainstreaming/ma-netherlands\\_en.cfm](http://europa.eu.int/comm/employment_social/equal/mainstreaming/ma-netherlands_en.cfm)

100 The figures were published in the report of the Dutch Rapporteur Mrs. Ann Zwerver. See, for reference, Footnote 5

her report on vocational training of young asylum seekers<sup>101</sup> that such training not only facilitates asylum applicants' access to the labour market in the host country, but it also allows them to terminate their dependence on social benefits and their social exclusion. Moreover, it helps them to become more familiar with the particularities of the host country's labour market, it raises their awareness of their job/career prospects, and helps them readapt the competences acquired during their previous studies or professional experience, and develop new skills. Finally, in case their asylum application is rejected, the vocational training received in the targeted country would still help them to have better chances in their countries of origin, which might also increase their willingness to return home voluntarily.

Similar views are upheld by the Dutch Council for Refugees, an independent organization that represents the interests of refugees and asylum seekers in the Netherlands, throughout their whole period of stay in the country. However, the applicant can opt to apply for help to other organizations, e.g. IOM (the International Organizations for Migration, [www.IOM.com](http://www.IOM.com)) and Cordaid ([www.cordaid.com](http://www.cordaid.com)) The Council relies mostly on the work of volunteers whose number reaches about 9000. Among its policy recommendations, included in the 2005 Integration Barometer, one can find the specific emphasis on keeping asylum seekers active, giving them the opportunity to learn and work<sup>102</sup>. According to the standpoint of the Refugee Council, the long asylum procedure forces asylum seekers into prolonged inactive period, decreasing their chances on the labour market. This is regarded as one of the main causes of high unemployment among refugees, and should be combated by keeping asylum seekers professionally active.

### **V.C.3. Vocational training for asylum seekers – programs, projects, initiatives**

#### ***Spark***

This EQUAL project focusing on labour market integration by means of new training methods and cooperation is the SPARK project<sup>103</sup>. SPARK is a joint program of the Drenthe College (Regional Centre for adult education and vocational training), Noorderpoortcollege (Regional Centre for adult education),

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101 Vocational Training of Young Asylum Seekers in Host Countries. Report presented by Mrs. Ans Zwerver, Netherlands, Socialist Group, Rapporteur of the Council of Europe Parliamentary Assembly to the Committee on Migration, Refugees and Demography, on 11 March 2002.

The full text of the report is available at <http://assembly.coe.int/Documents/WorkingDocs/doc02/EDOC9380.htm>.

102 Integration Barometer 2005. A Study into the Integration of Refugees in the Netherlands. Dutch Council for Refugees, 2005

103 <http://www.equal-spark.nl/>

CWI Noord Nederland (National Employment Office), the municipalities of the towns of Groningen, Emmen, Assen, Hoogeveen and Midden Drenthe and the reintegration company CVITES.

The underlying idea of the program is that paid jobs and employment will foster economic independence of immigrants, which is the best way towards naturalization and integration into Dutch society. Spark emphasizes that immigrants have to assume responsibility for their own integration. These processes are stimulated by vocational training programs based on active responsibility of the participant, and improvement of flexible training opportunities. The target group of Spark consists of those individuals who have received a residence permit asylum for a specific period and may provisionally stay in The Netherlands.

The municipalities are mainly responsible for the implementation of the integration policy for newcomers.

### **Problem that Spark focuses on**

Enhancement and improvement of naturalization programs regarding immigrants in society is eminent. The dropout rate during naturalization programs is high and interferes with follow-up education and training programs.

Simultaneously it can be observed that a relatively large group of newcomers did not find sufficient connection with and into the Dutch society.

Current naturalization programs appear to be insufficiently focused towards obtaining (paid) labour. Training and educational programs and courses are still not sufficiently focused on the individual competences, ambitions, opinions and responsibilities of participants who want to obtain citizenship.

Moreover the different organisations, institutions and corporations concerning naturalization and integration processes either do not or hardly work together.

### **Target group**

The Spark-project is primarily focussing on inhabitants of 18 year and older, originating from other countries than The Netherlands, in the municipalities of Assen, Emmen, Groningen, Hoogeveen, Coevorden and Borger-Odoorn.

Spark intends to have a minimum number of 400 participants during two years. The expectation is that most participants will be between 20 and 40 years old (80%).

Other municipalities are offered to register their inhabitants for the Spark-project. As soon as immigrants and newcomers become responsible for their naturalization route themselves (according to expectations at the beginning of 2006) they can register and take part in the Spark-project.

## **Goals and objectives**

The Spark-project will promote and stimulate integration within the labour process by means of new training methods and cooperation. Having a paid job, becoming economically independent, is the best way to succeed in naturalization, integration and settling into the Dutch society.

Spark intends to stimulate participants in their independency and to take their own responsibility in their integration and adaptation process.

The fundament of each training program is a personal development plan formulated in a written agreement between project and participant. Renewing components are: the application of a specific training period, the involvement of participants in the (development of) project contents and the intensive vocational guidance of the participants starting from registration to obtaining a job.

## **Aimed results**

The expectation is that during the project period (of two school semesters) a minimum of 400 participants will participate in the project.

At the end of this period 40 flexible training modules will have been described, a database of job training practice facilities will be operational and 50% of the target group will have a registered employment contract. The results of the project will be widely available.

## **Mobilee**

In close collaboration with Spark, the Mobilee project<sup>104</sup> started in September 2005 as a schooling program directed specifically towards asylum seekers who have to return to their countries of origin. The project is implemented in cooperation with the Central Agency for the Reception of Asylum Seekers (COA), the Drenthe College, the International Organization of Migration (IOM) and Cordaid. Mobilee focuses on participation of asylum seekers between 16 to 54 years old who live in Departure Centres in the Drenthe region, with a possibility for asylum seekers from Departure Centres in adjoining provinces to participate.

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104 <http://www.equal-mobilee.nl/>

Mobilee pays specific attention to the development of vocational lesson modules designed to aid the returnee in finding work after repatriation to their countries of origin. An example of a module is Independent entrepreneurship which is specifically adapted to asylum seekers' individual perspectives. The project plans to provide individual packages of instruments and tools (toolbox) necessary for vocational purposes. Training programs are short, flexible and based on the situation in the countries of origin of asylum seekers. The project is expected to involve a maximum of 650 asylum seekers. The results of the project will be disseminated and mainstreamed both on national- and international level.

The training programme is executed within the regular educational system funded by the Ministry of Education and supported by the Ministry of Labour (training on the job),. However, organizing this kind of education involves a considerable effort because of the large administrative procedures, rules and regulations. Therefore most schools for vocational training do not offer education to asylum seekers.

The objective of Mobilee is to enlarge the empowerment of asylum seekers who are returning to their country of origin, by offering a training programme that takes into consideration both the participants' capacities and the possibilities on the labour market in general and specifically in the country of origin. To be able to realise this each participant is offered an individual educational programme including the expert help of organisations specialised in re-migration. This holistic approach should have a positive effect on empowerment not just focussing on the current situation of the asylum seeker but also on the empowerment towards the future.

By offering a personal programme focussing on remigration the participant will be better prepared for the time he/she has to make a new start after returning to the country of origin. The possibility for actual help to get started again is worked at, both during the stay in the Netherlands as in the country of origin. Participants will have a chance to enhance their future and will bring new developments and entrepreneurship along with them and in that way help building up the local economy as well.

The practice is innovative in the process in which several partners join forces in order to empower asylum seekers towards their future. It is a process resulting in a method of professional guidance not aiming at a national or local situation but focussing on the individual and his future.

The Netherlands was one of the first EU countries showing interest in the EQUAL initiative<sup>105</sup>, by proposing concrete projects concerned with development of vocational training programs for asylum seekers<sup>106</sup>. One of them was Perspectief, carried out by the Drenthe College and COA during round 1. More than 1000 asylum seekers participated in a vocational training programme, including training on the job. During the second round there are now three project under the asylum

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105 Along with Denmark, Finland, Luxembourg, as relevant from the report of the Dutch Rapporteur. See, for reference, Footnote 5

106 A database of the Dutch EQUAL projects can be found at <http://agentschap.szw.nl/>.

seekers theme: Mobilee (ROC Drenthe College), Back to your future (ROC Nijmegen) and TOP (COA).

Preparatory training programs designed and implemented in the Netherlands for young asylum seekers (till 30 years) have been generally directed to both asylum seekers and refugees, without differentiating between these two categories. An example of such training program is provided by the Dutch Foundation for Refugee Students (UAF)<sup>107</sup>. The UAF is a private fund-raising foundation, financed entirely by donations from private individuals and organizations. Its primary goal is to help refugees and asylum seekers to take part in regular higher education and to promote their labour market integration after graduation. To this end, the organization supports both asylum seekers and refugee students with scholarships, courses preparing the candidates for admission to educational institutions, administrative help with application procedures and grant-seeking, study guidance, social and educational guidance, and providing further career-development assistance. In order to qualify for the UAF support, the candidate is required to have requested asylum in the Netherlands, to have sufficient preparatory training to be admitted to the selected courses within one year, and to have adequate knowledge of the Dutch language. According to the statistics published by Erasmus University Rotterdam at the beginning of academic year 2005-2006<sup>108</sup>, the UAF has already provided assistance to 2,100 refugee and asylum seeker students.

One of the leading actors in designing and implementing such projects within the EQUAL framework is the Central Agency for the Reception of Asylum Seekers (COA)<sup>109</sup>, an independent administrative body funded by the Ministry of Justice, but politically accountable to the Minister for Aliens Affairs and Integration. The COA collaborates with the Immigration and Naturalization Department, the Aliens Police and the Royal Netherlands Military Constabulary. Other initiators are some Schools for vocational education such as Drenthe College.

Among the various projects launched by the COA, the first program is called HIT (Restored Trust in the Future), Limburg. It intends to offer vocational education to asylum seekers in the province of Limburg, as the best way to improve their access to the Dutch labour market.

The second program is called Matching Broker, Gelderland. Its aim is to prepare asylum seekers for integration in the Netherlands or for return to their countries of origin. COA collaborates in the province of Gelderland with various transnational partners on developing and implementing short training programs, reaching an optimum regional matching of demand and supply in educational and training programs, and realizing more self-tuition facilities to ease the asylum seeker's the

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107 The web page address of the Dutch Foundation for Refugee Students (UAF) is <http://www.uaf.nl/>

108 A brief description of the UAF is to be found at the Erasmus University Rotterdam web page:  
<http://www.eur.nl/english/current/extra/other/>

109 [www.coa.nl](http://www.coa.nl)

preparation for integration or return. In addition, it facilitates sharing experience and exchanging best practices on the national and European levels.

