

EQUAL

EXCHANGES FOR A BETTER EUROPE

**SITUATION
OF ASYLUM SEEKERS
IN FRANCE, HUNGARY
AND THE UNITED KINGDOM**

*Findings of Three Baseline Surveys
Done by the EXCHANGES
Transnational Partnership*

SASI
Supporting Asylum Seekers to Integrate

f a a r
Formation, Accueil
demandeurs d'Asile et
Réfugiés



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FOREWORD

Targeted at asylum seekers, the EQUAL programme aims to overcome inequality for disadvantaged groups in the European labour market, through European development partnerships (DPs). The EXCHANGES transnational partnership is made up of the EASI DP in the UK, ESÉLY DP in Hungary and the FAAR DP in France. The partnership works to share, develop and disseminate good practice on information, orientation/preparation for the labour market, capacity building for Refugee Community Organisations (RCO's), and language teaching and learning. The following documents are the findings from baseline surveys undertaken in each of the three countries, and aim to give a coherent picture of the situation of asylum seekers in the three respective labour markets. They also detail what can be done to improve this situation, and thus what the main aims of the EXCHANGES partners in the three countries will be.

Integration of asylum seekers and refugees is a dynamic, two-way process; placing demands on those newly arrived to adapt to new communities, and on receiving countries to be tolerant and inclusive. Integration for asylum seekers and refugees is a lengthy process that begins from the time of arrival and ends when a refugee becomes a full member of society from legal, social, economic, educational and cultural perspectives. It is a complex process, the success of which depends not only on material conditions but also on refugee perceptions of their acceptance by, and membership of, the host community. Finding employment is a crucial, if not the single most important factor in the successful integration of asylum seekers and refugees. A job brings economic independence, increases self-esteem and provides an opportunity to contribute to and connect with the host community. Thus the success of the EQUAL programmes and enterprises is vital to improving the lives of Europe's asylum seekers, both in the short and the longer terms.

SUMMARY

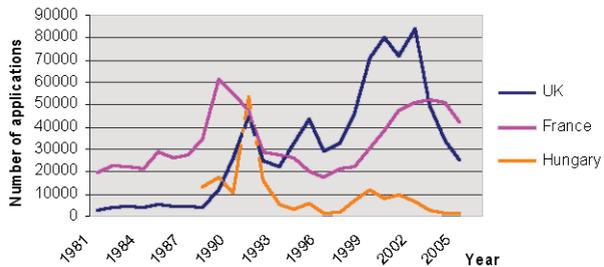
The three baseline surveys below refer to three countries with somewhat different situations in terms of immigration, economy, and employment levels. As a result their asylum statistics are different too, as are the situations in which asylum seekers find themselves. However, many of the themes in the surveys are common ones, even if the details vary. The main feeling in all cases seems to be that as legislation and policies stand at the moment, asylum seekers get a rather rough deal. While there are integration strategies, and in the UK, even an employment strategy relating to recognised refugees, there is generally almost nothing except for basic subsistence set up for asylum seekers. This is perhaps because 'asylum-seeker' is a temporary state, which people are in for a brief period while their status is being decided upon. But unfortunately some people are 'temporary' asylum seekers for a number of years, at which point the lack of strategies for their integration into the labour market and society in general becomes unacceptable. There is a sense that more needs to be done to make it possible for asylum seekers to spend the time during which they wait for an asylum decision usefully, either in some sort of work, or gaining skills, rather than effectively losing this time, as it seems many now do.

Perhaps the most important point to keep in mind in terms of the employment of asylum seekers, and certainly one which needs to be made more forcefully to the general public in the three countries concerned, is that these people are not simply a problem posed to society, but in many cases can have a great deal to offer to the country in which they are received. Thus it should be not only a sense of social responsibility which encourages us to help asylum seekers and refugees to integrate better, but also the sense that we, as hosts, have much to gain from their integration as well.

Asylum statistics vary a great deal with time, as shown by the graph below, according to world political events, and according to various characteristics of receiving countries. However, it is fair to say that in general Hungary receives considerably fewer asylum seekers than France and the UK, even compared to its smaller population. As a result, some of the issues which are of much con-

cern in the two latter countries, such as overcrowding of accommodation and a thriving black market of illegal immigrant workers, are not prescient in the same way in Hungary. In addition, immigration is not a hot political topic in Hungary in the way that it might be in the UK and France, and this must have some effect on immigration politics, in the sense that the government's immigration policy is not something through which significant numbers of votes may be gained or lost. Asylum applications by year in the three countries are compared in the graph below.

Asylum applications by year in each of the three countries



Data for Hungary begins in 1989 as this was the year Hungary became a signatory to the Geneva Convention; before this there was no official asylum process.

As we can see, France received many more asylum applications than the UK until 1992, when asylum applications were at comparable levels in all three countries. The rise in Hungary at this time was to a large extent due to people fleeing the conflict in the Balkans. Thereafter the UK generally received the most applications and Hungary the fewest, although having risen for a number of years, levels have fallen recently everywhere, and for the last couple of years France has been receiving more applications than the UK. The percentages of accepted applications, either in terms of granting of asylum status, or being given leave to remain or permission to appeal an initial negative decision, are widely variable year by year, even within particular countries. Annual recognition rate statistics in themselves are not necessarily particularly informative, since due to the length of the decision-making process for some applications, these rates do not tell us much about the acceptance rate of any particular cohort of applications.

While we can look at the numbers of asylum seekers applying and being accepted into the UK, Hungary and France, it is difficult for us to learn much

more about them than their asylum statuses, their ages, and their origins (and even this, sometimes, can be less than straightforward). From a labour-market situation point of view, it would be very useful to know to what level most asylum seekers are educated when they arrive in host countries, and what sort of professional backgrounds they have. Although we may be able to get rough estimates of this sort of thing, exact information is almost impossible to get, since education levels are difficult to compare between countries, and there is often no way of validating people's educational statuses, which, as discussed below, can cause big problems.

In all three countries, asylum seekers are entitled to subsistence and accommodation, if necessary, although the circumstances in which they receive this differ. In the UK, they can apply either for accommodation and subsistence support (which comes in the form of a fixed sum per week depending on their age and family status), or if they already have accommodation of some sort, for subsistence-only support. Both of these are provided by the National Asylum Support Service (NASS). If in receipt of accommodation support, asylum seekers are generally housed in local authority-provided, registered social-landlord, or private-landlord accommodation, in other words in normal houses or flats. The 1999 Immigration and Asylum Act aimed, in part, to reduce pressure on services in London and the Southeast, and asylum seekers who need both subsistence and accommodation are now offered accommodation outside of this area. Thus in Britain, asylum seekers are dispersed throughout the country.

In Hungary by contrast, asylum seekers are required to live in accommodation provided by the authorities, which is almost always in one of the country's three reception centres. There they receive meals, personal hygiene accessories and some clothing, and if they stay for more than three months, a monthly 'pocket money' sum, set by the Ministry of the Interior. If they wish to live in other accommodation they must get a permit, which they can obtain by presenting a rent contract or host statement. The fact that asylum seekers live almost exclusively in reception centres rather than in other sorts of accommodation means that they have very little opportunity to integrate into the host society.

In France, asylum seekers are also housed in reception centres, which are located in a number of areas; it seems as though a considerable effort was

made to share accommodation throughout the country. However, urban areas such as Paris and Lyon seem to receive numbers beyond their reception-centre capacities, and other 'emergency' accommodation must be found in hostels and other available spaces. The UK is also experiencing problems caused by high demand compared to the supply available. In addition a joint report by Oxfam and the Refugee council suggests that many asylum seekers in the UK are living in poverty and experience ill health and hunger.

The legal status of asylum-seekers with regards to employment is somewhat complicated in all cases. On arrival, asylum seekers now are effectively not allowed to do paid work in any of the three countries. In Britain and Hungary this is because legislation explicitly prohibits it. In France they can apply for permission to work but are routinely denied it.

The European Council Directive 2003/9/EC, which laid down minimum standards for the reception of asylum seekers, states that:

'If a decision at first instance has not been taken within one year of the presentation of an application for asylum and this delay cannot be attributed to the applicant, Member States shall decide the conditions for granting access to the labour market for the applicant.'

Each of the three countries have taken up this directive but its implications are various. At the time of the UK report's preparation, it was still unclear how applications to work were to be processed or by whom, so we cannot know to what extent the presentation of a work-permit application actually results in the ability to take up legal employment. In France asylum seekers are allowed to claim the right to work after one year, but are only actually given authorisation to do so if it seems as though the demand for workers in a particular field or geographic area is greater than the supply of workers. Hungarian legislation also aims to ensure that asylum seekers do not take jobs that might be filled by citizens. After one year asylum seekers are allowed to take up paid employment, but only if the particular job in question has been advertised in a Labour Centre for over 60 days and there has been no suitable Hungarian applicant.

Thus, however we look at it, legislation in all three countries makes it difficult for asylum seekers to secure employment, even once they have been resident in the host country, waiting for their applications to be processed, for over a year. As a result many of them may take up jobs on the black market, which benefits no one except the employers. Black market employment is harmful to the econ-

omy of the country in which it takes place, since no tax is paid on the profits, and since there is no regulation people can be paid below the minimum wage, undercutting other workers. Perhaps more importantly, illegal workers are vulnerable to exploitation since they have no rights, and no means to redress abuses. Given its illicit nature it is almost impossible to get any data on exactly how many asylum seekers are employed on the black market in the three countries concerned, but it is indubitable that legislation which stops them working legally can only serve to greatly increase the numbers who work illegally.

In addition to making it difficult for them to work, legislation also makes it difficult for asylum seekers to develop themselves professionally or begin to integrate themselves into society while they wait for their applications to be processed. Since their legal status is itself being decided upon, they are not entitled to many of the things that those with recognised refugee status are entitled to; this becomes a problem when their legal limbo lasts for a prolonged period of time, as it often does. In Hungary while recognised refugees are entitled to a 360-hour-long language course, asylum seekers are not entitled to any language or other training at all; the fact that they live in reception centres makes it even more difficult for them to learn the language. Similarly in France, those with refugee status are required to attend French classes while those waiting to receive this status are not entitled to any sort of language or other training. In Britain asylum seekers are allowed to enrol on government-funded ESOL and other English language courses, but are not permitted to take up any sort of vocational training or higher-level free English courses. Training courses for asylum seekers have been set in up in the UK using European Social Fund funding, but these courses are not allowed to include any vocational element.

Thus, even once asylum seekers are allowed to work, either because they are granted asylum, or a work-permit while waiting on a decision, they may find themselves at a considerable disadvantage. Clearly, for many the biggest problem will be a lack of language proficiency, meaning that they can only be employed in low-skilled jobs where little or no language skills are needed. This can be a particular issue for those with higher-level skills or qualifications, as whatever their abilities it may be almost impossible for them to use them if they cannot communicate effectively. Those with qualifications are also faced by another problem, which is the fact that it is extremely difficult for them to get their qualifications, received overseas, recognised in host countries, even if

they can speak the language. In addition, asylum seekers will by nature come to the job-market with no previous experience of working in their host countries. As many jobs have relevant work experience as a prerequisite, it can be even more difficult for them to successfully gain a position.

Quite apart from how qualified or linguistically proficient asylum seekers are, and even if they are legally employable, it can still be difficult for them to find work due to the attitudes of potential employers. For a start, many employers do not want to have to deal with the legal regulations regarding the employment of asylum seekers. Often they do not know exactly what the law says, and are afraid to employ in case they incur a large fine by unwittingly taking on an illegal worker; in addition the amount of paperwork involved can considerably lessen the attractiveness of employing an asylum seeker even if they are officially allowed to work. But legality and paperwork are by no means the only reasons employers are disinclined to employ asylum seekers: there is also, quite simply, an unwillingness to take on immigrants in the workplace. In Hungary this is partly due to the fact that immigration into the country has historically been low and people are unused to – and perhaps somewhat scared by – foreigners, particularly if they have dark skin. This is not helped by the fact that, as discussed, asylum seekers in Hungary live apart from the general population, in reception centres. In the UK and France, the converse may be true: historically high levels of immigration, and the complex and sometimes volatile relationships between British and French societies and their immigrant populations can prejudice employers against those recently arrived in the country. Indeed in Britain, where there are stringent regulations over discrimination on grounds such as race, religion and sexual orientation, it is not illegal to discriminate against someone because they are a legally-employable asylum seeker or refugee.

From the above it is clear that in all three countries asylum seekers are in a far from ideal position as regards employment, and readiness for future employment. Thus in each report it is suggested that policy on the employment of asylum seekers be re-addressed. It is felt, also, that more support should be given to asylum seekers, particularly in terms of language courses, as well as access to other sorts of training and help to get them ready for entry into the labour market. This support should be complemented by efforts to help them integrate better into their host society. In addition it is felt that more effort should be made to ensure that everyone is better informed: asylum

seekers on their rights and possibilities, and potential employers on the exact legal status of asylum seekers with regards to employment. As well as this, employers should be better informed on the ways in which asylum seekers can bring extra value to their firms; indeed the value-adding potential of asylum seekers is an idea which needs to be further disseminated throughout the general population. With regards to this it is also suggested that close attention be paid to skills shortages in the three countries, and that efforts be made to train-up asylum seekers to fill these gaps. For instance, in Scotland where the population is diminishing, it is thought that around 21% of asylum seekers are educated up to degree level. Thus, the fact that they are currently not allowed to work represents a significant wastage of skills where they are, in fact, needed.