The third program is Back to Work, Groningen<sup>110</sup>. Its goal is equipping asylum seekers by working-training programs for their stay in the Netherlands, transmigration or return to their own country, facilitating their active participation in the Dutch society and increasing their coping skills during their stay in the Netherlands.

Another example of EU-subsidized vocational training programs launched within the EQUAL framework is the Matchingsmakelaar project<sup>111</sup>. It was initiated in 2003 in Gelderland, and involved several training programs focusing on various practical skills pertaining to welding, construction/woodwork, cleaning, digital competences, computer skills, basic metal skills, etc. In addition, social integration skills were also targeted by the means of a course entitled “Stimulation of Social Participation”.

#### V.C.4. Conclusions

Several actors on the Dutch political arena emphasize the importance of vocational training of asylum-seekers as a fundamental means of enhancing social cohesion. They point out that such training should go beyond language courses and mandatory school participation for minors. It needs to include activities designed to prepare asylum seekers who hold residency status to enter the Dutch labour market and end their reliance on social assistance. It also has to include vocational guidance and career orientation, as well as follow-up activities building job-searching skills and promoting social integration in the work environment.

COA has a specific program targeting the asylum seekers who do not have residency status. This is called the ‘Plus Programme’ This programme specifically targets the asylum seekers who have to return to their countries of origin and helps the asylum seeker prepare for doing so.

The recently launched EQUAL projects Spark and Mobilee, co-financed by the European Union, have resulted in the development and implementation of a number of vocational training programs targeting asylum seekers and immigrants. Several programs have been initiated and functioning since 2003 (Equal Round 1.), in several Dutch provinces. The programs tackle various needs and focus on the development of diverse skills, including professional competencies, social skills, independent entrepreneurship and self-development. Both state and NGOs play a role in the organization of these projects. Centralization of the relevant information related to vocational training accessible to refugees is also left for

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<sup>110</sup> The web address of the program is <http://www.backtowork.nl/BTW14.html>.

<sup>111</sup> See, for further details, the website of the project: <http://www.matchingsmakelaar.nl/>

NGOS and the voluntary sector. The private sector has had little involvement so far.

### **V.D. Sweden – DP Aros**

Over the last twenty years, half a million people sought political asylum in Sweden, a country of 9 million inhabitants. Many of them spent years in waiting before receiving a final permission to stay or rejection of their application. Participation in activities and education organized by the Swedish Migration Board is mandatory. However, in reality participation has been low, dissatisfaction widespread and the effects on labour market integration questionable. *Training*, of special interest to this research project, consists mainly of Swedish language courses and adult asylum seekers do not have access to the general educational system.

This chapter outlines the Swedish policy regarding training of asylum seekers and effects on integration and/or repatriation. It further describes some alternative and complementary programs run by, or in cooperation with, the nongovernmental sector. It concludes with a discussion on whether an increased focus on vocational training of asylum seekers is possible.

#### **V.D.1. Asylum seekers in Sweden**

The influx of asylum seekers to Sweden has varied greatly over the last twenty years. Statistics 1984-2004 show numbers as low as 5,700 (1996) and as high as 84,000 (1992)<sup>112</sup>. In total, nearly half a million persons sought asylum in Sweden between 1984 and 2004. In 2005, 17,530 persons applied for asylum in Sweden. This number was almost 6,000 less than the year before. Most asylum seekers in 2005 came from Serbia-Montenegro, Iraq and Russia.<sup>113</sup> Judging from previous years only about one out of ten applications will be recognized as a refugee. In 2005, 21,326 cases were determined, of which 2,828 were granted refugee status. An additional 6,000 received residence permits on similar grounds (protection need, humanitarian grounds or UN quota refugees).<sup>114</sup> Rejected refugees are returned to their country of origins. The last years have seen increasing numbers of rejected asylum seekers go into hiding and estimates vary

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112 Swedish Migration Board (2005), Asylsökande till Sverige 1984-2004 (Asylum Seekers to Sweden 1984-2004), website: <http://www.migrationsverket.se/pdf/inter/statistik/tabs2.pdf>

113 Serbia-Montenegro (2 944), Iraq (2 330), Russia (1 057), stateless (806), Bulgaria (751), Iran ((582), Libya (451), Afghanistan (435), Azerbaijan (431), Burundi (427), Eritrea (425), Turkey (423) and Somalia (422). See the Swedish Migration Board website for further detailed statistics.: [www.migrationsverket.se](http://www.migrationsverket.se)

114 Ibid.

between 10,000 and 15,000 being illegally in the country.<sup>115</sup> In 2005 a temporary law was issued, in effect until March 2006, which gives the right to refugees in hiding to have their case tried again and in many cases residence permits will be allowed on humanitarian grounds. The result of this is expected to be 27,000 extra acknowledged refugees in 2006.<sup>116</sup>

The government has initiated a range of measures to shorten the time in waiting for asylum seekers and now aims at closing each asylum case within 12 months including possible appeal. The first decision, by the Migration Board should be within six months.<sup>117</sup> This objective has so far not been reached, and **the average refugee end up spending 18 – 24 months in waiting.** In fact, statistics from June 2005 showed that the average time spent in waiting was longer than the previous year, 598 days in 2005 compared with 521 days at the same date of measurement 2004.<sup>118</sup> While bureaucracy has often been blamed for this, the government cites two main reasons. Ninety percent of asylum seekers arrive without identity documents, according to the official website of the Government of Sweden, and time and resources are taken by clarifying the identity of asylum seekers.<sup>119</sup> Another reason has been that 80 percent of asylum seekers have appealed rejections to a special immigration Appeals' Board. The system will change from March 31, 2006, when appeals will be made in Migration Courts.<sup>120</sup> Whether that will shorten the total time spent in Sweden remains to be seen.

## V.D.2. The Role of the State in Integration

Until the application of an asylum seeker has been determined, the Swedish Migration Board is responsible for activities for him or her. These activities are regulated via a number of documents, the most important of which are government bills, government decrees, the government's budget document to the

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115 Läkare utan gränser - Medeines Sans Frontieres. (2005), Gömda i Sveirge Utestängda från hälso och sjukvården. Resultat från en studie av Läkare Utan Gränser (Hiding in Sweden Without Access to Healthcare. Results of a Study by Lakare utan Granser – Medeines Sans Frontieres).

116 The Swedish Integration Board is responsible for coordination of introduction for already recognized refugees and extensive information about the consequences of the increased reception in 2006 is available in Swedish on [www.integrationsverket.se](http://www.integrationsverket.se)

117 Swedish Ministry of Foreign Affairs. (2005), Migration och Asylpolitik. Skr 2005/06:18 (Migration and Asylum Policies, Statement 2005/06:18), p. 36.

118 Ibid, p. 345.

119 The Swedish Government. (2006), Migration och Asylpolitik, article on website at <http://www.regeringen.se/sb/d/2675/a/15003#15003>.

120 Swedish Ministry of Foreign Affairs. (2005), Migration och Asylpolitik. Skr 2005/06:18 (Migration and Asylum Policies, Statement 2005/06:18), p. 10.

Swedish Migration board and the General Director's Instructions.<sup>121</sup> Work is an alternative, but a realistic option only for a few.<sup>122</sup> Although **asylum seekers have access to the labour market if their case is expected to take longer than four months to decide**,<sup>123</sup> general high unemployment, language problems and shortage of low-skill jobs constitute major obstacles. When the unemployment or "non-employment" among newly recognized refugees is 70%<sup>124</sup>, the asylum seeker status without a residence permit is of course in an even more disadvantaged position.

The majority of asylum seekers are therefore dependent on state allowances (7 Euro/day per adult 2005) for their living. To receive state allowance, participation in the so called "organized activity" is mandatory. If a person is not participating, his/her allowance should in theory be reduced, although it has not always been done in practice.<sup>125</sup> In 2005, the rules and outlines for activities for asylum seekers between 18 and 64 were overseen<sup>126</sup>, taking effect in January 2006.

All asylum seekers should have activity at least 15 hours per week. The activities have four main parts:

- 1/ Introductory education on the Swedish society
- 2/ Swedish language training
- 3/ Education or trainee-ship related to return to country of origin
- 4/ "Self-maintenance" (taking part in running their own hostels, activities etc.)

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121 See for instance: Government of Sweden. (1993), Regeringens proposition 1993/94:94 Mottagande av asylsökande m.m. (Government Bill 1993/94:94 Reception of Asylum Seekers Etc.), Government of Sweden. (1998), Regeringens proposition 1997/98:173 Verkställighet och återvändande – en del av asylprocessen (Government Bill 1997/98:173 Realization and Returning – A part of the Asylum Process), Regeringens skrivelse 1994:361 2a (Government Decree 1994:361 2a) and the Swedish Migration Board. (2004), Generaldirektorens Instruktioner 12/2004 and 13/2004 (Instructions of the General Director 12/2004, 13/2004).

122 Tema Asyl, the Swedish National Thematic Network on Asylum, has called for the Government to make an investigation into how many are employed in the informal sector. The editorial of Sweden's most influential daily newspaper Dagens Nyheter argued in November 2005 that the authorities could be better at informing asylum seekers about the right to work. (Dagens Nyheter, November 19, 2005.)

123 The Swedish Migration Board (2006), Asylärendets gång (The Asylum Process), article at [www.migrationsverket.se](http://www.migrationsverket.se)

124 Only 30% of those who have spent less than four years in Sweden are employed, according to the database of the Swedish Integration Board, [www.integrationsverket.se](http://www.integrationsverket.se) Although many in the non-employed group are voluntary engaged in training, education or internships, it can be assumed that a majority would prefer a regular job.

125 Information on the Swedish Migration Board website, [www.migrationsverket.se](http://www.migrationsverket.se)

126 Swedish Migration Board. (2005), Utredning om Kvalitets- och kvantitetsmål för sysselsättning för asylsökande m.fl mellan 18 och 64 år (Evaluation of Quality and Quantity Objectives for Activities for Asylum Seekers etc. between 18 and 84 years).

The activities should be “meaningfully and individually adapted.”<sup>127</sup> Of interest to this paper is the extent to which vocational training is a part of this. Apart from the last (self-maintenance), the first three all have, or could have, components of vocational training. To some extent, introduction to the Swedish society and Swedish language training are pre-requisites for integration, other vocational training or taking part in a traineeship or accessing the labour market. It is sometimes also thought that these things might enhance the asylum seeker’s value if rejected, since knowledge of another language and culture usually constitute an extra asset both for the individual and for the employer. More outspoken vocational training is a part of the third group (education or trainee-ship related to return to country of origin). **The Migration Board gives as examples of education that can benefit the asylum seeker returning to a country of origin:** “computer, English, democracy and society questions, children and family knowledge.”<sup>128</sup> A novelty compared with previous regulations is therefore that the activities should to a larger extent be externally procured.

Evaluations of activities for asylum seekers in Sweden focuses on participation rates and costs. The proposal for a reformed structure points out that in one respect it has been a failure. In spite of the mandatory nature of the activities, in a survey in November 2004 only 8,454 out of eligible 19,500 persons, i.e. 43%, took part in the activities. The majority of these, 5,167, had Swedish education. Around 1500 had other kind of education, 1314 took part in trainee activity, 666 had a job of their own and 608 took part in “self-maintenance”, by which is meant that asylum seekers help maintain the lodgings/centres where they are living etc.<sup>129</sup>. During 2005 the way of measurement was refined, but the total figure of participation in November 2005 was as low as the year before.<sup>130</sup> The specific issue of vocational training or practical work for asylum seekers have not been followed up. According to *Tema Asyl*, the Swedish National Thematic Network on Asylum, there has also not been done any serious evaluations of refugees sent back to their countries of origins, on any aspect of their continuous lives and how their time in Sweden affected them.<sup>131</sup> *Tema Asyl*, sharply criticizes this lack of follow-up in its annual letter of policy proposal to the Government<sup>132</sup> and also

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127 Ibid, p. 1.

128 Ibid, p. 5.

129 Ibid, p. 3.

130 Swedish Migration Board. (2005), *Sysselsättning för asylsökande - En uppföljning av den organiserade verksamheten november 2005* (Activities for Asylum Seekers – Evaluation of the Organized Activities November 2005), p. 4.

131 Swedish National Thematic Network on Asylum “Tema Asyl”. (2005), *Förslag till utveckling av nationell politik NTG-asyl*, Equal 2005. (The proposal of the National Thematic Network on Asylum to Develop National Policy under the Equal Community Initiative), p. 5. Website: <http://www.temaasyl.se/upload/Nat%20pol%202006%20eng.rtf>

132 Ibid.

refers to the experience from projects showing the organized activities to be neither cost effective nor adapted to asylum seeker's individual needs.

*Tema Asyl* also displays scepticism towards the reforms made as of 2006. The program was criticized for not building on or even referring to the experiences of the European Refugee Fund and the work done by the Equal thematic group on asylum seekers.<sup>133</sup> The network states that the value of externally procured education is limited, since relatively few potential providers can fulfil the various conditions set by the Migration Board.<sup>134</sup>

Another example of criticism comes from liberal Member of Parliament Mauricio Rojas, who wrote in March 2006 that the current reception system has “utterly failed to provide asylum seekers a meaningful and active time of waiting according to instructions from the parliament and the government. Neither is the waiting time used to start the process of evaluation and validation of asylum seekers’ working experience and vocational competence, which should be connected to internships and training.”<sup>135</sup>

### V.D.3. The role of NGOs in vocational training

Since the state takes the major responsibility for the active involvement of asylum seekers, civil society seem to play relatively minor role, at least in terms of overall time and resource. Having said that, there is an intricate interplay between state, municipalities and NGOs in many areas of society in Sweden, whereby NGOs operate independently but usually receive major state or regional financial support. The assistance of asylum seekers in various ways is not an exception, and there are four major categories of organizations involved in this:

1/ The Adult Educational Organisations – Studieförbundet – the biggest non governmental sector in Sweden. These organizations - with close ties to 19<sup>th</sup> century popular movements such as the workers’ movement and alternative religious groups – today are seen as important contributors to democratic development.<sup>136</sup> They have by tradition been the main actor in education and training of asylum seekers, refugees and immigrants.

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133 Swedish National Thematic Network on Asylum “Tema Asyl” (2005), Organiserad verksamhet blir enhetlig syselsättning (Organized Activities become Cohesive Occupation) – Tema Asyls nyhetsarkiv August 2005.

134 Swedish National Thematic Network on Asylum “Tema Asyl”. (2005), Förslag till utveckling av nationell politik NTG-asyl, Equal 2005. (The proposal of the National Thematic Network on Asylum to Develop National Policy under the Equal Community Initiative), p. 5. Website: <http://www.temaasyl.se/upload/Nat%20pol%202006%20eng.rtf>

135 Rojas, Mauricio. (2006) “Lägg ned Migrationsverket så slipper vi nya skandaler!” (Close down the Migration Board and we will not have any new scandals!) in Dagens Nyheter, March 13, 2006.

136 Folkbildningsrådet, [www.folkbildning.se](http://www.folkbildning.se)

2/ National NGOs dealing with these issues, such as Swedish Refugee Aid SWERA<sup>137</sup>.

3/ “Ethnic NGOs” helping citizens from the country of origins of its members, such as Kurdiska Riksförbundet<sup>138</sup> and AEASS – *Association for Eritrean Asylum Seekers in Sweden*<sup>139</sup>.

4/ Religious organizations taking an interest in asylum seekers as part of their humanitarian activities.

Although organizing vocational trainings is a marginal activity (what many asylum seekers want from their ‘countrymen’ is support in their application for residence permit or help with daily life, see the Eritrean example below), there are examples **where organizations team up with state agencies or organize trainings by themselves.**

The Association for Eritrean Asylum Seekers in Sweden is probably the most relevant to current research. Founded in 2003, its major object has been to assist its members regarding their asylum process. However, their efforts to give social support and organize activities and education as an alternative to, and complementing, the “organized activity” of the Migration Board, has received much interest from professionals working with asylum seekers. The reason for AEASS to start this activity was that many of its members were unsatisfied with the mandatory activities. The organization decided to rent space from an educational organization in Sundbyberg outside Stockholm and organized *courses on IT, sewing and the Swedish language*. According to Khaled Abdu, one of the founders of the association, the activities in themselves were not much different from what is usually offered by the Swedish Migration Board. However, it is unusual that asylum seekers have such an active role in the formation of courses and have teachers that are of the same origin as themselves. That the teachers were settled Eritreans with professional experience led to a feeling of trust by those who took the course. The teachers started to function as mediators between the asylum seekers and the surrounding society.<sup>140</sup>

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137 Former Svenska Flyktingrådet, website: [www.swera.se](http://www.swera.se)

138 Helping newly arrived refugees is one of the main objectives of the Kurdish National Association, website: [www.kurdiskarf.se](http://www.kurdiskarf.se)

139 Website: <http://eriasyl.com>

140 Association for Eritrean Asylum Seekers in Sweden. (2006), Från mottagande till integration - förening för asylsökande fyller två år (From Reception to Integration – Association for Asylum Seekers Celebrates Two-Year Birthday). Article at their website [http://www.edhr.org/index.php?option=com\\_content&task=view&id=42&Itemid=1](http://www.edhr.org/index.php?option=com_content&task=view&id=42&Itemid=1)

#### V.D.4. Special Projects Including Vocational Training for Asylum Seekers

In its annual report *Tema Asyl* (the Swedish National Thematic Network on Asylum)<sup>141</sup> suggests that asylum seekers should have access to “suitable and adapted vocational counselling, validation and training according to article 12 of the Reception Directive”<sup>142</sup>. As a first step, the organization wants a larger committee overseeing asylum seeker reception and that vocational training should be given special attention. At a direct inquiry on how the organization visualizes vocational training within the Swedish context, the organization points at three models/experiences<sup>143</sup>: admitting asylum seekers into training programs for recognized refugees, special training for asylum seekers for professions with shortage of labour (primarily health care) and give asylum seekers access to regular education. The organization also advocates more external actors and alternative ways of arranging the general activities.

Tema Asyl has in their proposal of national politics on asylum seekers suggested a separation of reception and decision making on refugee status, e.g. the Migration Board will be responsible for decision making and some other sector municipalities or NGOs will be responsible for the reception programmes.

The option to admit asylum seekers to regular education has yet not been tried (obstacles are obvious – language, eligibility, validation among them – but the view of the network is that it could be tried on individual basis and that it is important to have a generous outlook). The first two, though, has been tried in projects, several of which have incorporated non-governmental organizations, and a few of these are described in the following section. Here is to be noted that the Swedish Labour Exchange has to give information on asylum seekers right to employment and further help asylum seekers find employment.

#### V.D.5. A DP for Asylum Seekers in Self Organized Housing – UP Aros

UP AROS is a Development Partnership focusing on asylum seekers who arrange their own housing (usually meaning living with relatives) in the counties of Vastmanland and Uppsala. The Swedish system allows asylum seekers to choose between being accommodated at any of the Migration Board’s reception centres or arrange their own housing. Relatively few studies have dealt with the latter group, which is one of the reasons for the Partnership to target that group.<sup>144</sup>

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141 Swedish National Thematic Network on Asylum “Tema Asyl”. (2005), Förslag till utveckling av nationell politik NTG-asyl, Equal 2005. (The proposal of the National Thematic Network on Asylum to Develop National Policy under the Equal Community Initiative). Can be downloaded at <http://www.temaasyl.se/upload/Nat%20pol%202006%20eng.rtf>

142 Ibid, p. 4.

143 Phone and email contact with Christian Råbergh at the Swedish National Thematic Network on Asylum “Tema Asyl”, March 2006.

144 Further information is available in Swedish at <http://www.uparos.se/>

The overall objective of the product is improved health and empowerment. Six working areas have been defined to achieve that goal.

Health

Housing

Parenthood

Education/Training

Organized Activities

Spare time

The health factor constitutes the starting point of the work, since the asylum seeker medical care has contact with virtually all asylum seekers in private housing, i.e. the actors within the partnership will be able to reach the asylum seekers through the medical care. Another reason for giving extra weight to the health factor is the obvious health risks associated with the period of waiting. Most asylum seekers will be rejected, and of those rejected most will make an appeal, which will prolong their stay with one or two years.

Another important part of the partnership is to develop relation with the local labor market and/or train and encourage asylum seekers in starting their own business, a skill that can be used both in the country of origin or in Sweden, if the asylum is approved.<sup>145</sup>

Both the municipalities of Uppsala and Västerås are partners, although the role of the municipalities is limited for asylum seekers for which the Migration Board is organizationally responsible.

The project started officially in January 2005 and will run through 2007. In its initial phase, the project encountered financial and organizational difficulties when the Migration Board suddenly announced that it withdrew from the project. However, in early January 2005 the Migration Board finally decided to be a partner.<sup>146</sup>

Since then DP Aros has conducted a research mapping asylum seekers in self organized housing in the two counties focusing on the above mentioned variables. One of the results is that asylum seekers themselves believe that self organized housing as opposed to staying at reception centres give them a better chance of integration and employment. Another result is that DP Aros can issue recommendation on a reception programme of asylum seekers based on their own needs and wishes.

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145 [http://www.temaasyl.se/templates/TemaAsyl/TA\\_Article\\_\\_\\_\\_5611.asp](http://www.temaasyl.se/templates/TemaAsyl/TA_Article____5611.asp)

146 Swedish National Thematic Network on Asylum "Tema Asyl" (2005), Nytt besked från Migrationsverket - medfinansierar två nya Equal-projekt (New Decision from the Migration Board – co-finances two new Equal projects) Tema Asyls nyhetsarkiv January 2005.