With reference to these problems, the projects set up by EXCHANGES partners in the three countries have a number of specific aims. The broadest is to try to help asylum seekers to do something useful with the time spent waiting for their applications to be processed, in getting prepared for an economically and socially active life in their host country, rather than being inactive and effectively de-skilling during this time. As discussed, the most direct way to do this is to try to influence policy on the subject, but there are a number of other ways in which the partners are going about this. All three organisations have set up programmes which involve language courses and pre-vocational training or orientation. Often these include volunteering opportunities for asylum seekers, which not only give them something to do but also provide them with work experience, as well as giving employers experience of working with asylum seekers, and helping them to realise the extent to which they can be valuable employees. In addition the partners have been working to help asylum-seekers become better informed on their rights and opportunities, and to somewhat ease their integration into the host society in various ways, through particular projects discussed below. Altogether, there is a great need for a more holistic approach in the way we deal with asylum seekers, and it is hoped that the work of the EXCHANGES partners will go much of the way to achieving this.

Based on the experiences accumulated during the work in the three countries partners of the EXCHANGES network have formulated the following recommendations to policy makers dealing with reception and integration of asylum seekers in the European Member States as well as in a broader European context.

The partners firmly believe, that these recommendations can give a valuable contribution to the development of the common European asylum policy.

RECOMMENDATIONS FOR POLICY DEVELOPMENT

EXCHANGES RECOMMENDS that policy makers recognise that the integration process for asylum seekers begins from the day of arrival. This includes social and vocational aspects.

EXCHANGES RECOMMENDS that asylum seekers have access to high quality and appropriate language provision upon arrival. This should be included in the European Council Directive laying down minimum standards for the reception of asylum seekers in the Member States.

EXCHANGES RECOMMENDS that the European Council Directive laying down minimum standards for the reception for asylum seekers is amended so that Member States permit access to the labour market as soon as possible after arrival. At a minimum, permission to work should be granted automatically and unconditionally after a six month period in the asylum process.

EXCHANGES RECOMMENDS that the European Council Directive laying down minimum standards for the reception of asylum seekers is amended to require Member States to permit access to vocational training for asylum seekers, including work placements, building on their skills and experience for their benefit and that of the wider community.

EXCHANGES RECOMMENDS that policy makers and service providers consult and engage asylum seekers directly in the design and implementation of services and policy development.

EXCHANGES RECOMMENDS that all EU Member States positively encourage access to the European Social Fund 2007-2013 for programmes targeting asylum seekers, and this should include a transnational element.

COUNTRY REPORTS¹

¹These documents were prepared using information gathered up to the beginning of 2006; any important changes since then are detailed in an 'Updates' section at the end of each report.

FRANCE

Country Report Prepared by the FAAR DP²

1. GENERAL SOCIO-DEMOGRAPHIC CONTEXT

1.1 DEFINING AN ASYLUM SEEKER

Asylum is a fundamental right, part of the French Constitution's preamble of October 27th 1946, which France committed to respect at international level, by its ratification of the 1951 Convention relating to refugees' status.

In the framework of both National and international texts relating to the right to asylum, refugee status and international protection³, refugee status applies to *"any person who (...), having good reason to fear persecution because of his/her race, religion, nationality, or because he/she belongs to a certain social group or because of his/her political opinions, finds him/herself outside of the country of which he/she has the nationality or who cannot, or who, because of such fear, will not, seek protection from his country."*

1951 Geneva Convention, Article 1

An asylum seeker is someone who is waiting for refugee status to be granted to him by the country where he has come to seek protection, on the grounds of the above mentioned definition, and its criteria.

An asylum seeker can also be granted refugee status in accordance with the preamble of the Constitution of 1946 which concerns *"any person persecuted because of his/her action in favour of freedom."* This last legal basis for protection regards a much more limited number of applicants.

²FAAR is a project lead by the Cimade, an NGO based in Paris, France. The development partnership is managed by the Education and Advice division of the Cimade, a leading service in advising, promoting and developing policies in the fields of education and vocational training for refugees.

³International texts : Geneva Convention of July 28th and Nework protocol of January 31st 1967 relating to refugees status – European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4th 1950 - EU Council regulations of February 18th 2003 establishing the determination criteria and mechanisms of Member states responsible for an application for asylum presented in one of the member states by a national from another country - 2003/9/EC directive of the UE Council of January 27th 2003 relating to the minimim standards for the reception of asylum seekers in Member states.

French texts : Constitution of October 27th 1946 (preamble) – Order n°45-2658 of November 2nd 1945 modified by the law of November 26th 2003, concerning the conditions of foreigners' entry and stay in France – Law n°52-953 of July 25th 1952 modified by the law of December 10th 2003 relating to the right of asylum – Decree n°2004-813 of August 14th 2004 modifying the 3rd title of the decree n°46-1574 of June 30th 1946 regulating the conditions of foreigners' entry and stay in France – Decree 2004-814 of August 14th 2004 relating to the "Office Français de Protection des Réfugiés et Apatrides" and the "Commission des Recours des Réfugiés".

According to the Common European Asylum System recommendations, another form of protection can be granted to *"any person who doesn't fulfil the conditions for the granting of refugee status (...) and who establishes that he/she is exposed to one of the following serious threats in his or her country:*

death penalty;

torture or inhuman or degrading sentences or treatments;

if a civilian, a serious, direct individual threat against his life or person because of general violence resulting from a local or international armed conflict situation"

This form of protection entitles the asylum seeker to a one-year residence permit and offers no social help to the applicant.

1.2 CURRENT AND FORMER TRENDS IN ASYLUM APPLICATIONS IN FRANCE

NUMBER OF ASYLUM SEEKERS

In France in 2005 the total number of first requests for asylum was 42,578⁴ (50,547 in 2004), representing a decrease of -15,8%. 34,6% are female, 65,4% are male. The average age for female asylum seekers is 32,4 and 31,5 for males. Among female asylum seekers 42% are single compared to 55,7% for males, 38% are married as opposed to 32% for male asylum seekers.

In addition to the 42,578 first requests for asylum lodged in 2005, 7,155 minors accompanying parents (-10,54% compared to 2004) submitted a first application. This means that a total of 58,545 asylum seekers (minors and adults) lodged a first asylum application in France in 2005.

Considering only first requests, asylum application has decreased in France in 2005, following a trend observed in other industrialized countries.

In addition, 9,488 (+34,2%) requests for re-examination were presented following negative decision at appeal. The number of requests for re-examination has increased at a much slower rate than in the previous year.

In total, requests for conventional asylum (first requests + re-examinations) decreased by 9,7%, to 59,221, between 2004 and 2005.

These figures include the new subsidiary form of protection introduced by the new legislation in 2004.

⁴OFPPA yearly report 2005

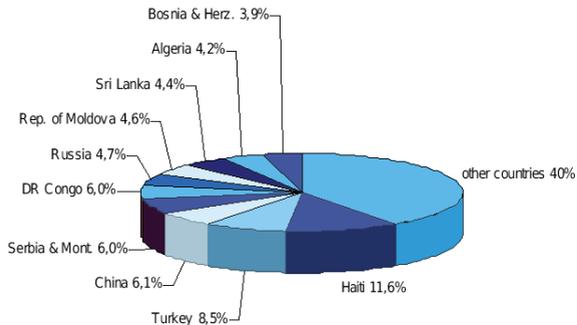
In 2004, 564 people (including 437 children) benefited from the family reunification procedure (410 in 2003). Most of the beneficiaries were originally from the Democratic Republic of Congo, Congo, Haiti, Sri Lanka, Rwanda, Mauritania, and Guinea.

Three elements arise from the figures:

- An significant increase in asylum claims from Haiti (+61,5%), most of which are lodged in Guadeloupe (French West Indies)
- Since 2001 asylum claims by women have gradually increased. They made up 26,9% of all claims in 2001 as opposed to 34,6% in 2005.
- Geographic repartition of asylum claims has changed so that overseas French territories now come third in the number of applicants (9,9% of total), behind Paris and its suburbs (41,7%) and Rhônes-Alpes – Lyon area (11,6%); Provence-Alpes Côte d’Azur – Marseille area comes in fourth position with 5,1%. The number of asylum claims lodged in Paris has been decreasing since 2001. Paris has received 16% of the overall asylum claim compared to 40% in 2000, and 20% in 2004. Region Île de France (which includes the Paris area) received 15,6 asylum-seekers per10.000 inhabitants.

ORIGIN OF ASYLUM APPLICANTS

The main countries of origin of first applicants (adults only) in 2005 are Haiti, Turkey, China, Serbia and Montenegro, DR Congo, Russia, Rep. of Moldova, Sri Lanka, Algeria, Bosnia and Herzegovina; these ten countries of origin representing 60% of the whole.



ASIA

Asylum application from Asia has been steady and is comparable to its level of 1999. The first 5 countries of origin are China, Sri Lanka, Bangladesh, Pakistan, India and Mongolia. The proportions from different countries have generally remained steady and the situations in countries of origin mentioned by applicants remain unchanged. The fact that India and Mongolia were put on the list of "safe countries" in 2005 accounts for the significant decrease of the number of claims from these countries.

AFRICA

Requests from Africa have dropped by 11,6% in 2005, compared with 2004. Main countries of origin are DR Congo, Congo, Guinea, Nigeria and Côte d'Ivoire. Applications from DR Congo have decreased by 10% compared to 2004 confirming the tendency observed since 2003.

In 2005, besides traditional political grounds for claiming asylum according to the Geneva Convention, female asylum claims have been increasingly based on grounds such as sexual harassment or forced marriages. In addition there have been increasing numbers of claims from marginalised social groups such as homosexuals.

EUROPE

30% of all applicants in 2005 were from European countries. Applications from Turkey have decreased by 50% in the last two years, although it has remained second on the list of requests for asylum in France in 2005.

Requests from Russia, mostly from Chechnya, have decreased by 3%. They generally reach France after a long transit through other European countries and then fall under the Dublin regulation⁵.

Applications from Ukraine have dropped by 35%, which can be accounted for the fact that this is now on the "safe countries" list.

Applications from Rep. of Moldova, mostly from Romanian people, have dropped gradually throughout the year.

Serbia is the only country of origin from which applications have increased (+8%), 80% of these claims are from the Roma group in Kosovo.

Bosnian applications have decreased by 18%, also largely due to this country being considered a "safe country".

Asylum claims from the Near and Middle East have decreased by 10%. 75% of these claims come from Iraq, and the Occupied Palestinian Territory;

Applications from Syria have dropped sharply by 40%.

⁵ The Dublin Regulation came into effect on 1st April 2006 and ensures an asylum application submitted in an EU state is handled by one, and only one, member state.

Stateless applicants have increased for the sixth year running to reach 259 new requests (+31%). These applications mostly originated from Europe (64%), Asia and Africa making up a further 24% and 12% respectively.

The percentage of asylum claims presented by unaccompanied minors, which had been continuously increasing for several years, has dropped by 40% in 2005 with only 735 recorded requests (compared to 1,221 in 2004).

Nationalities represented have remained unchanged, a large majority coming from Africa (58%), namely Dem. Rep. of the Congo and Angola. The other nationalities are Turkey, Sri Lanka and Guinea, Rep. of Moldova and Russia. Requests from unaccompanied minors from Congo have significantly decreased.

A third of these requests are lodged by female applicants and 5,4% only are aged under 16.

Unaccompanied minors are systematically summoned to an interview. Overall recognition rate is 45,2%. 43 out of 735 were granted subsidiary protection. Unaccompanied minors' requests lodged at the border are 167 (compared to 231 in 2004) representing a sharp fall of 27,7%.

RECOGNITION RATE

The total recognition rate (first instance + appeal) is 26,9 % (16,6% in 2004).

The number of statuses granted on appeal is all-inclusive. The recognition rate at first instance is 8,2% (9,3% in 2004). Appeal decisions cancelling first instance decisions rose by 94%.

13,770 applicants were granted refugee status in 2005, 557 of which were given subsidiary protection (compared to 11,292 in 2004, 9,790 in 2003).

Highest recognition rates have been among applicants from Kazakhstan, Kyrgyzstan, Eritrea, Azerbaijan, Rwanda, Myanmar, Russia (mostly from Chechnya), Chad, Afghanistan and Iran.

Recognition rate by country of origin – not including unaccompanied minors

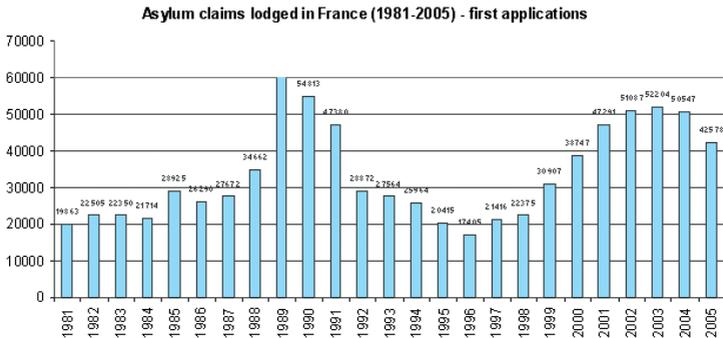
Country of Origin	Recognition rate (first instance + appeal)	Number of decisions
Kazakhstan	84,4%	90
Kyrgyzstan	84,2%	57
Eritrea	77,8%	45
Azerbaijan	68,3%	589
Rwanda	65,3%	401
Myanmar	65%	20
Russia	62,5%	2251
Chad	58,7%	225
Afghanistan	58%	131
Iran	57,6%	85
Albania	56%	411
Cuba	53,8%	26
Ethiopia	53,6%	41
Colombia	52,5%	59
Sudan	51,3%	372
Somalia	48%	123
Armenia	46,4%	1204
Georgia	44,1%	1323
Nepal	43,8%	32
Tunisia	43,3%	30
Zimbabwe	42,9%	14
Tunisia	43,3%	30
Syria	42,5%	40
Burundi	39%	82
Sri Lanka	38,5%	2689
Congo	36,7%	146
Angola	36,3%	1047
Vietnam	34,4%	32
Serbia and Montenegro	32,7%	2681
Bosnia and Herzegovina	30,1%	2498

Countries of origin with lowest recognition rates include China , Mali, Rep. of Moldova, India, Occupied Palestinian Territory, Nigeria, Haiti, Pakistan, Algeria and Turkey

Country of Origin	Recognition rate (first instance + appeal)	Number of decisions
China	2,1%	2935
Mali	4%	593
Rep. of Moldova	4%	2358
India	6,6%	624
Comoros	7,2%	111
Occupied Palestinian Territory	8,2%	61
Nigeria	10,5%	1519
Haiti	11,3%	3655
Pakistan	11,8%	550
Senegal	13,7%	124
Sierra Leone	15,4%	234
Algeria	16,4%	1889
Turkey	19,7%	4994

VARIATION IN THE RECOGNITION RATE

Over the past 25 years, the variation of the recognition rate has been quite significant: it decreased from almost 80% in 1981 to around 16% in 1990, rose again to close to 30% in 1992-1993 and has remained relatively stable, between 15% and 20% since 1995. Over the same period the evolution of the number of asylum seekers rose from around 20,000 in 1981 to over 60,000 in 1989, fell to 17,000 in 1997 and rose again to over 50,000 in 2004.