## **Re-Komp**

In Malmö, the Re-Komp project since May 2002 gives interested asylum seekers access to the introduction program offered to recognized refugees. Vocational training, in close cooperation with potential employers, is an essential part of the introduction program. The Migration Board, the City of Malmö, the Swedish Employment Service and the private enterprise (Lernia) that arranged the introduction cooperated within the project, which benefited the asylum seekers. For those who later received residence permit, the program meant that the labor market integration process was shortened, which also is a financial gain for the City of Malmö. However, equally important, for those whose asylum application were rejected, the project meant that their professional knowledge was kept up-to-date and they gained new experiences that may be valuable at a return to the country of origin.<sup>147</sup> While this approach – mixing asylum seekers and recognized refugees - in other countries might be the norm (see the chapter on the Netherlands), in Sweden it is a novelty.

Within another section of the project, asylum seekers worked as "health informants," helping asylum seekers and refugees in contacts with the Swedish health care. In Sweden the custom is to emphasize self-care at minor illnesses and it is mandatory to see a local doctor before seeing a specialist. According to the project leader: "We see that the work of the health informants make the asylum seekers less likely to seek emergency health care. They learn how to take care of themselves and do not seek health care for minor problems like fever or colds."<sup>148</sup>

### **V.D.6. ASPIRE – DP ANKOMST GÖTEBORG**

The recently finished Equal supported project<sup>149</sup>, *Ankomst Göteborg*, was carried out in Gothenburg 2002-2005 and involved the NGO sector to a large extent. Apart from the public instances the Migration Board, the Västra Götaland County and the City of Gothenburg, five volunteer organizations have taken part (three of them religious organizations). The project targeted participants that had rejected the mandatory activities organized by the Migration Board, many of them being in poor mental and/or physical health. The project had a two-fold objective: integrating the asylum seekers into the Swedish society while also reinforcing their bonds with their home countries, including preparations of personal plans in case of rejection. Twelve hours per week consisted of civic knowledge, about Sweden, Europe and the home country, four hours were language training (in case of a

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147 Re-Komp. (2005), Asylsökande i introduktion (Asylum Seekers in the Introduction). Information pamphlet.

148 Re-Komp. (2005), Internationella hälsoinformatörer (International Health Informants) Information pamphlet.

149 "Aspire" is the name of the TCA in which a.o. ReKomp, Arival Göteborg and Perspektief participated

rejected asylum application, knowledge about an additional language, even such a small one as Swedish, can be an asset) and four hours per week dedicated to planning for a possible return. More vocational training was *computer skills* and *traineeships* for interested persons. A mid-term in evaluation 2004 pointed at many difficulties. It is hard for people in poor mental health to keep up motivation and the high number of asylum rejections influenced the mood in a negative way. At times, participants would often be late, and would come and leave at random. Frequent changes in the staff and lacking hand-over were perceived as problematic. For NGOs the bureaucratic demands of reporting to Equal represented an extra challenge.<sup>150</sup>

## **ASPIRE**

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150 Norström, E. (2004), *Ankomst Göteborg. Mittutvärdering av ett utvecklingspartnerskap inom gemenskapsinitiativet Equal* (Midterm Evaluation of a Development Partnership within the EU initiative Equal) Website: <http://www.temaasyl.se/upload/Mittutvärdering%20Ankomst%20Göteborg.doc>

151 “Aspire” is the name of the TCA in which a.o. ReKomp, Arival Göteborg and Perspektief participated

152 Norström, E. (2004), *Ankomst Göteborg. Mittutvärdering av ett utvecklingspartnerskap inom gemenskapsinitiativet Equal* (Midterm Evaluation of a Development Partnership within the EU initiative Equal) Website: <http://www.temaasyl.se/upload/Mittutvärdering%20Ankomst%20Göteborg.doc>

## V.D.7. Integration, Re-integration and Vocational Training

The two state agencies in Sweden dealing with asylum seekers and recognized refugees/other migrants are the Swedish Integration Board and the Swedish Migration Board. Organizationally the two groups are also separated, since the state is responsible for asylum seekers, while municipalities are in charge of the introduction for recognized refugees. Considering the high number of rejections of asylum seekers, and the difficulties in integrating recognized refugees (high unemployment, segregated cities, bad health), it might not surprise that the government does not seem overly eager to give priority to *integrating* the asylum seekers to a larger degree than is done today. The reformed activities and training system, with its increased emphasis on repatriating training, can be seen as a step in that direction. *Tema Asyl*, the National Thematic Network on Asylum asks in its annual policy proposal if Sweden is “on the path to building up a repatriation system instead of a reception system?”<sup>153</sup> It is also illustrative that the Integration Board deals exclusively with recognized refugees, which could be interpreted as *integration* only coming into the picture once the asylum seeker has a permission to stay.

Further development of vocational training in Sweden is currently therefore on the official agenda rather as a means of re-integration, than that of integration. The efficiency of this is unknown. *Tema Asyl* states in its policy proposal that the number of questions outnumber the answers, for instance regarding the “skills, experiences and resources repatriated asylum seekers take with them back from Sweden to their home countries.”

A common argument against specific vocational training – except English and computer skills - is that the time is too short. This might be the reason why focused vocational training is not even mentioned in the new directives on activities for asylum seekers. When most profession-oriented trainings and the introduction of recognized refugees take years on average, the six-seven months spent until the first decision focuses on information on the host society, language training and in the reformed system also orientation towards repatriating. In general, vocational training tends to have a broad interpretation in the Swedish context. While some might associate vocational training with quick trainings in comparatively low-skill professions such as industrial mechanics, car mechanics, hairdressing etc., it is very unlikely that specific trainings on such skills would be introduced for asylum seekers and it is also not what is primarily suggested by NGOs. **As a means for labour market integration, individual validation and further development of asylum seekers’ previous professional experiences, in close contact with potential employers, is more likely to take place.**

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153 Swedish National Thematic Network on Asylum “Tema Asyl”. (2005), Förslag till utveckling av nationell politik NTG-asyl, Equal 2005. (The proposal of the National Thematic Network on Asylum to Develop National Policy under the Equal Community Initiative). p. 6.

Having said that, policymakers might yet be influenced by voices raised in favour of increased focus on vocational training. It is worth mentioning that the liberal party Folkpartiet Liberalerna has incorporated a call for vocational training into its new political program for asylum seekers<sup>154</sup> and at a conference about the reception of asylum seekers held in October 2005<sup>155</sup>, the need for vocational training along European successful best practices was repeatedly emphasized by participating experts and professionals in the field.

#### V.D.8. Conclusion

The ambition of the Swedish Government is that asylum seekers should spend the time in waiting on training and other activities that are meaningful both for those that will stay and for those that will be rejected and sent home. In reality, the value of the activities has been questioned and attendance is low. Specific vocational training constitute only a marginal part of the official program for asylum seekers, although English and computer courses are often offered. Instead, major attention is given to the Swedish language and the Swedish society, with increased emphasis on reintegrating-repatriating assistance. Asylum seekers do not participate in the same training programs as recognized refugees and do not have access to the regular education system. The relative role of NGOs is small, which does not mean that they do not make a difference. The Swedish Migration Board's decision to increase outsource trainings of asylum seekers might have a long-term positive impact. In the short-run, the conditions for external actors are such that the activities are unlikely to be much different from the past. However, unless current policy changes specific vocational training for asylum seekers will continue to be a marginal phenomenon.

See Appendix - for references on the Swedish Chapter

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154 Folkpartiet Liberalerna - The Liberal Party of Sweden. (2006), Sverige behöver en mer human asylmottagning (Sweden needs a more humanistic reception system of asylum seekers). Website: <http://www.folkpartiet.se/upload/Asylmottagning.pdf>

155 Swedish National Thematic Network on Asylum "Tema Asyl" (2005), Kommer någon fjärranfrån (When somebody comes from afar) Tema Asyls nyhetsarkiv October 2005.

## VI. CONCLUSIONS

### ***VI.A. Comparative Findings: Summary of Analysis***

As it has been presented in this research material, the integration of asylum seekers continues to follow restrictive trends in the European Union, although these trends reach different depths in the various Member States. This is demonstrated for example by how the provisions of the Reception Directive on the access to labour are implemented in the examined countries. While in Austria asylum seekers are generally not allowed to work, still as of the 3<sup>rd</sup> month following the submission of their applications, they can be employed at seasonal and harvest work. In Hungary, asylum seekers may work only after the 1 year moratorium. In the Netherlands, asylum seekers are allowed to work as a paid employee for up to 12 weeks per year, while in Sweden asylum seekers have access to the labour market if their case is expected to take longer than four months. Although the Hungarian regulation seems to be the most strict, practically excessive prioritisation work permit procedures can effectively hinder the integration of asylum seekers in Austria as well. On the other hand, the Swedish solution seems to be the most proactive and progressive.

Considering vocational training and integration programmes, it seems that in Hungary and in Austria it is mainly provided by NGOs and specific programmes if it is provided at all, while NGOs play a crucial role in the Netherlands as well. On the other hand, in the Swedish system the state takes the major responsibility for the active involvement of asylum seekers and NGOs play a relatively minor role. Nevertheless, a number of NGOs assist asylum seekers in Sweden too.

Although the examined states do not represent all trends in the EU, it can be established that the Reception Directive leaves member states a large margin of appreciation which resulted in sometimes fundamentally different national strategies. While the Swedish solutions seem to be the most integrationist, policy makers in other countries do not intend to promote effectively the access of asylum seekers to the labour market.

### ***VI.B. Concluding Comments and Notes: Issues in Flux***

Along through the research activity, various comments have been received on the labour market targeted integration of asylum seekers and refugees. The issue itself raises several points for debate as gathered and declared during the research work.

On the basis of the number of valuable remarks, certain statements have been paraphrased and put forward in the present chapter by the participants of the current Transnational Cooperation Agreement for the sake of emphasis. The civil and state organizations of the Transnational Partnership work with asylum seekers 'on the field' and they experience and respond to a growing need for the

integration and education of refugees and asylum seekers all over Europe. While most of the integration strategies are drafted on national level, their implementation often takes place at regional or local level by these organisations. Thus, proposals and ideas from the implementation may provide powerful help to handle the actual integration related problems.

The AVE Partnership hereby wishes to express their conviction about the importance of the following matters:

Comment 1. The implementation of the Geneva Convention shall be kept high on the agenda in all countries of the European Union, with a clear distinction between reception and legislation related matters.

Comment 2. The conditions of reception must be of good standards, and as part of such a dignified reception, a high level of access to integration has to be ensured in the areas of labour, education, health care and housing.

Comment 3. Young asylum seekers should be given a special opportunity to benefit from the period while their asylum application is under consideration, regardless of the outcome of the procedure. Since their stay might be prolonged considerably, young asylum seekers should be allowed and helped in using it for an extended improvement of their skills, knowledge and competences.<sup>156</sup>

Comment 4. The long asylum procedure forces asylum seekers into prolonged inactive period, decreasing their chances on the labour market. This is regarded as one of the main causes of high unemployment among refugees, and should be combated by keeping asylum seekers professionally active.<sup>157</sup> Accordingly, in a future EU regulation of the asylum system, access to labour market after a defined short time - six months the latest - has to be granted as an *individual* right (this means: *without* special determination – restriction – in national laws!).

Comment 5. Return integration programmes should be gender sensitive and be aware of the added difficulties women face in case of return.

As stated, it has been truly observed whilst conducting the research, that views and attitude on the subject matter, i.e. integrating asylum seekers and refugees to the labour market differ widely by state organisations, NGOs and the organisations dealing with the target group on daily basis.

However, beside the comments listed above, out of the various remarks, aspects and directions that have been formulated on the basis of the research process and interviews, two aspects may be recommended for further discussion on national and possibly on European level.

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<sup>156</sup> Also strongly advocated by Mrs. Ans Zwerver, Dutch Rapporteur of the Council of Europe Parliamentary Assembly

<sup>157</sup> Policy also supported by the . Dutch Council for Refugees. In: Integration Barometer 2005. A Study into the Integration of Refugees in the Netherlands. Dutch Council for Refugees, 2005

It should be stated that participants of this research are well aware of the proposal schemes that other organisations and networks have put forward. ECRE's paper "An Agenda for Change", as one remarkable example, enlists an extended set of proposals concerning responsibility sharing, protection in regions of origin, resettlement, access to Europe, asylum systems, integration and return. Without reiterating these proposals, the recommendation notes below are rooted in the daily work of the organisations participating in the Transnational Cooperation Agreement AVE and they intend to give a rather modest contribution to the aforementioned vast number of proposals.

The AVE Partnership, furthermore, underlines, the significance of two aspects as follows:

Note 1. Integration - in case of return - should continue in the country of origin, thus European funds should allow the financing of such programmes following the return route of rejected asylum seekers.

Note 2. Within the labour market set-up one way could be to encourage migrants to direct their attention to self-employment, start legally their own business activity in the legal and tax framework of the given recipient country in a number of cases with basis of their own financial resources supported by family and local network, contributing on the long run to the economy of the recipient state.

These findings along with the observations and commentaries may also contribute to the basis for political debates run in a European context, especially by the European Thematic Group on Asylum Seekers. ETG 5, is organising a conference in Malmö in 2007, where a thorough analysis of the Reception Directive will be presented to high level officials of the European Union. This conference is to be one of the main platforms for further analysis of remarks raised by AVE and other partnerships of both rounds of the ESF initiated EQUAL programme.

## INTERVIEWS

### Think tanks and NGOs in Brussels

- Richard William, ECRE representation in Brussels
- Phil Loncke, Director, Vluchtelingenwerk Vlaanderen
- Anna Bogaert, De Overmolen Centre
- Elisabeth Collett - Policy Analyst, European Policy Centre
- Pascal Reyntjens, Regional Liaison and Coordinator, IOM Brussels
- Valon Halimi, IOM MRF Brussels
- Martina Liebsch, President, Caritas Europa Migration Commission
- Peter Verhaeghe, Migration Officer, Caritas Europa
- Doris Peschke, General Secretary, Churches Commission For Migrants In Europe
- Christoph Pinter, EU Affairs Officer ad interim, EU Unit, UNHCR Brussels

### European Commission

- Lauri Hollmen, Immigration and Asylum Unit, DG Justice, Freedom and Security
- Elena Hindemithova, Community Initiatives Unit (B4) DG Employment and Social Affairs
- Pavel Pinkana, Community Initiatives Unit (B4) DG Employment and Social Affairs
- Wolfgang Borde, expert on Hungarian EQUAL programmes, DG Employment and Social Affairs

### Expert in the Netherlands

- Frans Boewen, The Hague Process

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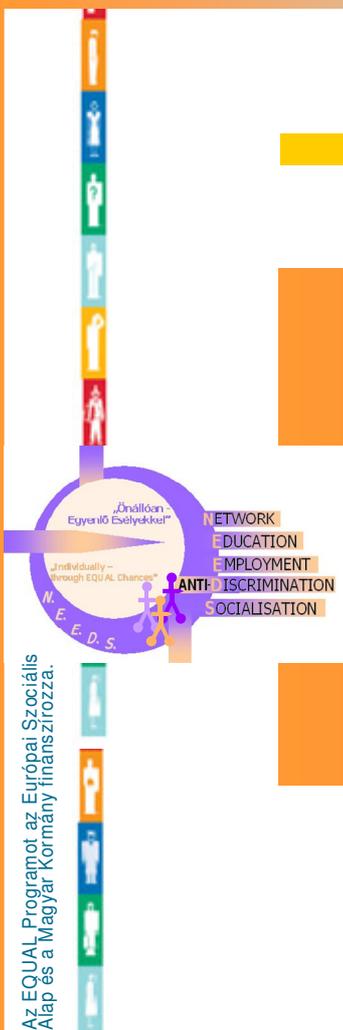
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Magyarország célba ér



## Menedékkérők Integrációja az Európai Unióban – Összefoglaló



Az EQUAL Programot az Európai Szociális Alap és a Magyar Kormány finanszírozza.

Az „Önállóan – Egyenlő Esélyekkel”  
- N.E.E.D.S.’  
Fejlesztési Partnerség számára  
- a Consulta Budapest által végzett  
Nemzetközi Kutatói Munka  
a Transznacionális Együttműködési  
Egyezmény keretében létrejött  
AVE ‘Added Value by Empowerment’  
Fejlesztési Partnerség szervezeteivel  
együttműködésben



Budapest  
2006 - 2007

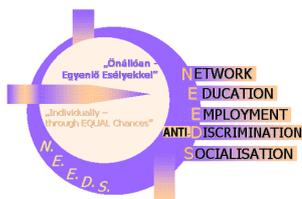
# 'Menedékérők Integrációja az Európai Unióban'

## Összefoglaló

A kutatást a Magyar Fejlesztési Partnerség **'Önállóan – Egyenlő Esélyekkel'** **'Individually through EQUAL Chances - N.E.E.D.S. – Network-Employment-Education-Anti-Discrimination-Socialisation'** számára készítette a Consulta Budapest az **'AVE – Added Value by Empowerment'** Transznacionális Együtműködés Fejlesztési Partnerségeivel együttműködésben.

A kutatás vezetője: Aszalós Zoltán

Magyar részről közreműködött: Dr. Keleti Emese, Harry Harron, Steve Geldof, Hannes Schuller, Földes Éva Mária, Sipos Zsófia, Mink Júlia és Dr. Fekete Károly. A holland „Mobilee” és „Spark” projektek részéről Dr. Greetje Dijkers, Ester H. van Meeteren, Leo de Wit és Thea Bosma, a svéd Aros Asyl képviselőjében Sis Foster, az osztrák „First Aid in Integration” képviselőjében pedig Reinhold Ekhardt, Michael Genner, Mag.<sup>a</sup> Theodora Manolacos, Mag.<sup>a</sup> Elke Konieczny, Mag.<sup>a</sup> Marina Schöllbauer, Mag.<sup>a</sup> és Ines Garnitschnig járult hozzá munkájával a tanulmány elkészítéséhez.



2006-2007

Budapest

## I. Bevezetés

Az alábbiakban összefoglalt, teljes terjedelmében angol nyelven „Integration of Asylum Seekers in the European Union - Analysis of Policies and Action” címen közölt kutatás az Európai Unió EQUAL Programjának égisze alatt megvalósuló N.E.E.D.S. „Önállóan egyenlő esélyekkel” elnevezésű magyar projekt egyik kutatási munkája.<sup>158</sup> A menedékkérők a jelenleginél hatékonyabb munkaerő-piaci integrációját felvállaló N.E.E.D.S. projekt célkitűzései a kutatási tevékenységek mellett számos más programon keresztül is megvalósulnak, elsősorban a célcsoport, a menedékkérők integrációt elősegítő képességeinek kibontakoztatásával.<sup>159</sup>

Az itt összefoglalt angol nyelvű nemzetközi kutatás megvalósításában a magyar EQUAL Fejlesztési Társuláshoz kapcsolódó Nemzetközi Együttműködési Partnerség – AVE társszervezetei, az osztrák (First Aid), holland (Mobilee és Spark) és a svéd (Aros) Fejlesztési Partnerségek képviselői is közreműködtek.

## II. A kutatási terület konkretizálása

A kutatás az Európai Unió országaiba érkező menedékkérők integrációjának kérdéskörének megvitatásával a menedékkérelem témakörének egy speciális területére ad bepillantást. A tanulmány az ezzel kapcsolatos véleménykülönbségeket, eltérő politikai megközelítéseket igyekszik egymással ütköztetni és elemezni, összehasonlítva a különböző Európai Uniók országok meglévő munkaerő-piaci integrációs politikáját és gyakorlatát, különös tekintettel a hatékony integrációs programok kulcskomponensének - a képzési eszközöknek és lehetőségeknek a vizsgálatára. A kutatás végső célja egy javaslatcsomag megfogalmazása a menedékkérők szociális és gazdasági helyzetének javítására.

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<sup>158</sup> A programon belül további négy kutatás valósult meg: 1. A *keresleti oldal* (munkáltatók) vizsgálata: a magyar munkaerőpiacnak azokat a tényezőit vizsgálja, amelyek elősegíthetik, vagy gátolhatják a menedékkérők foglalkoztathatóságát. 2. A *kínálati oldal* (menedékkérők) kutatása arra a kérdésre keres választ, hogy a Magyarországra érkező menedékkérők milyen tudás-elemekkel rendelkeznek, s ezek a tudás elemek mennyiben segíthetik elő munkaerő-piaci integrációjukat. 3. A *jogi kutatás* során elsősorban deskriptív elemzések elvégzésére törekszik, a nemzetközi tapasztalatok összegyűjtését és magyar viszonyokkal való összevetésével, kiemelt figyelemmel a gyakorlati hasznosíthatóság szempontjaira. 4. A *sajtókép-kutatás* magyar médiumok menedékkérőkről kialakított képét elemzi.

<sup>159</sup> Angol szaknyelven a legtalálhatóbb és leginkább használt kifejezés a képességekkel való felruházásra az „empowerment”.