ACCELERATED PROCEDURE OR “PRIORITY PROCEDURE”

This asylum procedure applies to in-country applicants. It provides for the four following situations:

- Another state is responsible for the examination of the claim for asylum under the Dublin Convention;
- Article 1C5 of the Geneva Convention (cessation clause) has been applied to the country of origin of the asylum seeker. The cessation clause applies to the following countries: Romania, Bulgaria, Argentina, Benin, Cap Verde, Chile, Hungary, Poland, Czech Republic, Slovakia, and Uruguay. As announced by the government on 25 July 2002, 13 other countries will be added to this list under the reform of the asylum law: South Africa, Bangladesh, Botswana, Costa Rica, Estonia, Gabon, Ghana, Maurice isle, Leetonia, Lithuania, Mali, Mongolia and Slovenia.
- The asylum seeker represents a threat to the public order;
- The asylum application is considered by the prefecture to be abusive, fraudulent or lodged with the intention of postponing the implementation of a removal order.

In 2005, 12,056 asylum requests were processed under the accelerated procedure (9,212 in 2004). This represents 23% of the total (16% in 2004, 9,6% in 2003). This increase could be a direct consequence of the asylum reform of 2003. But it is also due to both the important rise of re-examinations (56% of accelerated procedures are re-examinations) and the establishment of a safe countries of origin list since July 2005.

Main nationalities of first time applicants are Turkey, Algeria, Haiti, Bosnia and Herzegovina, Serbia and Montenegro, Rep. of Moldova, Romania, Georgia. Main nationalities for re-examinations are Turkey, DR Congo, Sri Lanka, Mauritania and Bangladesh.

The recognition rate under the accelerated procedure is very low: 2,2% (4,4% in first instance and 0,8% in re-examination).

In accordance with waiting time regulations imposed by the 2004 asylum legislation, 70% of accelerated procedures are processed in 15 days or less, and in 4 days or less if the applicant is in a detention centre.

SOCIAL ASPECT OF THE FAST TRACK PROCEDURE⁶

In France asylum seekers in fast track procedures are not granted a residence permit and therefore cannot benefit from the welfare policy applicable to other refugees, nor can they benefit from the CMU (Universal Social Security). In other words they do not receive any allowance at all from the government, which often leaves them in a difficult economic situation. However, they do have access to the AME (State Medical Aid) if they can prove that they have stayed in France without interruption for three months. As a result, with the exception of medical emergencies, people have to wait three months before gaining access to basic healthcare. However, in September 2005 a new circular introduced plans to make AME more flexible (especially concerning the time requirement) in the future.

The rate of overall applicants (first requests + re-examination) called for an interview at the OFPRA has reached 83%, compared to 73% in 2004, 68% in 2003. The interview rate has been 61% (51% in 2004, 49% in 2003).

Almost 3 of applicants called went to the interview.

The length of asylum procedure has been shortened at first instance stage. The average time between application and first instance decision is 3,5

⁶ from ECRE annual report 2005

months. 50% of the decisions are taken 2,5 months after claims are lodged. Waiting times also vary significantly according to the nationality of applicants.

DEPORTATIONS OF REJECTED ASYLUM SEEKERS

There are no statistics available on the deportation of refused asylum seekers. The Ministry of Interior does not supply official figures distinguishing between deportation of rejected asylum seekers and the removal of non-nationals in general.

Once an asylum seeker has received a final negative decision, they will be invited to leave the territory within 1 month. If they have not left the country after 1 month, they will receive a prefectural expulsion order. They will then be held in a detention centre, pending their expulsion, for a maximum period of 32 days (26 November 2003 Law). If it is not possible to expel an individual during this time, they are released but granted no legal status. The Ministry of Interior constantly repeats that forced return is now implemented more rigorously. On 24 July 2006 he made a statement that the Ministry of Economy had agreed to finance the development of new detention centres: (968 new "beds" in June 2002, 1,447 "beds" today, and 2,500 in June 2007). He said that the number of expulsion orders that had been implemented had doubled in 3 years: 10,000 expulsions in 2002, 20,000 in 2005; the objective for 2006 is 25,000.

NEW ASYLUM LEGISLATION

There have been significant changes in refugee determination procedure, appeal or deportation procedures due to the new asylum legislation passed at the end of 2003.

Under the new law an applicant has 21 days instead of one month to refer to the OFPRA to lodge his/her asylum application after obtaining a temporary residence permit from the prefecture. Beyond this period the application is normally no longer admissible.

In the case of an accelerated procedure, OFPRA has 15 days to reach a decision (or 96 hours when the applicant is detained).

For a re-examination, OFPRA has 96 hours to examine whether the request is admissible or not. Moreover, this law has introduced the possibility for one judge alone to reject a request without any trial of the applicant at appeal.

The definition of subsidiary protection provided by the new law is the same as the one given by the EU Qualification Directive. Article 1(c) lists among the 'serious threats' the individual would face if returned to the country of origin: 'serious and individual threat to a civilian's life because of indiscriminate violence resulting from a situation of national or international armed conflict'. Under the new legislation, beneficiaries of subsidiary protection find themselves in a very precarious situation. They are granted a temporary residence permit valid one year, which can be renewed only if the conditions on the basis of which it was granted continue to exist.

A unified procedure for both Convention status and subsidiary form of protection

Under the new law, OFPRA is responsible not only for conventional and constitutional asylum applications, but also for subsidiary protection cases. Each application is examined first under the 1951 Geneva Convention, and then considered for subsidiary protection only if Convention Status cannot be granted. So far, convention cases and 'territorial asylum' cases have been treated separately. With the new law, 'territorial asylum', which previously came under the responsibility of the Interior Ministry, has been replaced by 'subsidiary protection' and is now part of a unified procedure carried out by OFPRA.

INTRODUCTION OF NEW CONCEPTS

Although the concept of 'safe country of origin' formally appears for the first time in the French Asylum Law, it does not bring anything new in practical terms since other pre-existing laws already include similar measures by means of a broad interpretation of "cessation clauses". The concept of 'manifestly unfounded' applications has been extended to the asylum procedure. So far, it has only been used for applications lodged at the French borders (if an application is considered as 'manifestly unfounded', the applicant is not allowed to enter the territory). In case of manifestly unfounded applications, there is no obligation for OFPRA to interview the applicant during the examination of the claim: the application may be rejected without a hearing. The concept of "non-state agents" has been finally introduced into French Legislation (Article 1, Asylum Law 2003).

The "internal flight alternative" concept has been introduced by the new law (Article 2 § 3, Asylum Law). The concept of "protection agents" has also been introduced: it includes states, as well as regional and international organisations.

Financial aid for asylum seekers is to be modified. It will continue to be given only to those asylum seekers who have a residence permit but who are not in an accommodation centre. The amount will remain the same but it will be given to asylum seekers for the duration of the procedure (support used to be limited to 1 year). These changes were adopted in the 2005 financial law but have not yet come into force, the implementing decree not yet having been adopted.

1.3 ACCOMMODATION OF ASYLUM SEEKERS IN FRANCE

The accommodation system for asylum seekers represented about 17,500 places in reception centres at the end of December 2005, 2,737 of which were in the region Île de France. 2,170 new places were created in 2005, and it was noticed that there was a real effort to share national accommodation capacities in 2005. The rate of needs coverage in region Île de France rose from 6,7% in 2003 to 14,3% in 2005. Nevertheless, the accommodation capacity for asylum applicants is still far from sufficient. Only 17,500 places are available to accommodate over 50,000 asylum seekers. There is still an unequal situation with regards to accommodation capacity between the French regions. Big urban areas (such as Paris and Lyon) remain totally saturated. The region "Île de France" (region of Paris) is the first region in the reception of asylum applicants (over 41% of national figure for the first 10 months of 2005). The financial law for 2006 also intends to create 2,000 new places in reception centres in 2006, and the law of 18 January 2005 for a social cohesion programme plans the creation of 1,000 new places in 2007.

To face this problem, alternative solutions are often used, such as emergency accommodation, hostels etc. Difficulties in obtaining decent accommodation can create problems for asylum seekers in accessing the asylum system. The number of places available in centres for statutory refugees has remained unchanged for many years. There are 1023 places, 186 of which in the Paris area.

2. NATIONAL LABOUR AND ASYLUM POLICY CONTEXT

2.1 ACCESS TO WORK AND VOCATIONAL INTEGRATION MEASURES

Since 1991 asylum seekers are not allowed to work, so no National Action Plan can possibly deal with the issue of the employability of asylum seekers. Access to employment has since been considered by the authorities to be a possible incentive for asylum seekers to flow into France. Asylum seekers with only a temporary residence permit (three months) are not seen as a population eligible for work. The theory is that any temporary residence permit indicating an expiry date is not valid for any access to work. On top of having a temporary residence permit, asylum seekers have a permit with the mention "not allowed to work".

The reforms adopted in 2004, that is the new Asylum Law and the creation of a contract for the reception and integration of newcomers (Contrat d'Accueil et d'Intégration) only concern statutory refugees and leave asylum seekers as a totally separate group. These reforms have had serious consequences for refugee integration.

First, local authorities (and not the national authorities) are now in charge of refugees. On the 2nd of July 2004, a national office was created in order to provide statistics on immigration and integration and to collect data on migration and make proposals to improve the integration policy.

AN INTEGRATION CONTRACT FOR ALL NEWLY ARRIVED MIGRANTS

The new integration contract (Contrat d'Accueil et d'Intégration) was piloted in some departments in January 2004. The integration contract applies to all non-nationals who have the right to remain legally in France, therefore to statutory refugees, but not to asylum seekers, although asylum seekers do have a legal temporary residence permit.

The 'integration contract' was made official by article 146 of the 18 January 2005 Law on social cohesion. This contract is put into practice by ANAEM and

represents a 2-way commitment between the State and the newly recognised refugee. French classes are included in the contract, which must be signed by all recognised refugees.

Through the contract, the State offers every migrant wishing to settle in France:

- An individual interview with a social worker to establish a diagnosis of the migrant's situation and to evaluate their needs;
- A civic course;
- 200 to 500 hours of French classes;
- An interview with a social worker who can propose social assistance to the newly arrived migrant.

In return, the migrant is required to:

- respect the fundamental values of the French Republic (democracy, freedom, equality, solidarity, security and secularity);
- attend the classes to which he/she has been assigned;
- go to the follow up interviews to monitor the implementation of the contract.

The contract is signed for 1 year and can be renewed for 1 additional year.

A new law on social cohesion adopted on January 18th 2005 allowed a series of measures on refugee integration to be taken, particularly concerning work, accommodation and equality for refugees. This law adds to integration contracts with the objective of improving refugee integration into French society. It has meant the creation of a Public Service for the Reception of newcomers, a future National Agency for the Reception of Foreigners and Migrants ("ANAEM" in French), harmonisation of integration contracts and the creation of regional programmes for refugee integration. All these measures will aim at a better management of newcomers.

Nevertheless, the main difficulty remains access to work. The state focuses more on newcomers as a whole, than on refugees and integration. Again, asylum seekers are totally absent from these measures and national plans.

2.2 EUROPEAN SOCIAL FUND AND THE EQUAL PROGRAMME

The only national development plans or strategies aimed specifically at asylum seekers are the Equal Theme I funded programmes. Although Equal programmes as a whole deal with access to employment, the programmes target-

ing asylum seekers aim at “providing training”, not work. So in effect there is no employment strategy in operation with respect to asylum seekers. Under Equal, Theme I (“Developing training programmes for asylum seekers”) the only link to work is the preparation for employment that can be done before the status is granted.

2.3 EMPLOYMENT OR EMPLOYABILITY OF MIGRANTS, ASYLUM SEEKERS AND REFUGEES

The refugee integration policy in France considers refugees to be like any other group of newcomers who should benefit from mainstream service provision. By contrast, asylum seekers are not considered in terms of employability. This is because new legislation aims to reduce the waiting time to such an extent that it would not be worth considering their work possibilities while their status is being decided on.

2.4 POSITION OF TRADE UNIONS, EMPLOYER AND EMPLOYEE ASSOCIATIONS

Since 1991 access to work has been denied to asylum seekers, which accounts for the lack of contact between the vocational environment and asylum seekers. Therefore, Trade Unions are not directly concerned with their situation. Broadly speaking however, from what we know of Trade Unions’ approaches to the integration of migrants, there should in theory be support for asylum seekers as a vulnerable group.

FSU, a major Trade Union in the field of Education, and other national federations of Trades Unions have strongly supported actions to support children of asylum seekers who attend schools and whose parents have been under the threat of deportation.

Since 1991 and the official ban from work, there has not been any clear and broadly supported position on the issue of access to work for asylum seekers and on the subsequent issue of discrimination.

2.5 POSITION OF NGOS, RCOS AND OTHER ADVOCACY GROUPS ABOUT THE ISSUE

NGOs and advocacy groups usually defend asylum seekers’ right to work and argue that legislation should be as it was before 1991. Firstly, on humanitarian

grounds, it is widely accepted that asylum seekers should be in a legal position to support themselves by making a living through a paid activity. Secondly, most NGOs working with migrants argue that migrants in general and asylum seekers in particular bring a wide range of skills to host countries, and that these skills should be used. Finally, during the time of the asylum procedure, access to work is believed to be an effective way to avoid the destructive effects of long-term waiting without any meaningful activities and social contact with members of the host society.