A kutatás először az EU integrációs jogrendszerét valamint az integráció kapcsán kialakult politikai vita fő elemeit mutatja be. Ezután következik a fent említett Fejlesztési Társulásban résztvevő négy európai országban megvalósuló integrációs programok, képzések ismertetése valamint az ezek sikerességét nagymértékben meghatározó jogi keretek elemzése és értékelése. A dokumentum végén a Fejlesztési Társulás szervezeteinek javaslatai szerepelnek, melyek a menedékkérők integrációjával kapcsolatos európai irányelveket és gyakorlatot kívánják átalakítani.

### III. Vita az integrációról

Nem beszélhetünk a menedékkérők integrációjáról anélkül, hogy ne vetnénk közelebbi pillantást magára az integráció fogalmára, vagy hogy ne vizsgálánánk meg, hogy maguk az integrációt leginkább befolyásoló szervezetek ezt a jelenséget miként fogalmazzák meg. Az Európai Unió szintjén a politikai döntéshozatalban érdekelt felek, így a nemzeti kormányok, azok Bel-, Igazság-, és Munkaügyi Minisztériumai, az Európai Bizottság hivatalos szervei, mint például az Igazságügyek, Szabadság és Biztonság Főigazgatóságának Bevándorlásügyi Egysége, a Foglalkoztatási és Szociális Ügyek Főigazgatósága, az EU és nemzeti szinten működő menekültügyi civil szervezetek és természetesen a média folyamatosan alakítják az integráció definícióját, illetve annak tartalmát.

Idegen országba érkezve a bevándorló egy beilleszkedési folyamat résztvevőjévé válik, az integrációs és szegregációs hatások alapján a befogadó ország társadalmának elvárásaihoz és lehetőségeihez alkalmazkodik. Az integráció minősége természetesen anyagi szempontoktól éppen annyira függ, mint szociális és kulturális tényezőktől. A menedékkérők integrációja számos módon elősegíthető, a leggyakrabban alkalmazott támogatási formák elsősorban a következők: jogi tanácsadás és képviselő, nyelvtanfolyam, szakképzések, karrier tanácsadás, munkaerő közvetítés, orientációs foglalkozások, önkéntes munka-lehetőség, munkahelyi tréningek, szociális és foglalkoztatási támogatás stb. Ezen közvetlen támogatási formákon túl az integráció folyamata közvetett módon is előbbre mozdítható, például a menedékkérőkkel dolgozó szociális munkások és önkéntesek képzése, vagy a diszkrimináció jelenségét vizsgáló elemzések által. Röviden összefoglalva tehát a fent említett tényezőkből összeálló folyamat végül akkor sikeres, ha a bevándorló személy mind egyénileg, mind pedig a szűkebb családi vagy baráti környezetének tagjaként a tágabb értelemben vett társadalom részévé válik.

Az integrációra nincs egyöntetűen elfogadott definíció, hiszen a befogadó társadalmak országtól, sőt helyi közösségektől függően is más és más követelményeket támasztanak a külföldiekkel szemben. Még a fent említett integrációs tevékenységek ideális megvalósítása esetén sem biztosított az, hogy az integráció néhány év alatt végbemehet vagy ténylegesen végbe megy. Valójában sokszor generációkon is átívelhet az integrációs-szegregációs folyamat. Gyakran még a bevándorlók gyerekei, sőt unokái is kerülhetnek szegregációs útra, például a 60-as 70-es években Európába érkező bevándorlók családjai számára a többségi társadalomba való belépés nehézségei napjainkban is a politika szintjén is megjelent problémákat jelentenek.

A közösen meghatározott és elfogadott definíció hiánya rávilágít arra a tényre is, hogy az integráció sikerességéért felelősek maguk a bevándorlók, a fogadó ország kormánya, intézményei és a civil szerveződések is. Lényegében a két fél (bevándorló – fogadó ország) közötti együttműködés határozza meg az integrációs folyamat végső kimenetelét, de természetesen nem azonos súllyal. A fogadó társadalom mögött meghúzódó intézményi struktúra illetve a bevándorlásra adott politikai és társadalmi reakciók nagyobb mértékben képesek

befolyásolni a folyamat végső kimenetelét. A definíciók többsége a fogadó és küldő országok közötti kulturális korlátok jelentőségét hangsúlyozza, minek következtében néhány küldő ország már eleve potenciális előnyt élvez.

A menedékkérelmi szempontból általános egyetértés mutatkozik abban, hogy „az integráció, mint *végleges* folyamat csupán az egyén menekültstátuszának elfogadásával illetve munkavállalásra, letelepedésre való berendezkedésével veheti kezdetét. Ennek ellenére a tapasztalatok azt mutatják, hogy a menedékkérők sikeres integrációjának feltétele a megérkezés első napján megkezdődő integrációs folyamat.”<sup>160</sup>

Jelenleg az ECRE (European Council on Refugees and Exiles) integráció-definíciója a leginkább elterjedtebb, melyben a jelenséget két-oldalú változási folyamatként jellemzik. Egyrészt a bevándorló részéről bizonyos fokú felkészültség szükséges a beilleszkedéshez, hogy ne veszítse el teljesen saját kulturális identitását. Másrészt elengedhetetlen a fogadó ország akarata arra nézve, hogy lépéseket tegyen a menedékkérők és menekültek társadalmi befogadására, valamint biztosítsa a forrásokhoz és a döntéshozatali folyamatokhoz való hozzájutás szabadságát. Az ECRE véleménye szerint az integráció egy hosszú távú folyamat, amely a célországba való érkezéssel kezdődik meg és akkor ér véget, ha az egyén a társadalom aktív tagjává válik jogi, szociális, gazdasági és kulturális tekintetben is. Az ECRE leszögezi azt is, hogy az integráció nagyban függ a menedékkérelmezési időszak feltételeinek milyenségétől, időtartamától. Javaslatuk, hogy „a kérvényezési periódus váljon az integrációs folyamat részévé, ezzel megkönnyítve a végső letelepedés céljával érkezők beilleszkedését Európába.”<sup>161</sup>

A fogadó állam részéről megjelenő további fontos szereplők a nemzeti kormányok és a helyi önkormányzatok, melyek szintén próbálkoznak integráció-definíció létrehozásával. Például a Brit kormányzat menekültek integrációjával foglalkozó nemzeti stratégiája a következőképpen vélekedik az integrációról: „Az integráció az a folyamat, amely akkor teljesedik ki, amikor a menekültek a brit társadalom teljes jogú tagjává válnak, hozzájárulnak a társadalom előbbre jutásához és teljes egészében képesek jogaiknak és kötelezettségeiknek eleget tenni a lakosság többi részével egyetemben.”<sup>162</sup> A Brit Igazságügy Minisztérium definíciója szerint „az integráció képesség arra, hogy az egyén úgy éljen egy társadalomban, hogy személyes igényeit megvalósíthassa anélkül, hogy feladná saját kulturális identitását.”<sup>163</sup>

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<sup>160</sup> <http://www.eera.gov.uk/category.asp?cat=40>

<sup>161</sup> ECRE Position Papers – The Integration of Refugees in Europe

<sup>162</sup> Integration Matters (IND Corporate Communications, 2005. március)

<sup>163</sup> Department of Justice, Equality and Law Reform (1999) Integration: A two way process p. 9.

A holland kormányzat a brithez nagyon hasonló definícióval rendelkezik, melyben nagy hangsúlyt kap a diszkrimináció elleni harc. A holland kormány a folyamatot két szintre osztja (helyi és nemzeti), amelyben kiemelt hangsúlyt kell, hogy kapjon az egyenlő bánásmód, a kölcsönös elfogadás és a már említett diszkrimináció ellenesség.<sup>164</sup>

A legtöbb definíció kimondja, hogy az integráció nagyban függ a többségi társadalom (az oktatási intézmények, munkáltatói intézmények, egyének stb.) attitűdjétől, hiszen még tökéletes integrációs stratégiák is képesek elbukni, amennyiben a bevándorló diszkriminációval találkozik a munkaerőpiacon vagy az oktatási rendszerben. Ezen érvelést megerősítendő az EU Bizottsága integrációról alkotott véleményében kiemeli az oktatási rendszer szerepét az alapvető normák és értékek közvetítésében: „Fontos kiemelni, hogy az oktatás esszenciális szerepe nem csupán a tudás megszerzésére korlátozódik, sokkal inkább egyfajta kulturális híd, amely formális illetve informális módon közvetít információkat az adott ország kultúrájáról, értékeiről.”<sup>165</sup>

Az egyik nemzetközi egyházi civil szervezet, a Caritas Európa is megalkotta saját integráció-definícióját, amely szerint „az integrációs folyamat nem más, mint olyan képességek szerzése, amelyek segítségével könnyebbé válik a munkaerőpiacra való jutás ezáltal az anyagi feltételek megteremtése, úgy, mint megfelelő élettér kialakítása, idegen nyelv elsajátítása stb.”<sup>166</sup> A Caritas kiemeli a családi élet megóvásának fontosságát, és párbeszédet szorgalmaz a befogadó ország lakossága, valamint a bevándorlók között vallási kontextusban, melyen keresztül felfedezhetik a bennük rejlő hasonlóságokat és különbségeket egyaránt.

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<sup>164</sup> Dutch Council for Refugees Integration Barometer, 2005.

<sup>165</sup> COM (2003) 336 final, p. 20.

<sup>166</sup> Integrating Migrants, Integrating Societies, Essential Elements for EU Migration Policy, published by: Caritas Europa, Churches Commission for Migrants in Europe, COMECE, ICMC, JRS, Quaker Council for European Affairs on the International Migrants' Day, 18. Dec. 2004.

## IV. Az integráció melletti és elleni érvek

*Az itt összefoglalt tanulmány nem a menedékkérők integrációja melletti és elleni politikai szempontok morális értékét vagy gyakorlati hatásait kívánja megítélni, hanem az ezzel kapcsolatos vita legfontosabb elemeit térképezi fel. A vita anyagát az Európai Bizottság munkatársaival és a szintén Brüsszelben működő civil szervezetek képviselőivel készült interjúk adták.*

A menedékkérők integrációjának kérdésében az Európai Unió országai nem képviselnek egységes álláspontot, abban azonban egyetértés mutatkozik, hogy a kérdéskör jelentősége a menedékkérelmek elbírálásának gyorsításával csökkenne. E tekintetben azonban úgy tűnik, a jövőben sem következik be számot tevő változás, hiszen a menedékért fordulókat dokumentumaira való várakozás sokszor hosszú hónapokat vesz igénybe. A menedékkérők integrációjáról szóló viták tehát mindaddig tartanak majd, amíg az Unió ajtaja nyitva áll a menedékkérők és menekültek előtt, illetve amíg a Közösség tiszteletben tartja az 1951-es Genfi Konvenciót.

A politikai vitákban az egyik legfontosabb témakör a menedékkérők munkaerő piaci potenciáljának ereje, valamint a menedékkérelmek és a tisztán munkavállalás által motivált bevándorlás közti kapcsolat kérdése. A pozitív elbírálásban részesülő kérelmek alacsony számát tekintve a hatóságok szempontjából a menedékkérők többsége olyan kérelmező, aki egyfajta utolsó lehetőségként azért fordul a hatóságokhoz, hogy legalizálja tartózkodását.

A Bizottság álláspontja egyértelmű a kérdésben: „a menekültek nagy többsége végül az anyaországban marad, szegénységben és bizonytalanságban, sokszor háborús körülmények között, mialatt az EU több millió eurót költ olyan menedékkérelmek elbírálására, melyek legnagyobb része nem igényel nemzetközi védelmet.”<sup>167</sup>

A pozitív elbírálások alacsony száma nem jelenti feltétlenül azt, hogy a visszautasított menedékkérők mindegyike illegális bevándorló. Ausztriában például a Független Szövetségi Menedékügyi Szenátus és a Legfelsőbb Bíróság adminisztratív szervei által kialakított törvénykezés jobb elbírálási arányhoz

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<sup>167</sup> [http://europa.eu.int/comm/justice\\_home/fsj/asylum/fsj\\_asylum\\_intro\\_en.htm](http://europa.eu.int/comm/justice_home/fsj/asylum/fsj_asylum_intro_en.htm)

vezetett, azonban a legtöbb országban a szigorú törvénykezés következtében változatlan a helyzet. A változtatást nehezítik a Genfi Konvenció bevándorlási kérdésekben konzervatív értelmezései, illetve a „biztonságos harmadik ország” záradéka. Az illegális menedékkérők pedig rontják a legális úton menedékért fordulókat és mivel az utóbbiak nagy része azt gondolja, hogy jelentkezése a „biztonságos harmadik ország” klauzula alapján elutasításra kerül majd, inkább az illegalitást választja, azért, hogy az országban maradhasson.

A jogos kérelmet benyújtó menedékkérők egy része nem képez ideális munkaerő piaci potenciált. Sokan azok közül, akik háború sújtotta övezetből érkeztek, soha nem végeztek, végezhettek rendszeres munkát, vagy idő során elveszítették képességüket az állandó, folyamatos munka által támasztott követelmények teljesítéséhez. Ráadásul ezek a gyakran poszt-traumatikus állapotban lévő emberek nem képesek még csak elkezdni sem a folyamatos mentális összpontosítást megkövetelő integrációs folyamatot.

Bár a menedékkérők nagy többsége szívesen dolgozna, szinte minden országban zárt a munkaerőpiac, így marad a képzéseken keresztül előmozdított integráció lehetősége. Fontos jelenség az is, hogy gyakran a menedékkérők a képzéseken nem vesznek részt, mivel úgy gondolják a tréningeken való aktív, felszabadult részvétel gyengíti menedékkérelmi esélyeiket, hiszen ha nem mutatnak traumatizáltságra utaló jeleket, kérelmük nagyobb valószínűséggel el lesz utasítva.

A sikeres integráció nagyban múlik a megfelelő anyagi támogatáson. Ugyanakkor még a legális bevándorlók és elismert menekültek integrációjának finanszírozása is kényes kérdés, nem beszélve a menedékkérőkről. Az állam ilyen irányú költekezése tehát elégedetlenséget kelthet a lakosságban, politikai feszültségekhez vezethet, illetve csökkentheti a bevándorlás párti törvényhozók szavazóbázisát, különösen, ha ezen erőfeszítések ellentétesek a lakosság igényével. (Pl: magas munkanélküliség esete.) Éppen ezért az integrációt támogató civil szervezeteket is gyakran hazájukhoz hűtlen „puha” közéleti szereplőkként tartják számon.

Ugyanakkor, az érem másik oldalaként a vitákban felmerül, hogy a munkaerőpiacra való jutásukkal a menedékkérők hozzájárulhatnak tartózkodásuk és ellátásuk költségeihez, valamint az ország gazdasági növekedéséhez, különösképpen, ha sikerül kifejezetten munkaerőhiányos szektorban elhelyezkedniük, mint amilyen például az egészségügy vagy a mezőgazdaság. Ráadásul a rugalmas külföldi munkaerő a nemzeti jövedelemhez hozzáadott értéke szinte felbecsülhetetlen – habár a bevándorlás ezen oldala a médiából kevésbé ismert.

Az integráció támogatását ellenzők szerint azonban a várakozási periódusban beindított integráció egyfajta rejtett üzenet a fogadó ország részéről, mely hosszú távú támogatásról biztosítja a menedékkérőket az elbírálási folyamat eredményére tekintet nélkül. Az ellenzők szerint ez, a fogadó állam által nyújtott elismerési gesztus oda vezet, hogy a menedékkérő fontolgatni kezdi végleges letelepedését, ha addig még nem tette meg. Ráadásul ezen esetben nagyobb

esélyt látnak az elutasítást követő illegális letelepedésre is, amennyiben az „elő-integrációs folyamat” során használható kapcsolathálót épített ki az menedékkérő.

Az integráció pártiak szerint viszont minderre nincs bizonyíték, sőt szerintük éppen az a menedékkérő marad illegalitásban kérvényének elutasítása után, amelyik integrációs támogatás híján fél a hazatéréstől. Ráadásul az elutasítást követő törvénytelen tartózkodásért nem az integrációs programok okolhatók, hisz az illegális tartózkodásra a sokszor már érkezéskor meglévő családi, baráti illetve vallási kötelek sokkal erősebb hatást gyakorolnak.

A menedékkérők integrációjának támogatásával kapcsolatban további fontos szempontok is felmerülnek a vita során: Azok az országok, amelyek támogatják az integrációt, olyan személyeket támogatnak, akik közül sokan visszatérnek származási országukba. Az Európában megszerzett ismeretek és képességek révén a hazatérők hozzájárulnak ezen országok gazdasági növekedéséhez. Ez a fajta nemzetközi segély sokkal hatékonyabb és gyorsabb, mivel közvetlenül találja meg a fejlődő országokban élő embereket, azon túl, hogy kisebb a valószínűsége a helytelen allokálásnak.

Az integráció támogatói külön kezelnék az EU-ba érkező menedékkérők ügyét a tisztán gazdasági indíttatású bevándorlástól. Bár az 1999-es tamperei Tanács-ülésein megegyeztek abban, hogy az Unió új bevándorlási politikájának alapját a humanitárius és a gazdasági bevándorlás közti egyensúly megtartása képezi majd, a váltás intézményesítése a mai napig tart. A Bizottság által 2005-ben kiadott *Policy Plan on Legal Migration* „a Hágai Program (2006-2009) hátra levő részéhez nyújt eligazítást és tartalmazza a Bizottság által megvalósítandónak minősített törvényi újításokat és terveket az EU legális bevándorlásával kapcsolatban.”<sup>168</sup>

Ezen lépések hivatottak tehát megoldani a jelenlegi menekültügyi rendszer problémáit valamint eldönteni olyan kérdéseket, mint az elbírálást megelőző integráció szükségessége. Ezzel a megközelítéssel több civil szervezet is egyet ért. Véleményük szerint a menekültügyi csatornák nem megfelelő használata demonstrálja, hogy a kontinens megközelítésének nincs alternatívája, azaz: „az Európai Erőd csupán egy bejáráttal rendelkezik, mely zárva tartása hosszú, nehézkes és költséges folyamat.”<sup>169</sup>

Rengeteg ötlet vetődött és vetődik fel európai szinten a fent vázolt menedékkérelmi dilemmák részleges megoldását jelentő új gazdasági jellegű bevándorlási rendszer kapcsán, többek között az amerikai Zöld Kártyához hasonló rendszer létrehozása, amelybe azok a viszonylag könnyen integrálható jelentkezők kerülnének be, akik rövid-távon adófizetővé is válhatnak. Az amerikai mintának kínál alternatívát a már létező EURES rendszerének bővítése, melyen

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<sup>168</sup> Policy Plan on Legal Migration, p. 3.

<sup>169</sup> Asycult, 2004. p. 25.

keresztül nem-európai országok állampolgárai számára szerveznek meg állásinterjúkat, illetve juttatnak el információkat európai álláslehetőségekről. A „munkakeresői-vízum” kiadása lehetne az első lépés, mely segítségével a jelöltek állásinterjúkon vehetnének részt az azonnali munkába állás lehetősége mellett, anélkül, hogy vissza kelljen térniük a küldő országba és további hónapokat várni a munkavállalási vízum megérkezésére.

Összességében tehát a menekült-, és menedékügy intézményi változásairól zajló vita leginkább a munkavállalással kapcsolatos bevándorlás szabályozásához köthető, amennyiben tudjuk, hogy az Unió előtt álló egyik legnagyobb kihívás a munkaerőhiány leküzdése, méghozzá a nem EU-s tagállamokból egyre nagyobb számban érkező bevándorlók ambícióinak figyelembe vételével.

## Ausztria

A menedékkérők munkavállalásával kapcsolatban az osztrák kormányzati szervek szigorúan szabályozott politikát követnek. Az említett csoport munkaerő piacra való jutása a várakozási periódusban szinte lehetetlen. Kivétel ez alól az a menedékkérő, aki uniós állampolgárral köt házasságot, de ebben az esetben is csupán egy évre szóló, évente megújítandó munkavállalási engedély adható ki, amely egy bizonyos munkáltató számára teszi lehetővé a menedékkérő foglalkoztatását.

Ausztria általános gazdasági helyzete jelenleg nem teszi lehetővé a menedékkérők képzési lehetőségeinek bővítését. A jogi háttér sem megoldott, hiszen a 2006. január 1-je óta hatályos menedékkérőkről szóló törvény nem említi a kérdéses csoport képzéseken keresztül történő integrációjának szükségességét.

Az osztrák állam kifejezetten törekszik arra, hogy a menedékkérők képzéseken keresztül történő munkaerő piaci integrációját, ellátását és jogi támogatását egyre inkább a civil szférában tevékenykedő szervezetek lássák el. Jelenleg, az országban számos olyan projekt működik, amely a civil szféra és a kormányzati szervek együttműködésével jött létre, ilyen például a „First aid in Integration” vagy az „In Power” program. Az ilyen és ehhez hasonló projektek, melyek olyan új ötleteket tartalmaznak, mint például a menedékkérők helyi szintű támogatására szolgáló központok kialakítása, részben az Európai Szociális Alap EQUAL projektje által nyertek finanszírozást.

Mindaddig azonban, amíg az osztrák állam nem enged szigorú politikai koncepciójából a menedékkérők munkavállalásának tekintetében (jelenleg három hónapos idegnyomunkát, illetve részmunkaidős önkéntes munkát engedélyez az osztrák jog), addig nincs reális esély a koncepció nemzeti szintű megvalósítására.