A European church network has proposed principles for a European asylum and immigration policy. In relation to access to work for asylum seekers, this network stated in October 2003 that accessing the job market and benefiting from support in job seeking should not be denied to asylum seekers for a long period (from 6 months to a year). Starting to work facilitates faster integration once leave to remain is granted.

There is also a strong view shared by most of the NGOs and RCOs about the status of asylum seekers in relation to the Geneva Convention, according to which the best possible treatment should be reserved for a person seeking asylum in a host country.

Such a person should be considered a refugee as long as the host country has not proved otherwise, refugee status being a recognitive status. By this argument, denying access to work amounts to reserving the worst possible treatment to a population which is already in need of help.

2.6 POSSIBLE CONTRIBUTION OF ASYLUM SEEKERS OR REFUGEES TO THE HOST SOCIETY

Like statutory refugees, as mentioned, asylum seekers can bring specific skills to the host country, as well as contributing to diversity within the work place. The variety of languages spoken by asylum seekers can also constitute a strong competitive value for the host society.

2.7 POSSIBLE REASONS FOR NOT EMPLOYING ASYLUM SEEKERS

Unfortunately, as discussed above, the question of potential contribution of skills may not be applicable since leave to remain with access to work may be the first concern of an employer. Even if, in theory, since the transposition of

the EU directive concerning the reception conditions of asylum seekers, permission to work may be granted, based on either the employment situation in the region concerned or the sector concerned, the qualifications of job applicants cannot match the amount of administrative hindrances brought about by the work application procedure. Paradoxically, work opportunities are more likely to be offered in the unskilled sector, such as seasonal work.

Besides, communication and awareness raising messages addressed to the general public opinion in the field of asylum are more likely to stress the right of asylum and the right to seek and obtain protection rather than the possible contribution of qualified asylum seekers to the host society.

In addition, employers frequently lack information concerning the legal status of refugees or asylum seekers in relation to access to the labour market. In the case of subsidiary protection, the holder has a one-year residence permit with access to work. Such a residence permit proves to be a real obstacle to the holder being given employment, on the grounds that the residence permit is too temporary and does not offer enough guarantee to the employer. A leave to remain which includes an expiry date is likely to provoke a fear of trouble with the authorities on the part of the employer, when the leave to remain expires.

3. ACCESS TO THE LABOUR MARKET

3.1 LEGAL BACKGROUND OF EMPLOYING (NOT EMPLOYING) ASYLUM SEEKERS

The legal background for (not) employing asylum seekers is the legislation of 26th September 1991 regarding the situation of asylum seekers in the labour market. This text modifies the act of 17 May 1985 which automatically granted access to work for asylum seekers. The grounds for this legislative modification are the following: The context, at that time, was one of increasing migration towards Europe and of an “increasing number of economic migrants mingling with asylum seekers, and seeking integration, applying for asylum”. The application processing time had been significantly reduced to less than 6 months. Both in order to protect the French labour market and because of the reduction of the waiting period of asylum seekers, it was decided not to grant

automatic access to work for asylum seekers. This does not mean that asylum seekers are actually banned from work. But in practice, no admission to work is given. In theory, exceptional authorizations can be asked to DDTE (employment administration) but employment statistics show that they are generally refused. Automatic access to vocational training was also denied by the same legislation.

At the same time, this legislation, on humanitarian grounds, provides for the situation of rejected asylum seekers, who have been present in the country for a number of years because of the length of the application procedure. The 26 September act states that these asylum seekers will benefit from an exceptional leave to remain.

In 2005, as a result of transposing parts of the Reception Directive⁷, asylum seekers who have been waiting for a decision for over a year are given the right to work. In fact, as was mentioned above, they can be given the right to request an authorisation to work, which in reality does not entail any actual admission to work.

During the first instance procedure (OFPRA), if no decision has been taken after one year, for reasons for which the asylum seeker cannot be held responsible, an authorization to work can be claimed. This claim will be examined according to mainstream regulations concerning migrants' access to work, which means that the authorization largely depends on the situation in the job market. Access to work will be granted only if the situation in the job market clearly indicates, in a particular sector or geographic area, that vacancy numbers are higher than the numbers of those seeking to fill them.

In case of access to work, this will be effective during the validity of the temporary leave to remain (3 months).

During the appeal procedure (Commission des Recours), an authorization to work can also be claimed. Access to work, if granted, will be granted until the appeal commission has processed the asylum claim.

3.2 EMPLOYABILITY OF ASYLUM SEEKERS AND THE LABOUR MARKET SITUATION IN FRANCE

Since asylum seekers cannot work legally, there is no official data as to their actual labour market situation.

⁷from ECRE annual report 2005

Voluntary work involving asylum seekers has not been developed on a large scale or in an organised way. Voluntary placement of asylum seekers has been more due to isolated initiatives led by NGOs, RCOs or individuals.

The unemployment rate is much higher for migrants than it is for French nationals, as shown by the graph below. 25% of non-EU migrants were unemployed in 2002, as opposed to 9% within the overall population and 8,3% for French nationals. Amongst young non-EU migrants the unemployment rate has reached 36%. These differences are partially due to the average qualification-level of non-EU migrants, which is lower than that of French nationals, most of the migrants' qualifications not being recognised by the host country. They may also be to do with discrimination, discussed below.

Unemployment rates by age and origin (%)⁸

	15 to 24 years	25 to 49 years	over 50 years	overall
French	19,9	7,6	5,6	8,3
Non nationals	28,8	18,9	15	18,4
From EU	8,3	7,6	7	7,4
Outside EU	36,6	25,1	22,1	25,1
overall	20,2	8,3	6,3	8,9

Migrants' unemployment rate by gender and age in 2005 (%)⁹

In France, people aged 15 and more

	Total	25 to 39 years	40 to 49 years	50 years and more
Men migrant	15	17	14	14
Men, non migrant	8	9	5	6
Overall male population	9	9	6	7
Women migrant	22	28	18	16
Women, non migrant	10	11	7	6
Overall female population	11	12	8	7
Overall active migrant population	18	21	16	15
Overall active non migrant population	9	10	6	6
Overall active population	10	11	7	7

Employment rates also differ considerably according to particular nationality. Within the 30 to 39 year age group, over 35% of migrants coming from Africa are unemployed, as opposed to 11% of those from EU countries.

⁸Insee - 2002, Employment survey.

⁹Insee, Insee - 2005, Employment survey

Apart from discrimination and qualification levels, another factor which has played an important part in the differences of unemployment rates based on nationality is the sector of employment. Migrants coming from Northern and other parts of Africa have been much more affected by the crisis of the traditional industries (steel and car industries) than migrants coming from southern Europe (Italy, Spain, Portugal) who traditionally work in the building sector.

Unemployment rate according to nationality (%)¹⁰

All migrants	23,7
EU	10,9
Spanish	15,1
Italian	13,8
Portuguese	10,1
Algerian	37,3
Moroccan	35,4
Tunisian	35,8
Other nationality from Africa	36,8

3.3 COMPLEMENTARY SERVICES AVAILABLE FOR ASYLUM SEEKERS IN FRANCE

In the field of integration measures, no particular service is available for asylum seekers in France. While the asylum seeker is applying for the refugee status, nothing is to be provided during what is considered to be a waiting phase before a status is granted or denied. The asylum seeker is in between two situations, applying and being either rejected or granted a refugee status. As long as the leave to remain has not been granted, the asylum seeker is not worth the least provision that could facilitate a hypothetical future integration in the host country. Consequently, since 1991, the French Government has decided to focus all the effort on shortening the length of the procedure rather than on considering the waiting phase as a possible period for anticipating on the integration process.

No language is provided for asylum seekers, who are thereby denied the right to communicate with the host country, no access to any vocational training is made possible, neither is any support in the preparation for employment granted, so that the time of the procedure is merely wasted, and the integration process is both delayed and partially thwarted.

¹⁰Insee – 1999, Census of the population.

4. DISCRIMINATION IN THE LABOUR MARKET

Significant work is to be done with employers in both the public and private sectors, not least in terms of developing diversity management; and in general in the need for complying with EU anti-discrimination legislation, in terms of race and ethnicity as well as gender equality.

Newly arriving asylum seekers in France face a situation in which foreign citizens coming from non-EU countries are highly represented in the unemployed population and face discrimination in their access to the job market. On top of possible discrimination based on origin and gender, it is estimated that 6 to 7 million jobs are quite simply closed to foreign citizens, 1.2 million of which are in the private sector.

French legislation does not allow surveys mentioning ethnic or cultural minority groups. It is nevertheless acknowledged that amongst the 4,3 million migrants, 1.7 million were born in Africa, 543.000 in Asia. In all, 2.2 million people, visibly foreigners (colour of skin, name), are liable to suffer from discrimination in their access to work.

It is also important to notice that an essential handicap in migrants' access to the job market is often the level of qualification, which is on average lower than that of French nationals. This is partly due to the socioeconomic status origins of some migrant groups, but also, as previously discussed, to difficulties encountered by migrants in getting prior education recognised in France.

As asylum seekers cannot generally work legally, official data regarding their situation in employment is not available. Informally though, the experience of working with asylum seekers for a number of years has allowed NGOs to collect testimonies and to hear stories from asylum seekers who had been working illegally. All indicate asylum seekers face even more discrimination than migrants who work legally. In particular, women are liable to suffer, being considered more vulnerable, and a cheap labour force which is easy to control.

Even once it is theoretically legal for them to work, asylum seekers are granted work permits only if the situation in the job market seems to indicate that in a particular sector or geographic region the number of available jobs exceeds the demand for them. However, job-market situations can be difficult to estab-

lish, and this rule leaves a great deal of scope for institutional discrimination. In addition, other sorts of migrants who are allowed to work do not have to establish anything about the job-market situation, so this rule is, in itself, discriminatory even when applied as objectively as possible. Discrimination will also arise from a system in which access to work is likely to be made available to highly-valued workers in more prestigious professions, but withheld from those working in unskilled and casualised sectors.

No change in the present legislation is to be expected to raise such an obstacle to integration.

5. SUPPORT

5.1 SUPPORT NEEDED BY ASYLUM SEEKERS TO FACILITATE SOCIAL AND VOCATIONAL INTEGRATION

LEGAL ACCESS TO WORK

A clear legislation granting the right to work for asylum seekers whose asylum procedure has exceeded 6 months, as opposed to one year, according to the European Reception Directive officially agreed as part of the Common European Asylum System.

No priority should be given to EU citizens and nationals of the EEA and legally resident third country nationals for national labour market reasons, as it creates a further level of discrimination.

Work and residence permits should be combined throughout the asylum procedure, allowing for more clarity from the point of view of employers.

While waiting for a legal access to the labour market, asylum seekers should be given volunteering opportunities allowing them to gain work experience and work references on the French job market, and giving employers an opportunity to better know the target group.

AUTOMATIC ACCESS TO TRAINING

Language training and access to a sufficient knowledge of the social and vocational environment in the host country will facilitate future access to the labour market.

Adequate training provided at the right time, as early as possible in the vocational integration pathway may allow asylum seekers to better negotiate their way into the labour market and for their employment to produce optimal benefits for all the relevant parties.

There should be provisions allowing for the recognition of professional qualifications and of prior learning through processes accessible early during the asylum procedure.

RECEPTION AND SOCIAL CONDITIONS

Improved social conditions in the reception of asylum seekers will allow for a better preparation for vocational integration.

Childcare provision should be largely made available, especially to women, without which access to language or vocational training, cultural events or other gatherings is not possible.

Psychological help should be provided on a much wider basis than it is now, considering the needs for specific care regarding traumas suffered by asylum seekers.

5.2 SUPPORT NEEDED BY EMPLOYERS TO ENHANCE THEIR CAPACITY AND/OR WILLINGNESS TO EMPLOY ASYLUM SEEKERS

Employers should be made aware of the asylum issue, through proper communication and information related to this specific target group. Information should be made available as to who asylum seekers are, where they come from, their reasons for seeking protection in the host country, and their right to do so.

At a higher level, employers must be informed of the variety and diversity of the target group and the ways in which it can be introduced into the national society through vocational integration.

Lastly, the skills and experience brought by asylum seekers should be promoted.

6. RELEVANCE OF THE 'FAAR' EQUAL PROJECT

6.1 RELEVANCE FOR BENEFICIARIES

Through an experimental programme targeting a selected number of beneficiaries, the FAAR project advocates and promotes a better vision and a more coherent approach to the reception of asylum seekers and refugees.

From asylum reception to settlement, FAAR's ultimate goal is to ensure that the asylum claim has been made in accordance with the applicant's rights and in the best conditions possible, providing asylum seekers with a meaningful existence throughout the waiting phase and at the same time helping them prepare for their future settlement and integration.

In a national context in which no particular rights are granted to asylum seekers, the Paris based DP aims to:

- welcome asylum seekers by offering them a symbolic and physical place in our society through activities that create a social link and prepare for the future: French language courses, theatre workshops, vocational orientation, advice and guidance;
- develop a capacity-building approach for refugee organizations;
- offer social assistance, mostly addressing the housing shortage for asylum seekers;
- give legal advice and support in the asylum seeking procedure, paying particular attention to women asylum seekers who may suffer particular gender-related persecution.

In terms of activities, language classes are at the centre of the programme in that they constitute the time and place where beneficiaries meet, create social links and take part in a meaningful activity, thus preparing their future social and vocational integration. The language classes are also central because, being regularly attended by beneficiaries, they are the place where the needs expressed by the asylum seekers can be assessed and either addressed or referred to other service providers, within or outside the DP.

The project also provides legal support throughout the asylum procedure particularly important in a context in which this procedure has been made increasingly more difficult for the applicants.

Social guidance and referral provided in the frame of the project is of the utmost importance for asylum seekers who are facing cruel difficulties in their access to overall social provision.

The foremost relevance of FAAR project lies in the fact that it provides its clients with an integrated approach towards the three main dimensions of the asylum-seekers position: the legal procedure, social reception conditions and access to social and meaningful activities, namely language and/or vocational training and social activities creating or recreating social links between members of an uprooted target group.

6.2 THE RELEVANCE OF FAAR EQUAL FUNDED PROJECT FOR POLICY MAKERS IN THE FIELD OF ASYLUM AND LABOUR AFFAIRS

Ensuring a smoother integration process for asylum seekers is part of a policy which is both humane, in accordance with the principles of the Geneva Convention, and effective in that it facilitates asylum seekers' eventual access to the labour market by maintaining or improving their individual skills and competences during the asylum procedure. Policy makers should be made aware of the expected impact of the projects on the beneficiaries. The most important impact will be that they will be much more effectively empowered to integrate into the host society, this empowerment being made possible largely by the whole set of activities provided on the project.

The beneficiaries and the target group of FAAR project are inhabitants and citizens of the City of Paris. As such, they deserve all the attention and care any inhabitant of the city receives.

Asylum seekers are under the responsibility of the Ministry of Employment and Social Affairs. Their situation as regards health, well-being, children's education and access to school, accommodation and lodging remains the responsibility of the government as long as they have leave to stay in the country. Any consequence deriving from a lack of decent integration conditions for asylum seekers is the responsibility of the government.

Providing good reception conditions by offering a comprehensive approach to all the difficulties faced by an asylum seeker is the only way policy makers can anticipate and prevent the negative consequences resulting from the long and uncertain waiting period of the application process. Such a phase along the

pathway towards integration is, in the current mainstream provision, characterized by inactivity and isolation, which has a significant bearing on the asylum seeker's future ability to integrate into the host society.

FAAR project aims to impact upon the government's refugee integration strategy, by mainstreaming its global approach to asylum seekers' integration

- process, hence seeking to encourage a strategy that:
- considers people as a whole and not just as asylum seekers, as individuals with a right to lead a social and meaningful life;
- seeks to improve the skills and capability of asylum seekers should they stay or return to their country of origin;
- considers integration as a long term process that begins on arrival, rather than a two-stage process, made up of a 'before' and 'after' being granted refugee status stage.

APPENDIX

CHANGES¹¹ IN THE LEGAL AND SOCIAL SITUATION OF ASYLUM SEEKERS IN FRANCE SINCE THE COMPILATION OF THE COUNTRY REPORT

CHANGES IN THE LEGISLATION SINCE JANUARY 2006

The major change regarding the legislation on asylum in France concerns the role of reception centres and the obligation to leave French territory after a failed asylum claim.

Since 2006, reception centres can only accept regular asylum seekers, ie asylum seekers who do not fall under the Dublin II convention procedure or under the „priority procedure” process¹². They have become separate from the network of social reception homes and are expected to get rid of rejected asylum seekers at the latest one month after the negative answer. This is in line with the new legislation in place regarding obligation to leave French territory after a failed asylum claim: all asylum seekers receive a notification obliging them to leave French territory within a month of receiving this notification (in French: „Obligation de quitter

¹¹As of October 2007.

¹²See explanation on « priority procedure » in main text of Baseline Survey.

le territoire français”, known as OQTF).

Reception centres are gradually becoming tools of control for the state. The work towards integration of asylum seekers is no longer a priority within these centres.

FIGURES¹³

New applications or first requests for asylum

2004	2005	2006	30 August 2007 (8 months)
50,547	42,578	26,269	15,964

These figures concern adults only.

ORIGIN OF ASYLUM APPLICANTS

2006

The main countries of origin of first applicants (adults only) are : Turkey (9,8%), Serbia and Montenegro (8,4%), Sri Lanka (7,6%), DR Congo (7,5%), Haiti (6,9%), Russia (5,9%), Armenia (4,7%), China (4,6%), Algeria (3,8%), Ivory Coast (3,2%), these ten countries of origin representing 62% of the whole.

2007 (data available on 30th August for the first 8 months)

The main countries of origin of first applicants (adults only) are in order of importance so far : Serbia, Turkey, DR Congo, Russia, Sri Lanka, China, Armenia, Algeria, Bangladesh and Congo.

RECOGNITION RATE

2006

The total recognition rate (first instance and appeal) is 19,5% (26,9% in 2005). The recognition rate at first instance is 7,8% (8,2% in 2005). 7,354 applicants were granted the refugee status in 2006, 554 of which were given subsidiary protection.

Highest recognition rates have regarded applicants from Erytria, Rwanda, Ethiopia, Soudan, Iran.

For 2007 there are no official results available in October 2007, the closing time of the research.

¹³References : OFPRA (Office Français de Protection des Réfugiés et des Apatrides) report 2006 and OFPRA official figures as of 7th Sept. 2007.

HUNGARY

Country Report Prepared by the ESÉLY DP¹⁴

1. GENERAL SOCIO-DEMOGRAPHIC CONTEXT

1.1 DEFINING AN ASYLUM SEEKER

ESÉLY's definition of an asylum seeker is identical to that defined by the Act on the Right to Asylum, 1997¹⁵, which came into force on 1 March 1998. Asylum seekers can apply for refugee status or temporary protection¹⁶, in Hungary, but the latter is possible only if there is Government decision establishing the countries from which people are eligible for this status. No decision has been made on this since the law came into effect. Since then asylum seekers have been able to apply only for refugee status. Thus, for current purposes, asylum seekers are those who have applied for refugee status and are still waiting for the decision. Asylum seekers are entitled to a special identification document denoting their status, as well as to accommodation and other provisions at reception centres, and to ask for legal representation from the United Nation's High Commissioner for Refugees or any other asylum organization.

1.2 FORMER TRENDS IN ASYLUM APPLICATIONS IN HUNGARY

Over the past 15 years, the origins of asylum seekers in Hungary have varied according to the political situation in neighbouring countries and the rest of the world. From the end of the 1980s until 1991, the majority of asylum seekers were Romanian citizens, most of whom were ethnic Hungarians. They came with the aim of settling down in Hungary, the "motherland". Between 1991 and 1997 a second significant wave (a few tens of thousands) arrived in Hungary as a result of the war in former-Yugoslavia. They were under temporary protection. Since the ethnic composition of these asylum seekers was heterogeneous, they had a variety of different aims: some left for Western European countries, others returned to the territory of former-

¹⁴ESÉLY is a project lead by Menedék – Hungarian Association for Migrants, an NGO based in Budapest. The development partnership consists of five organisations altogether.

¹⁵1997. CXXXIX. Act on the Right to Asylum

¹⁶"menedékes" in Hungarian terminology

Yugoslavia, and still others – especially ethnic Hungarians from Vojvodina, Serbia – settled in Hungary. In 1999, because of the conflict in Kosovo and the bombings in former Yugoslavia, another wave of asylum seekers arrived. Many more of these people did not apply for refugee status, but rather stayed in the country with a tourist visa in the hope of returning home as soon as possible.

1.3 CURRENT TRENDS IN ASYLUM APPLICATIONS

Since the end of the 1990s an increasing proportion of asylum seekers in Hungary have been from developing countries. About four-fifths of the applicants disappear before a decision is made, most likely moving on to Western-European countries or to other continents. The recognition rate is rather low; the number of applicants who receive subsidiary protection (authorized to stay)¹⁷ is significantly higher.

Since 1989, recognition rates have been the following:

Applications and decision-trends in asylum applications, 1989-2005 (persons)¹⁸

	No. of newcomers	No. of applications	Recognized refugee	Authorized to stay	Rejected	Procedure abolished/ transferred	Total decisions
1989	3.641	36	35	-	1	-	36
1990	15.309	3.520	2.561	-	318	548	3.427
1991	10.267	921	434	-	150	223	807
1992	5.547	458	472	-	71	58	601
1993	5.366	468	361	-	45	21	427
1994	3.375	207	239	-	29	13	281
1995	5.912	130	116	-	32	5	153
1996	1.259	152	66	-	42	31	139
1997	2.109	177	27	-	106	57	190
1998		7.118	362	232	2.790	11.74	4.558
1999		11.499	313	1.776	3.537	5.786	11.412
2000		7.801	197	680	2.978	4.967	8.822
2001		9.554	174	297	2.995	5.132	8.598
2002		6.412	104	1.304 ^{19*}	2.578	5.073	7.755
2003		2.401	178	772*	1.545	1.436	3.159
2004		1.600	149	177*	931	527	1.607
2005		1.609	97	95*	853	609	1.559

1) * The number of persons authorized to stay is included in the rejected column as well.

2) 'Total decisions' also includes status withdrawals.

¹⁷"befogadott" in Hungarian terminology

¹⁸Source: Office of Immigration and Nationality, Ministry of Interior

¹⁹Since 1 January 2002, the legal background and terminus of this status has changed: according to the Alien Act it is called "under prohibition of being expelled". It can either be defined as "holder of humanitarian residence

Until 1998, the OIN was responsible for dealing with applications for asylum only from people coming from European countries; those coming from outside Europe came under the authority of the regional Office of the United Nations High Commissioner for Refugees (UNHCR). Thus, the table does not include data on those receiving temporary protection between 1991 and 1997. However, with the implementation of the 1997 Act on the Right to Asylum²⁰ on 1st January 1998, the Office of Immigration and Nationality became responsible for considering all applications, thus data from this date is more complete.

Asylum seekers by citizenship, year by year (most significant groups):

Year	Citizenship, by numbers				
1990	Romanian	Soviet	Albanian		
	3,432	60	18		
1991	Yugoslav	Romanian	Soviet		
	485	359	60		
1992	Yugoslav	Romanian			
	309	113			
1993	Yugoslav	Romanian	Croat		
	391	36	17		
1994	Yugoslav	Romanian			
	151	32			
1995	Yugoslav	Romanian			
	79	25			
1996	Yugoslav	Turkish	Romanian		
	73	24	21		
1997	Turkish	Yugoslav			
	79	40			
1998	Yugoslav	Afghan	Iraqi	Bangladeshi	Algerian
	3,306	1,077	542	337	314
1999	Yugoslav	Afghan	Bangladeshi	Iraqi	
	4,783	2,238	1,314	543	
2000	Afghan	Bangladeshi	Iraqi	Yugoslav	
	2,185	1,656	889	692	
2001	Afghan	Bangladeshi	Iraqi	Indian	
	4,311	1,514	1,014	241	
2002	Afghan	Iraqi	Bangladeshi	Somali	
	2,348	1,994	352	213	
2003	Afghan	Iraqi	Georgian	Iranian	
	469	348	205	170	
2004	Georgian	Turkish	Vietnamese	Nigerian	
	288	125	105	73	
2005	Vietnamese	Chinese	Georgian	Bangladeshi	
	319	165	114	90	

²⁰1997. CXXXIX. Act on the Right to Asylum

A great proportion of asylum seekers are young, single males. Their levels of education and qualification vary a great deal. Interestingly, both people lacking elementary education and people with higher education are over-represented in comparison with the Hungarian population. However, accreditation of foreign diplomas and certifications is often difficult, and highly-qualified asylum seekers find it hard to use their education and skills if they cannot speak the language of the host country.

1.4 ACCOMMODATION OF ASYLUM SEEKERS

According to the 1997. CXXXIX. Act²¹ on the legal status of asylum seekers, recognized refugees and persons authorized to stay, upon arrival asylum seekers are accommodated in one of the country's three reception centres (Békéscsaba, Bicske, Debrecen). In this type of accommodation they live almost completely isolated from the host society. Article 16 of the law says that "Asylum seekers a) are obliged to live in the reception centre or in other accommodation assigned by the asylum authority. ..." ²² Permission to stay in another type of accommodation can be obtained by presenting a rent contract or host statement.

Based on interviews with social workers, "other accommodation" is assigned generally when the asylum seeker has a stable financial background. This is generally the case when someone applies for refugee status for the second or third time (as a person authorized to stay), or has a Hungarian partner; they usually require a permit to live in individual accommodation. Asylum authorities generally accept the claims. (Persons authorized to stay often apply for a refugee status for the second or third time if they encounter problems with their visas or residence permits.)

If asylum seekers stay at the reception centre, they receive the following:

- accommodation;
- meals three times a day (breakfast, lunch, dinner);
- accessories for personal use (for eating, personal hygiene, clothing);
- after staying longer than three months in the reception centre, monthly pocket money (the amount is fixed by the Ministry of the Interior, currently 2500 HUF, approximately 10 EUR).²³

²¹1997. CXXXIX. Act on the Right to Asylum

²²1997. CXXXIX. Act on the Right to Asylum, Article 16 (1) a.

²³25/1998. (III. 18.) Governmental Decree, Article 7.

The reception centre is also responsible for organizing community programs for the people hosted, the provision of designated community rooms for religious services, and for assisting voluntary return, and movement to a third country.²⁴ A general practitioner is responsible for the treatment of the people staying at reception centres. In the best cases asylum seekers stay in these centres for only a few months, but in some cases they live there for years.

A number of specific issues arise from the accommodation of asylum seekers in reception centres. The first is that they live almost completely isolated from the host society, and have very little chance of integration. Secondly, they have little chance of learning to speak the language as they may not interact with many native speakers. In addition, two of the three reception centres are situated in the least developed parts of the country (the south and the eastern parts), meaning that in general the possibilities open to them will naturally be lower. Thus asylum seekers spending a number of years living in such a centre will be at a considerable disadvantage in a number of ways, in terms of starting a new life in Hungary, should their application be successful.

If someone enters the country illegally, is caught and taken into custody, they will be put into a border guard detention centre; if they wish to apply for asylum they may do so only from the detention centre, where they may be detained for up to a year. Once they have applied, the authority which ordered their original custody is responsible for transferring the asylum seeker to one of the reception centres.