## Magyarország

A menedékkérők foglalkoztatásának problémája Magyarországon komplex területet ölel fel, melybe többek között a foglalkoztatás feltételeinek törvényes keretek között való szabályozása, a menedékkérők letelepedési szabadságának, valamint a nyelvtanításban és a szakképzésekben való részvételük kérdése tartozik.

Magyarország esetében a törvényi szabályozás a menedékkérők munkaerőpiacra való jutását a kérvény beadásától számított egy évig nem teszi lehetővé, viszont az érintett „ez idő alatt szabadon vállalhat munkát a befogadó állomások területén.” Az egy év elteltével, menedékkérő munkavállalása csak akkor engedélyezhető, ha a foglalkoztató a kérelem benyújtását megelőzően, a menedékkérő által ellátandó tevékenységre vonatkozóan érvényes munkaerőigénnyel rendelkezett, ha a munkaerőigény benyújtásától kezdődően nem közvetítettek ki részére olyan magyar munkaerőt, aki rendelkezik a jogszabályban előírt, illetve a foglalkoztató munkaerőigényében megjelölt alkalmazási feltételekkel. A munkavállalási engedély legfeljebb egy évre adható ki, valamint az engedélyben meg kell határozni, hogy a külföld állampolgár mely foglalkoztatónál, milyen tevékenységet illetve munkakört lát el. Pozitív elbírálás esetén az engedélyt 30 napon belül kiállítják, azonban összesítve, a munkahely megtalálása és a tényleges munkába állás között körülbelül két hónap telik el.

Magyarországon, részben a menedékkérők alacsony száma miatt viszonylag kevés szereplőt ölel fel az integrációt támogató állami rendszer, illetve civil hálózat, ebből kifolyólag nehézkesen működik az ide érkező bevándorlók munkaerő piaci és társadalmi integrációja is. Az egyik ilyen integrációt hátráltató tényező a menedékkérők kizárólag befogadó állomásokon való elhelyezésének kérdése. Annak ellenére, hogy az állomásokon minden tárgyi eszköz biztosított az integráció elősegítéséhez, mégis ez a fajta elzártság könnyen a helyi közösségektől való izolációhoz, illetve bizonyos esetekben társadalmi hospitalizációhoz vezethet.

Másik jelentős probléma, hogy a menedékkérők számára nem megoldott az ingyenes magyar nyelv-oktatás, a nyelvismeret hiánya pedig egyértelműen tovább nehezíti a munkavállalást a befogadó állomásokon kívül. Ráadásul a menedékkérők képzése gyakorlatilag azért is működik nehezen, mert a menedékkérők Magyarországon csak átmenetileg kívánnak tartózkodni és nem látnak hosszú távú perspektívát az integrációs programokban.

## Hollandia

A holland politikai élet számos szereplője kiemelten kezeli a bevándorlók képzésén keresztül megvalósuló szociális integrációt, különös tekintettel a menedékkérők nyelvoktatására és tankötelezettségére. Fontosnak tartják a menedékkérők informálását szociális támogatáshoz való jogaikról és munkavállalási lehetőségeikről, valamint támogatják egy olyan rendszer kiépítését, amely képzési és karrier tanácsadást nyújt az arra rászorulóknak a munkaerő piacra való gyorsabb beilleszkedés céljából.

A Holland Központi Befogadó Iroda „Plusz Program” elnevezésű projektje olyan tartózkodási engedéllyel nem rendelkező menedékkérőket céloz meg, akik kötelesek visszatérni származási országukba. A program számukra próbálja megkönnyíteni a hazatérést, illetve elősegíteni az otthoni környezetben való boldogulást.

A közelmúltban elindított, EU társfinanszírozású EQUAL projektek, a Spark és a Mobilee máris jelentős eredményeket tudhatnak magukénak a menedékkérőket és más bevándorlókat érintő képzési programok bővítésének területén. Számos programjuk már az EQUAL első fordulója, azaz 2003 óta működik a holland tartományok többségében. A programok nagyon szerteágazók, a standard szociális és vállalkozási ismereteken túl, minden területet megpróbálnak felölelni. Annak ellenére, hogy a projektek kivitelezéséből mind az állami, a civil és kis mértékben ugyan, de a magán szféra is kiveszi a részét, a képzések promóciója és az információ-szolgáltatás inkább a civil, illetve önkéntes szektorra marad.

## Svédország

A svéd kormány véleménye szerint a menedékkérők képzésének szükségessége a várakozási periódus során fontos, tekintet nélkül az elbírálási folyamat eredményére. A valóságban azonban a képzések színvonala, csakúgy, mint a részvételi arány, elmarad a várakozásoktól. A speciális szakképzések csak kis részét teszik ki a menedékkérők számára hozzáférhető tréningeknek (kivétel ez alól az angol illetve a számítástechnikai ismeretek kurzusok), központi helyet foglal viszont el az oktatásban a svéd nyelv-, és társadalomismeret, valamint az elutasított menedékkérők számára nyújtott hazatérési-támogatás.

Svédországban a menedékkérők a menekültektől eltérő képzési programokban vesznek részt, az oktatási intézményekhez való rendszeres hozzáférésük pedig egyáltalán nem biztosított. A svéd civil szervezetek szerepe viszonylag csekély, ami azonban nem azt jelenti, hogy ne bírnának némi ösztönző erővel. (A Swedish Migration Board tervei a képzések számának növelését illetően például hosszú távon jelentős eredményekhez vezethetnek.) Összességében azonban elmondható, hogy hacsak jelentős változások nem következnek be a svéd bevándorlás politikában, a menedékkérők integrációja a jövőben is marginális szinten marad.

## V. Végző konklúzió: Észrevételek és Megállapítások

Az eredeti kutatásban bemutatott civil és állami szervezetek véleménye bár sok mindenben eltér, abban mindegyikük egyetért, hogy a menekültek és menedékkérők képzéseken keresztül történő integrálása Európa szerte – sürgető feladat. Míg a legtöbb integrációs stratégia nemzeti szinten fogalmazódik meg, végrehajtásuk gyakran helyi szinten valósul meg, még hozzá az említett szervezetek segítségével. A végrehajtás során felhalmozódó tapasztalatok illetve azok egymással való megosztása, nagyban segíthetik az aktuális integrációhoz kapcsolódó problémák megoldását.

A kutatási folyamat során számos észrevétel, megjegyzés halmozódott fel a menedékkérők és menekültek munkaerő-piaci integrációjának kérdése kapcsán. Sok megvitadni való pont merült fel, ahogy erre a kutatási dokumentum több ízben fel is hívja figyelmet. A sok értékes észrevétel alapján a Transznacionális Együttműködés tagjai öt megállapítást találtak érdemesnek a kiemelésre. A kutatás résztvevői, saját észrevételeik és megállapításaik megfogalmazását megelőzően több más szervezet illetve hálózat által előterjesztett javaslati tervet tanulmányoztak. Ilyen például az ECRE „An Agenda for Change” című kiváló tanulmánya, amely felelősség megosztással, menedékkérők védelmével, letelepedés támogatásával, Európába jutás megkönnyítésével illetve integrációval kapcsolatos javaslatokat tartalmaz.

Az alábbiak tehát - a különböző szervezetek és hálózatok javaslati csomagjait is vizsgálva, azoktól függetlenül - az AVE Nemzetközi Együttműködési Egyezményben résztvevő szervezetek tapasztalataiból táplálkoztak.

Az AVE Transznacionális Együttműködési Partnerség a következő pontok fontosságát kívánja hangsúlyozni:

1. A Nemzetközi Partnerség tagjai kiemelik a Genfi Konvenció betartásának és végrehajtásának fontosságát az összes európai országban, különös tekintettel a befogadásra és a jogi szabályozásra.
2. A befogadási feltételek megfelelő minőségének és az integrációs törekvés magas szintjének biztosítása szükséges a munkaerő piac, az oktatás, az egészségügyi ellátás és az elszállásolás tekintetében.
3. A fiatal menedékkérők számára, az elbírálási folyamat eredményétől függetlenül, az akár hosszan elnyúló várakozási periódus alatt is biztosítani kell számos lehetőséget, amely ismereteik, tudásuk bővítését szolgálja.

4. A hosszú elbírálási folyamat során a menedékkérők nem vállalhatnak munkát, ami tovább rontja esélyeiket a munkaerőpiacon. Részben tehát ide vezethető vissza a már elismert menekültek körében mért magas munkanélküliség, mely csupán a menedékkérők foglalkoztatásával és képzésével küszöbölhető ki. Ennek a felismerésnek következtében a menedékkérőket érintő EU szintű jogi szabályozás a jövőben maximum hat hónapban állapítja meg a várakozási periódus hosszát, azaz, ezt az időkorlátot követően minden menedékkérő egyéni jogává válik az adott országban való munkavállalás.
5. A hazájukba visszatérő menedékkérők számára nyújtott integrációs programoknak hangsúlyozottan kell figyelniük a hazatérő nők integrációjára.

AZ AVE Partnerség, továbbá, hangsúlyozottan fel kívánja hívni a figyelmet a következő két megállapítás átfogó jelentőségére:

Megállapítás 1. Az integrációnak - elutasító döntés esetén - a küldő országban kell folytatódnia, a hazatérő menedékkérő különböző európai programokon keresztül megvalósuló támogatása szükséges.

Megállapítás 2. A munkaerő-piaci integráció elősegítése vonatkozásában alternatív megoldást kínálhat a menedékkérők, migránsok ösztönzése az önálló vállalkozás elindítására, mely során saját üzleti elképzelésüket törvényes keretek között valósítanák meg az adott befogadó ország jogi és adózási szabályozásait követve, sok esetben a családi és helyi etnikai közösség pénzügyi támogatásával, hozzájárulva ezzel – hosszú távon – a befogadó ország gazdasági növekedéséhez.

Ezen megfigyelések és megállapítások az európai szinten zajló politikai vita kiszélesítéséhez is hozzájárulhatnak, mely folyamatot elsősorban az ETG 5, az Európai Tematikus Csoport moderálja. A 2007-es évben, az ETG 5 által, Malmöben megrendezésre kerülő konferencián a Menedékkérők Fogadásának Általános Minimum Feltételeit szabályozó 2003/9/EC Tanácsi Irányelv kerül bemutatásra az Európai Unió magas szintű vezetői számára. Ez a konferencia kínálhat lehetőséget további elemzésre és javaslattételre az ESZA EQUAL Programja keretében megalakult AVE és más partnerségek részére.



A tanulmány a N.E.E.D.S. – ‘Önállóan Egyenlő Esélyekkel’ Fejlesztési Partnerség megbízásából az EQUAL program keretén belül valósult meg.  
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