Number of foreign detainees and asylum applicant in border guards detention centres²⁵

Year	Total no. of detainees	No. of applicants
2002	2.955	2.300
2003	3.085	990
2004	2.144	256
2005	1.950	209

In the year 2003, there were 379 Afghans, 231 Iraqis, and 103 Iranians amongst the asylum applicants.²⁶ In 2006, two of the eight operating border guard detention centres were closed due to the low number of detainees.

²⁴24/2001. [XI. 21.] Decree of the Ministry of Interior ... on the tasks of the reception centre

²⁵Data from the Headquarters of Border Guards

²⁶There is no such data for 2002.

2. NATIONAL LABOUR AND ASYLUM POLICY

CONTEXT

2.1 THE NATIONAL ACTION PLAN FOR EMPLOYMENT (2004) AND THE NATIONAL REFORM PROGRAMME FOR GROWTH AND EMPLOYMENT (2005-2008) ON ASYLUM SEEKERS AND REFUGEES

In September, 2004, Hungary prepared its first National Action Plan for Employment (NAP), in which the national employment priorities were described. The main goal is to increase the employment rate of the population. Besides the leading role of the Ministry of Employment Policy and Labour, other relevant ministries, offices, committees of Parliament, labour committees and non-governmental organizations were involved in the preparation of the NAP.

Annex 5 of the National Action Plan for Employment 2004 includes the following observations: "The employment rate in Hungary is low, particularly for the low-skilled, the disadvantaged, women and for older workers. At the same time, unemployment remains well below the EU 15 average. This is explained by a low participation rate, i.e. a large inactive population of working age. There are major labour market imbalances between the central and western regions, where the 'modern economy' is concentrated, and the rest of the country. Regional and sectoral mobility is low, while skills bottlenecks reflect both a lack of skilled labour and the insufficient responsiveness of education and training systems to labour market needs."²⁷

The main recommendations are:

- Increasing adaptability of workers and enterprises;
- Attracting more people to the labour market and making work a real option for all;
- Investing more and more effectively in human capital and life-long learning.²⁸

The NAP deals with the issue of asylum seekers and refugees in Chapter 7, and says one aim should be to "Promote the integration of and combat the discrimination against people at a disadvantage in the labour market".

²⁷National Action Plan for Employment, 2004; Annex 5.

²⁸National Action Plan for Employment, 2004; Annex 5.

Disadvantaged groups are detailed as people with low education, Roma, people with disabilities, disadvantaged pupils in public education, and finally, immigrants. The half-page article about immigrants says the following: "Currently there are no regular, organized integration programmes for migrants, and the legal and institutional framework of such programmes does not yet exist. This is explained by the fact that the overwhelming majority of foreign citizens residing in Hungary come to work or study and are ethnic Hungarian."²⁹ Thus it seems that according to the creators of the National Action Plan for Employment the small number of non-Hungarian immigrants justifies the lack of a comprehensive integration policy or strategy.

However, the NAP does say that "Refugees and people receiving subsidiary protection are especially vulnerable to social exclusion. Their societal and labour market integration is hindered by lack of Hungarian language skills, cultural differences and the deficiencies of the supporting institutional structures."³⁰ Thus it mentions two relevant projects: the 2002 MATRA project that was launched to elaborate the institutional framework and content of an integration policy for refugees and immigrants; and an experimental part-integration programme in 2003 (funded by PHARE) that offered integrated support services to help the social and labour market integration of refugees. The sub-chapter on policy response - "Creating the institutional framework and content of a comprehensive integration policy for refugees, immigrants and long-term migrants from third countries" sounds promising, but in fact only repeats the MATRA project and mentions the existence of the European Refugee Fund and EQUAL projects. These two are expected to solve the difficulties of social and labour market integration of asylum seekers and refugees. "Moreover, these programmes will enhance the capacities of organizations active in this field."³¹

It has to be mentioned as a positive first step that the Ministry of Education had drawn up guidelines and started to provide a certain amount of financial support in order to promote the integration of immigrant children in public schools, however asylum seeker and refugee children are still to a great extent excluded from public education. Schools can receive only minimal support of this sort if they start special classes for immigrant children. There is lobbying for broadening the circle of beneficiaries.

The National Reform Programme for Growth and Employment 2005-2008 (henceforth referred to as 'Reform Programme') also emphasizes that at 2%,

²⁹National Action Plan for Employment, 2004, p. 39.

³⁰National Action Plan for Employment, 2004, p. 39.

³¹National Action Plan for Employment, 2004, p. 41.

immigrants make up a very small proportion of the population. The low activity rate of active-age Hungarians means that there is a significant "labour reserve". "Improving the employability of the inactive population is a priority of the Hungarian employment policy. However, there is already a labour shortage in certain regions and sectors (e.g. health), and the demographic situation might increase the role of economic migration in maintaining the competitiveness of the Hungarian economy"³² Economic migration refers first of all to ethnic Hungarians from the neighbouring countries (e.g. who are employed in the health care sector - and accept the low wages - in large numbers. Hungarian nurses and doctors tend to look for a job in Western European countries, so the gap has to be filled.).

The management of migration in the labour market aims to improve matching of labour needs. With reference to asylum seekers and refugees the Reform Programme mentions the following measures:

- "The law on asylum is under preparation, which includes social integration programmes for refugees and those who enjoying other forms of protection.
- Elaboration of a Migration Strategy for the Hungarian Republic is underway; the document will provide a single framework for the migration policies of different sectors, including employment policy.
- Under the coordination of the National Statistics Office an integrated migration statistics system is being developed which will link different sectoral databases, provide common terminology and definitions, and also improve quality, quantity and contents of the database providing better access and comparability of data."³³

Since the above-mentioned are only planned measures, they have so far had no effect. The only actual measure is that from 1st August 2005, migrant workers in the agricultural sector can be employed without a work permit, with a temporary employee card (a so-called "green card"). The card can be used for 60 days within 12 months. The Reform Plan expects that this change will meet the seasonal labour demand. "During the 60 days workers are allowed to change employers. The use of the temporary employee card simplifies the setting-up and termination of employment relationships, and also allows the holder to pay lower taxes and charges."³⁴ The change affects asylum seekers who have been residing in Hungary for more than a year, since they fall under the employment regulation of foreign citizens. There is no official data on the number of people who have actually used the "green card" since August 2005, as the cards do not have to be returned.

³²National Reform Programme for Growth and Employment 2005-2008

³³National Reform Programme for Growth and Employment 2005-2008

³⁴National Reform Programme for Growth and Employment 2005-2008

Besides the above mentioned, no other national development plan or other long-term employment strategy discusses the issue of refugees and asylum seekers.

2.2 THE LACK OF IMMIGRANT AND REFUGEE INTEGRATION POLICY IN HUNGARY

Although the general directive 25/1998. Governmental Decree states as its first directive that “providing living conditions of asylum seekers ...and promoting integration of refugees are the tasks of the State”³⁵, there is no integration policy in Hungary at present. Hungary is a signatory of international treaties, most importantly the Geneva Convention. The Act on the Right to Asylum³⁶ was passed in 1997, and has been in force since 1 March 1998. The Office of Immigration and Nationality of the Ministry of Interior³⁷ is the central institute of the Hungarian asylum system. In the 25/1998. (II. 18) Governmental Decree on the provision for and support of asylum seekers and recognized refugees, a short article describes “The promotion of social integration of refugees”.³⁸ The article says that besides other provisions of the Governmental Decree, The Office of Immigration and Nationality can offer programmes to help people to integrate, such as Hungarian language courses and basic information on social and cultural life and the labour market. The Office may appoint a reception centre or another accommodation that is responsible for preparing and implementing the program and cooperating with state institutions, local government and non-governmental organizations.

Integration strategies should be created on a much wider social basis, including governmental organizations, non-governmental organizations, local government, committees and labour-market actors. Very low recognition rates compared to other EU Member States, as well as the lack of a comprehensive integration strategy may be an important reason why a large proportion of asylum seekers and refugees leave Hungary and try to settle in a third country.

Trade unions and other employee associations do not generally lobby on asylum and labour issues, as asylum seekers do not appear to them to be a significant target group, and do not generally become their clients.

³⁵25/1998 (II. 18.) Governmental Decree

³⁶1997. CXXXIX. Act on the Right to Asylum

³⁷www.bm-bah.hu

³⁸25/1998. (II. 18.) Governmental Decree, Article 30/A.

2.3 THE POSITION OF NON-GOVERNMENTAL AND REFUGEE COMMUNITY ORGANIZATIONS AND THE UNITED NATION'S HIGH COMMISSIONER FOR REFUGEES

NGOs and RCOs seem to have a consensus on the issue of the employability of asylum seekers, arguing that the regulation that asylum seekers can get a work permit only after residing in Hungary for a year is unfair. (see 3.1 for more detail on the legal regulations on the employment of asylum seekers)

The Hungarian Helsinki Committee and Menedék – Hungarian Association for Migrants are member organizations of the European Council of Refugees and Exiles (ECRE). “ECRE strongly urges Member States to agree to the compromise proposed by the Commission to grant asylum applicants access to the labour market no later than 6 months after their application for asylum has been lodged. We believe that this is in the interests of Member States as well as asylum applicants. Any proposal to permit the denial of access for up to 12 months would be neither in the interests of Member States nor asylum applicants.”³⁹

The position of the UNHCR is described in the document entitled Reception Standards for Asylum Seekers in the European Union (July 2000). The position paper reviews the already existing practices in the EU 15 and does not recommend a concrete period of time like the ECRE recommendation. Current regulation in Hungary is similar to the strictest countries in the EU 15.

“As is already the practice in many countries, asylum seekers should, preferably, be granted permission to work when the length of the asylum procedure exceeds a certain period or where the “package” of support offered to asylum seekers requires independent financial self-sufficiency to maintain an adequate standard of living.”

“It is widely accepted that dependence on the state is reduced when asylum seekers are working. Apart from the financial aspect, the right to work is an essential element of human dignity, particularly in the case of a lengthy stay pending the outcome of the asylum procedure.” “Where permission to work is granted, it becomes less likely that asylum seekers will resort to informal employment. Even where an asylum seeker cannot find work, permission to work still has psychological benefits...”

³⁹www.ecre.org, Summary of ECRE's position on access to the labour market for asylum seekers

2.4 ASYLUM SEEKERS FROM THE EMPLOYERS' POINT OF VIEW

As discussed in 3.1, if an employer wishes to employ a foreign citizen, they must advertise the position for 60 days through the Labour Centre. The job may only be given to a foreigner if there is no suitable Hungarian applicant. The presence of asylum seekers on the labour market is not significant. They are not seen by employers as a group who may have special or different skills to offer as a result of their different experience. In addition, there are a number of particular reasons for which employers may be unwilling to employ asylum seekers who are allowed to work; these include the following:

- lack of language competency of the possible employee;
- lack of references from Hungarian employers;
- employers' prejudices and stereotypes about foreigners and refugees;
- the amount of administration needed to employ a foreigner, and the fact that many employers do not fully understand the regulations or administration involved;
- there are no incentives or tax reliefs to employers to make employing asylum seekers more attractive.

Thus, since asylum seekers are in many ways less attractive employees, and seem to have no competitive edge in the labour market, they are at a considerable disadvantage.

3. ACCESS TO THE LABOUR MARKET

3.1 LEGAL BACKGROUND TO THE EMPLOYMENT OF ASYLUM SEEKERS IN HUNGARY

Current legal regulations on employing asylum seekers are described in the Act on the Right to Asylum, 1997 and in a Ministry Decree on employing foreigners⁴⁰. When they arrive, persons applying for asylum cannot work anywhere except on the territory of reception centres, for which they do not need a work permit. After one year's residence in Hungary, the Office of Immigration and Nationality will provide asylum seekers with a document proving that they have been in Hungary for at least a year; they are then able to apply for a work permit and can be employed under the general regulations that refer to foreign citizens.

⁴⁰1997. CXXXIX: Act on the Right to Asylum; 8/1999. (XI. 10.) Decree of the Ministry of Social and Family Affairs on the Permission of the Employment of Foreigners in Hungary - Cases of employment without a work permit 7. § (1) 1)

Employers are obliged to report to the Labour Centre when employing foreign citizens, and can employ them only if the position taken has been advertised for at least 60 days and during this time there was no suitable Hungarian applicant. When employing persons authorized to stay this step is not obligatory, the employer reports the fact of the employment and the person automatically gets his/her work permit, if the request is approved and endorsed by the Office of Immigration and Nationality.

In addition to obtaining a work permit, it is necessary to have a tax registration number and a security card in order to work in Hungary. Whilst the former is relatively easy to obtain the latter is more difficult. Hungarian citizens are issued with these cards, but in the case of foreigners, the employer must obtain it when they take on the employee. This is an example of the aforementioned administrative hoops through which employers may be unwilling to jump when considering taking on an asylum seeker for an employee.

3.2 GENERAL NATIONAL AND REGIONAL LABOUR MARKET CONDITIONS IN HUNGARY

According to the latest data on employment of the Central Office of Statistics⁴¹, between November 2005 and January 2006 54.6% of the population aged between 15 and 74 was present in the labour market; the unemployment rate was 7.5 %. For December 2005 the Eurostat measured a 7.2% unemployment rate (during the same period of time EU 15: 7.5%, EU 25: 8.4%). Almost half (45.9%) of these unemployed have been looking for a job for more than a year. The unemployment rate since spring 2004 (5.8%) has been constantly increasing. The capital, Budapest, has the best employment figures, while the highest unemployment rates can be found in the East and Southeast parts of the country (where two of the three reception centres are situated, in Debrecen and Békéscsaba, in the East and Southeast respectively).

The major characteristic of the Hungarian labour market is the low labour market participation of the active population. Low labour market participation is accompanied by a relatively low unemployment rate and a high rate of inactivity. Amongst the unemployed, people with low education (up to age 14 or less) are over-represented (making up about one-third), while people with higher education (with college or university degree) are significantly under-represented.⁴²

⁴¹Central Office of Statistics, www.ksh.hu

⁴²Kopint Datorg: A magyar munkaerőpiac legfontosabb jellemzői és a Nemzeti Foglalkoztatási Akcióterv

The fact that the average time spent finding a job is 16 months shows that long-term unemployment is an unsolved problem in the Hungarian labour market. Most Hungarians find a job through their personal networks; only an estimated 10-20% of vacancies are advertised. Obviously asylum seekers do not have wide networks in a new country, especially when they are forced to live in isolated reception centres.

3.3 IMMIGRANT LABOUR MARKET IN HUNGARY

The number of foreigners who stay in Hungary for more than a year has been stable over the past decade, at around 1.1 to 1.3 % of the population. Although, as discussed, the nationalities of asylum seekers vary with the world political situation, general immigration is more stable in terms of countries of origin. 85% of all immigrants are from European countries and about 11% are from China. It is important to mention that half of the European immigrants are Romanian citizens, and an additional 12% are from Ukraine and the former-Yugoslavia, most of whom are ethnic Hungarians.⁴³

3.4 LABOUR MARKET SITUATION OF ASYLUM SEEKERS IN HUNGARY

As discussed above, asylum seekers who have been in Hungary for less than a year are allowed to work only in the territory of the reception centres. These jobs are usually cleaning, washing, or maintenance. Previously, wages were covered by support from the regional department of the United Nations High Commissioner for Refugees. At the moment there is an ERF-supported programme at the Békéscsaba reception centre, where about 10 asylum seekers are employed as cleaners, maintenance staff, security guards and interpreters. They receive food worth 140 euros.

Reception centre staff hope to receive support from similar programmes in the future, since it is difficult for them to pay wages for these jobs, even though the average wages for this sort of work are extremely low (about 40 euros/month). In the Bicske reception centre asylum seekers still do some of the cleaning and maintenance work, as volunteers, because on one hand they feel that they can help the staff and on the other "at least they have something to do instead of doing nothing all day long". Some of these services were previously done by private companies, and are now completed by asylum seekers free of charge;

⁴³Ágnes Hárs – András Kováts: Immigration as a labour market strategy – Hungary. www.migpolgroup.com

this way the reception centre can direct their stretched funds towards other needs.

Volunteering among asylum seekers is not typical; the only sort of volunteering they do is that mentioned above.

Establishing small enterprises is not typical among asylum seekers, either; however loans can in theory be obtained from “Mikrohitel” Shareholder Company (see chapter 5.1).

Based on information from interviews with social workers, it seems as though illegal employment of asylum seekers has been decreasing. This is most likely because supervision by labour authorities, as well as fines payable by employers, have been increasing for the past few years. Illegal work tends to include such jobs as cleaning and dishwashing, where no skills and language competency are required.

3.5 COMPLEMENTARY SERVICES FOR ASYLUM SEEKERS

The 25/1998. (II. 18.) Governmental Decree contains the provisions for foreigners who come under the 1997. CXXXIX. Act on the Right to Asylum. Most of the provisions listed (individual care, financial benefits, financial supports) concern only recognized refugees.

Asylum seekers are entitled to receive individual care provisions and financial benefits in the case that they do not possess any property, or do not have a monthly income⁴⁴. Individual care provision means provision in the territory of the reception centre or at a similar institution (usually border guards’ detention centres). The detailed provisions available for asylum seekers at reception centres are discussed in chapter 1.4.

Besides the above mentioned, asylum seekers without social security are entitled to the following services free of charge:

- basic health care services and treatment;
- emergency treatment;
- pregnancy and obstetrical care;
- medication free of charge or with a 90% discount;
- obligatory vaccination.⁴⁵

⁴⁴25/1998. (II. 18.) Governmental Decree Article 3.

⁴⁵25/1998. (II. 18.) Governmental Decree, Article 11.

Asylum seekers who are defined as ‘unaccompanied minors’ are entitled to receive all adequate health care services free of charge.

If these minors attend the kindergarten and elementary school closest to their place of residence, its costs (meals, transportation costs, text and exercise books) are covered by the Office of Immigration and Nationality.⁴⁶

Recognised refugees are entitled to take part in a 360-hour-long Hungarian language course, to receive transportation support if they attend this or any other kind of training course, and in general to get regular financial benefits and supports,⁴⁷ whereas asylum seekers are not.

4. DISCRIMINATION IN THE LABOUR MARKET

As discussed above, asylum seekers are allowed to work only on the territory of reception centres; after one year they can obtain a work permit under the regulations on employment of foreigners. However, they can only take a job if, as mentioned above, this job has been advertised at a Labour Centre for 60 days and no suitable Hungarian applicant has been found. As a result asylum seekers enter the job market already hampered by institutional discrimination.

The most important feature of labour market discrimination from the point of view of employers is unwillingness to employ people who do not speak Hungarian, even if a certain position does not require language competency; given that, as mentioned, asylum seekers are not entitled to language lessons, this fact alone makes it very hard for asylum seekers to secure employment. Based on interviews with Menedék’s clients, it seems as though many employers may try generally to avoid employing non-whites, whatever their language or other qualifications. However there is no official data which supports this observation, as no investigation into this has been undertaken.

Employers may also be unwilling to employ foreign citizens because of the extra administration it can cause; in many cases they may also not fully understand all of the regulations referring to the employment of foreign citizens. According to social workers, even once employers do understand these regulations, they are often no more willing to employ foreigners.

⁴⁶25/1998. (II. 18.) Governmental Decree, Article 14.

⁴⁷25/1998. (II. 18.) Governmental Decree, Article 16, 18, 17-28.

Since among asylum seekers women and old people are significantly under-represented compared to the host society, it is somewhat difficult to discuss experience of labour market discrimination based on gender or age.

5. SUPPORT

5.1 SUPPORT OF ASYLUM SEEKERS

The biggest obstacle asylum seekers face is the fact that they are not allowed to work outside the reception centres for their first year in Hungary. Clearly, the opportunity to attend free Hungarian language courses would make a huge difference. Language competency is the first step towards further social integration.

Micro-loans can be obtained by asylum seekers from the “Mikrohitel” Shareholder Company, which was established by the Hungarian Foundation for Self-Reliance. The Company takes into consideration the feasibility of the business design, regardless of the status of the applicant. However asylum seekers are not usually in a position to start up small enterprises.

5.2 SUPPORT OF EMPLOYERS

As discussed, the state does not offer incentives or benefits to employers who employ asylum seekers who are allowed to work. Labour Centres provide support only if employing registered unemployed refugees, who have been unemployed for more than 6 months. This is not a specific regulation referring to recognized refugees, but a rule that applies to every unemployed person.

In 2001, the Hungarian Foundation for Self-Reliance launched a three-year-long labour market programme for asylum seekers, people authorized to stay and recognized refugees. The programme was supported by the UNHCR, and consisted of two main parts: providing micro-loans for the target group to start small enterprises, and supporting employers who employed refugees or people authorized to stay. The Foundation covered the wage costs instead of the employers⁴⁸. Throughout the duration of the programme, the employment of 30 people was supported, and 50 new small enterprises were set up. An impor-

⁴⁸Employers paid wages to the target group, the Foundation covered all other expenses.

tant piece of experience gained during the programme is that high information-flow made the support work very effectively. First the target group was informed, and they then passed on information to potential employers. The leader of the programme evaluated it as successful: the situation and integration of the participants significantly improved, they did not look for jobs in the informal sector; while their employers were “happy” as well. Lobbying was also an aim of the programme, but unfortunately it still has not had significant effect on Labour Centres and policy makers.

The experience of this programme shows that any kind of support and proper information from the state, through Labour Centres, would enhance the capacity and willingness of employers to employ refugees and asylum seekers.

6. RELEVANCE OF THE ‘ESÉLY’ EQUAL PROJECT

6.1. GENERAL INTRODUCTION OF THE PROJECT

The project entitled “ESÉLY” (Labour Market Orientation for Asylum Seekers) aims to provide integrated training and labour market orientation to the target group to enhance their labour market and social integration. Future labour market integration of asylum seekers is hindered by the fact that besides lacking appropriate labour market information and transferable skills, they struggle with a score of other disadvantages. Their knowledge of the country and the society is by no means complete, they usually do not speak Hungarian, and many of them have psychological or behavioural problems. These disadvantages are usually combated by separate programmes, and services do not build on one another, meaning that in some cases they reduce each other’s effectiveness rather than enhancing it. With the help of training modules, the project aims to provide labour market orientation, skills audit, cultural orientation, psychiatric and social counselling, and language training in an integrated and coordinated manner. The effect of the service package can be optimized by harmonizing the services and tailoring them to the needs of the target group, as well as providing a successful model of cooperation between different professions and sectors. The project may serve as a model for further cooperation between governmental, civil, and business sectors.

The coordinator of the EQUAL project is Menedék – Hungarian Association for Migrants. Partner organizations are:

- Cordelia Foundation, which offers psychiatric aid to asylum seekers and refugees with post-traumatic syndromes;
- International Language School in Debrecen;
- Labour Centres in Békés and Hajdú-Bihar counties (where two reception centres are located).

The project has the following direct and indirect aims:

Direct:

- Developing a methodology for asylum seekers' labour market orientation; testing simultaneous application of integrated services (psychiatry, language training, social work, labour market orientation).

Indirect:

- National and trans-national transfer and dissemination of professional experience acquired from the project;
- influencing labour and asylum policies;
- improving future labour opportunities of asylum seekers participating in the project;
- making the staff of labour offices acquainted with the target group, and trying to eliminate both their own prejudices and those of the wider society.

6.2 RELEVANCE FOR POLICY MAKERS IN THE FIELD OF ASYLUM AND LABOUR AFFAIRS

The inclusion of asylum seekers in the EQUAL project should encourage significant changes in the institutional system with regards to those seeking asylum, both in terms of how it is administrated, and in terms of the policies followed, and a new professional attitude and methodology for dealing with their special needs (such as language difficulties, cultural differences, the effect of an unknown future).

Our work aims to improve the policy environment in three important ways:

- The experience gained from the EQUAL project, and positive results of its work, should provide the opportunity to reconsider and revise current policy on the employment of asylum seekers, hopefully with greater emphasis on their own needs.
- Labour Centre services will be extended to take in a new target group.

- Providing integrated services, the EQUAL project can serve as an example for later such projects.

The provision of integrated services requires that several different sets of organisations and people work together (these include governmental and non-governmental organisations, labour-market actors, educational organisations and health care workers, as well as members of the public). The design, implementation, administration and later standardization of services presupposes essential changes from the side of the policy makers, especially in coordination, data and financial issues.

If policy makers adopt the practices of the project, support of the labour market integration of asylum seekers may become a legal requirement. Those in a position to make policy changes which affect the situation of the target group may begin to see the importance and advantages of the liberalization of employment regulations and increased employability of asylum seekers, and a more serious professional and social debate on the issue may be embarked upon.

6.2 RELEVANCE FOR ACTORS IN THE LABOUR MARKET

Staff members of the partner organizations will become better informed on asylum and refugee issues, and it is hoped that their prejudices will weaken as well. The better integration of asylum seekers into the labour market should make available a new source of labour which may offer new and different skills

6.3 RELEVANCE FOR BENEFICIARIES

Asylum seekers either achieve refugee status, are authorized to stay, or are forced to leave Hungary. Our project aims to provide an integrated and universal labour market orientation that can be used even if the participant is eventually made to leave the country. Throughout the project the target group receives language training, supportive psychotherapy, labour market orientation programmes which should leave them well informed about their rights and opportunities in the labour market, skills audit and individual counselling within a social-work framework.

The project contains another new element, which is that asylum seekers will work as volunteers at Labour Centres. This gives them an opportunity to gain

valuable work experience, as well as experience of Hungarian culture, and to become better informed in advance on various work-place issues. Volunteering can be the first step in their social integration; the experience gained and the informal networks built up will increase their chances of securing employment in the future.

Those asylum seekers who do not participate in the program will have the opportunity to get information from the manuals that are printed during the project.

The information campaigns and community programmes are expected to improve relations between asylum seekers and the local population.

6.4 RELEVANCE FOR OTHER SERVICE PROVIDING AGENCIES

Besides designing, testing and implementing a complex labour market orientation programme for asylum seekers, the partnership aims to provide a cooperation model for non-governmental organizations and labour market service providers.

With the participation of the two Labour Centres involved in the project a special methodology will be designed which can be used later to effectively prepare asylum seekers for labour market orientation. This will also bring benefits to the wider society, in the sense that elements of the tested and implemented methodology can then be adjusted and used when counselling other disadvantaged target groups.

It is also hoped – and expected – that the public image of refugees and asylum seekers, and professional work with them, should improve as a result of the project's actions.

APPENDIX

CHANGES⁴⁹ IN THE LEGAL AND SOCIAL SITUATION OF ASYLUM SEEKERS IN HUNGARY SINCE THE COMPILATION OF THE COUNTRY REPORT

Applications and decision-trends in asylum applications, 2006–2007 persons⁵⁰

Year	No. of applications	Recognized refugee	Decisions			Total decisions
			Authorized to stay	Rejected	Procedure abolished/transferred	
2006	2.117	99	99	1217	603	1919
2007**	1.205	54	51	712	356	1122

1) * The number of persons authorized to stay is included in the rejected column as well.
2) ** data from the first six months of 2007 3) Total decisions also includes status withdrawals.

Asylum seekers by citizenship, year by year (most significant groups)⁵¹

Year	Citizenship, by numbers				
	2006	Vietnamese	Serbian-Montenegro	Chinese	Georgian
		406	384	275	175
2007*	Serbian-Montenegro	Vietnamese	Chinese	Georgian	
		300	290	151	56

* data from the first six months of 2007

Number of foreign detainees and asylum applicants in border guards detention centres⁵²

Year	Total no. of detainees	No. of applicants
2002	2.955	2.300
2003	3.085	990
2004	2.144	256
2005	1.950	209
2006	n.a.	n.a.

ACCESS TO THE LABOUR MARKET

In order to harmonise the national asylum law with European Union legislation, on 25 June, 2007, the Hungarian Parliament accepted the new Act on the Right to Asylum⁵³ which will come into force on 1 January, 2008. It establishes a new status of subsidiary protection⁵⁴ that was earlier missing from the Hungarian system and differentiates the asylum claim procedures for refugees and person of subsidiary protection. The new status aims to fill in the gap between the temporary protection status and the status of authorised to stay. Besides, an independent country of origin information centre will be set up. Decision makers hope that more complex regulation will ensure more effective and just asylum procedures. Content of Paragraph 5, in Chapter 2 referring to access of asylum seekers to the labour market have not changed.

⁵⁰Source: Office of Immigration and Nationality, Ministry of Interior

⁵¹Source: Office of Immigration and Nationality, Ministry of Interior

⁵²Data from the Headquarters of Border Guards

⁵³2007. LXXX: Act on the Right to Asylum

⁵⁴„oltalmazott” status in Hungarian

UNITED KINGDOM

Country Report Prepared by the EASI DP⁵⁵

1. GENERAL SOCIO-DEMOGRAPHIC CONTEXT

1.1 DEFINING ASYLUM SEEKERS

An asylum seeker is someone who is fleeing persecution in their homeland, has arrived in another country, made themselves known to the authorities and exercised the legal right to apply for asylum. When a person has lodged an asylum claim with the Immigration and Nationality Directorate (IND) at the Home Office and is waiting for a decision on their claim, s/he is called an 'asylum seeker'. The Integrated Casework Unit at the IND makes decisions on asylum claims. They will assess claims on the basis of an asylum seeker's history, will have regard to their credibility, the current political situation in their country, evidence on the country's human rights record and, if applicable, medical evidence of torture and abuse. The asylum applicant will have to show that they meet the criteria laid down in the 1951 Convention relating to the Status of Refugees.

1.2 FORMER TRENDS IN ASYLUM APPLICATIONS IN THE UK

The UK has a history of receiving of refugee communities and, according to Home Office estimates, refugee groups that came to the UK from the 1950s until 1980 included:

250,000 Polish nationals (1940s and 1950s)

50,000 other Eastern Europeans (1940s and 1950s)

17,000 Hungarian nationals (1956) 5,000 Czech nationals (1968)

3,000 Chileans (1970s)

19,000 South East Asians (1970s)

40,000 from over 50 countries who sought asylum on an individual basis.

⁵⁵EASI is a project lead by the Islington Training Network, an NGO based in London, the UK. This country report has been compiled using a number of contributions made by the EASI partnership and is based on the long-term experience of working with asylum seekers in the field of education, training and employment, consultation with clients, and desk research.

Since the 1980s, the UK has also accepted the following refugee groups as part of government resettlement programmes:

- 5,820 South East Asians (1985-1995);
- 2,500 Bosnians (1992-1997);
- 4,345 Kosovars (1999).

It was in 1980 that the Home Office started collecting regular asylum statistics, these statistics show that there has been a steady increase in asylum applications from 1980 to 2002, from 2,352 applications to over 84,187.

Trends in asylum applications

Year	New Asylum Application	Granted Refugee Status
1980	2,352	1,385
1981	2,425	1,751
1982	4,225	2,038
1983	4,296	2,124
1984	3,869	1,428
1985	5,444	2,987
1986	4,266	2,450
1987	4,256	1,797
1988	3,998	2,206
1989	11,640	6,070
1990	26,205	3,320
1991	44,840	2,695
1992	24,605	16,440
1993	22,370	12,715
1994	32,830	4,485
1995	43,965	5,705
1996	29,640	7,295
1997	32,500	7,100
1998	46,010	9,255
1999	71,160	10,280
2000	80,315	21,870
2001	71,700	30,470

1.3 CURRENT TRENDS IN ASYLUM APPLICATIONS

ASYLUM STATISTICS FOR 2002

Applications for asylum, excluding dependants, increased by 18% in 2002 to

84,130. The main countries of origin were Iraq (7%), Zimbabwe (9%), Afghanistan and Somalia (8%) and China (4%). Applications rose over the summer of 2002 due to applications from Zimbabwe and Eastern Europe and then fell in November and December as border controls were tightened and new legislation implemented. Overall an estimated 42% of applications in 2002 resulted in grants of asylum (10%) or of exceptional leave to remain (23%) or as a result of successful appeals (10%)⁵⁶.

ASYLUM STATISTICS FOR 2003

Applications for asylum, excluding dependants, fell by 41% in 2003 to 49,405. The nationalities accounting for the most applicants were Somali, Iraqi, Chinese, Zimbabwean and Iranian. 64,940 initial decisions were made on asylum applications in 2003, a fifth less than 2002 but significantly higher than applications; hence the number of cases awaiting initial decision fell to 23,900, the lowest level for more than a decade. Over all an estimated 28% of applications resulted in grants of asylum (5%) or of exceptional leave to remain, humanitarian protection or discretionary leave (11%), or in allowed appeals (12%).

The majority of applicants in 2003 were under 35 years old (82%), 15% were aged between 35 and 49 and just 3% were aged 50 and older. 69% of applicants were male and over three-quarters of both male and female applicants were less than 35 years old. 4% of females and 2% of male applicants were over 50⁵⁷.

ASYLUM STATISTICS FOR 2004

Applications for asylum, excluding dependents fell by 31% in 2004 to 33,960. The nationalities accounting for the highest number of applications were Iranians (10%), Somalis (8%), Chinese (7%), Zimbabweans (6%) and Pakistanis (5%). Applications rose in 2004 compared with 2003 for two of the top five applicant nationalities Iran (by 20%) and Sudan (40%). 3% of initial decisions in 2004 granted refugee status, 9,700 cases were awaiting initial decision at the end of 2004, the lowest level for more than a decade. An estimated 24% of the 33,960 applications in 2004 resulted in grants of asylum (45%) or humanitarian protection or discretionary leave (11%), or in allowed appeals (10%).

The majority of principle applicants in 2004 were under 35 years old (82%), 15% were aged between 35 and 49 and 3% were aged 50 or older. 70% of applicants

⁵⁶See for further statistics and information, last searched 23 May 2006.

⁵⁷See <http://www.homeoffice.gov.uk/rds/pdfs04/hosb1104.pdf> for further statistics and information, last searched 23 May 2006.

were male and over three-quarters of both male and female applicants in 2004 were less than 35 years⁵⁸.

ASYLUM STATISTICS FOR 2005

Applications for asylum fell to 25,715 in 2005. The top five nationalities in 2005 were Iran (3,140), Somalia (1,770), Eritrea (1,760), China (1,735) and Afghanistan (1,585). The number from Iranian, Somali and Chinese nationals fell in 2005 by 9%, 31% and 27%, whilst the numbers from Eritrean and Afghan nationals rose by 60% and 13%⁵⁹.

ASYLUM STATISTICS FOR THE FIRST QUARTER OF 2006 (JANUARY TO MARCH)

The number of applications in the UK for the first quarter of 2006 (January to March 2006) was 6,455. This is 5% higher than the previous quarter (October to December 2005) and 8% less than the first quarter of 2005 (January to March 2006) which was 7,015 applications. Most applications were made by Zimbabweans, Eritreans, Iranians. Below is a breakdown of the different nationalities that applied.

Zimbabwe	755
Eritrea	745
Iran	570
Somalia	545
Afghanistan	520
China	450
Nigeria	245
Pakistan	240
India	205
Sudan	190
Other nationalities	1,985
Total	6,455

Initial decisions made in the first quarter of 2006 were 11% higher than previous quarter - but lower than the level of applications. The number of cases (excluding dependants) recorded as awaiting an initial decision was 5,800 at

⁵⁸See <http://www.homeoffice.gov.uk/rds/pdfs05/hosb1305.pdf> for further statistics and information, last searched 23 May 2006.

⁵⁹For more detailed statistics for 2005 see <http://www.homeoffice.gov.uk/rds/pdfs05/asylumq105.pdf> for the Asylum Statistics 1st Quarter 2005, <http://www.homeoffice.gov.uk/rds/pdfs05/asylumq205.pdf> 2nd Quarter 2005, <http://www.homeoffice.gov.uk/rds/pdfs05/asylumq305.pdf> for 3rd Quarter 2005, <http://www.homeoffice.gov.uk/rds/pdfs05/asylumq305.pdf> last searched 23rd May 2006.

the end of March (8,300 at the end of March 2005). Of this total, 4,100 cases were work in progress i.e. the application had been outstanding for 6 months or less. 10% of initial decisions in the first quarter of 2006 were to grant asylum, the same as the last quarter of 2005. 12% of initial decisions granted humanitarian protection or discretionary leave the same as the last quarter of 2005 and 78% of initial decisions in the first quarter of 2006 were refusals, the same as the last quarter of 2005⁶⁰.

1.4 ACCOMMODATION OF ASYLUM SEEKERS

Asylum seekers may apply for two types of support from the National Asylum Support Service (NASS). NASS will either provide accommodation and subsistence for people who need financial support and accommodation or will provide subsistence only for those who have accommodation. The current weekly entitlements per individual from April 10 2006 are as follows:

Single person aged 18 - 24	£31.85
Single person aged 25 or over	£40.22
Qualifying couples	£63.07
Lone parent aged 18+	£40.22
Person aged 16 - 18	£34.60
Person aged under 16	£45.58

Initially destitute asylum seekers in need of somewhere to stay may be housed in temporary accommodation whilst their application for support is being processed. Accommodation providers are contracted by NASS to meet basic food and hygiene needs.

Most asylum seekers are sign-posted to an induction centre after lodging an asylum application. Induction centres are part of government plans to streamline the asylum process, under which all new asylum seekers should eventually undergo a standard induction process. Destitute asylum applicants in need of NASS support and accommodation will be given their induction in a residential centre where they will be housed until a decision on their NASS application is received and travel to the dispersal accommodation is arranged, which is expected to take 14 – 21 working days. Asylum applicants who are not in need of NASS accommodation or are not eligible to apply for NASS support are given a day's induction.

⁶⁰See <http://www.homeoffice.gov.uk/rds/pdfs06/asylumq106.pdf> for further statistics and information, last searched 23 May 2006.

One of the primary aims of the Immigration & Asylum Act 1999 was to reduce pressure on services in London and the Southeast. Asylum seekers who qualify for NASS support and who need both subsistence and accommodation are offered accommodation outside London and the Southeast. The only exception to this is families with children who are in secondary school exam years (GCSE or A Level). NASS arranges dispersal accommodation and liaises with the accommodation provider to transport the applicant to the new accommodation, where the applicant stays until his/her asylum application is decided. Asylum seekers have no choice as to where they are accommodated. People who fail to travel to their accommodation without a 'reasonable excuse' will have their support discontinued and be evicted from emergency accommodation. Originally, NASS planned to allocate dispersal accommodation according to applicants' cultural and social needs. However, due to administrative problems and the demand for accommodation exceeding NASS's expectations, housing allocations are now driven by availability of housing rather than applicants' needs. Accommodation may be provided by a local authority, a registered social landlord or a private landlord. A joint report by Oxfam and Refugee Council reveals that many asylum seekers are living in poverty and experience poor health and hunger⁶¹.

As of the end of December 2005 the total number of asylum seekers: in NASS dispersal accommodation was 35,145; in receipt of subsistence only support was 14,290; supported by NASS was 49,435.

Asylum seekers receiving accommodation and subsistence support from NASS at end of December 2005*

Region	Total number of asylum seekers
East Midlands	2,125
East of England	480
Northern Ireland	115
London	1,300
North East	3,270
North West	6,130
Scotland	5,340
South East	510
South West	905
Wales	2,280
West Midlands	5,045
Yorkshire and The Humber	7,645
Total	35,145

⁶¹Joint Study by OXFAM and the Refugee Council, July 2002.

Asylum seekers receiving subsistence only support from NASS at end of December 2005

Region	Total number of asylum seekers
East Midlands	525
East of England	530
Northern Ireland	10
London	10,000
North East	75
North West	680
Scotland	160
South East	865
South West	210
West Midlands	785
Yorkshire and The Humber	375
Total	14,290

Notes to the tables:

- Provisional figures rounded to the nearest 5.
- Excludes unaccompanied asylum seeking children supported by local authorities, estimated at around 6,000 in September 2005. Excludes cases that pre-date the establishment of NASS in April 2000, administered under arrangements with local authorities, estimated at up to 3,500 cases in September 2005 (the number of such cases is falling).
- Excludes those in initial accommodation, 1,610 as at the end of December 2005.
- Only those local authorities where NASS dispersed or disbenefitted cases are resident are shown.⁶²

⁶²Refugee Council, Inter Agency Co-ordination Team

⁶³Refugee Council, Inter Agency Co-ordination Team

2. NATIONAL LABOUR AND ASYLUM POLICY CONTEXT

2.1 PERMISSION TO WORK

The Home Office withdrew the concession to work for asylum seekers on 23rd July 2002 and since then, there has been no formal movement away from this decision. Before this date, asylum seekers could apply to the Immigration and Nationality Directorate (IND) for permission to work in the UK if they had not received an initial decision on their asylum claim within six months of applying. Any asylum seeker who was granted the employment concession before it was ended on 23 July 2002 is still be able to work unless they have received a final negative decision on their claim for asylum.

As a result of the employment concession ending, any asylum seeker who has made an initial asylum application since 23 July 2002 is not able to undertake any form of paid or unpaid employment. Unpaid employment is not taken to include volunteering as long as the activity is considered 'genuinely voluntary'⁶⁴

THE LAST YEAR SAW TWO RELATED DEVELOPMENTS

- The implementation on 5 February 2005 of the European Council Directive 2003/9/EC laying down the minimum standards for the reception of asylum seekers. This allows asylum seekers who have been waiting for over 12 months for an initial decision from the Home Office on their asylum claim to apply for permission to work. The delay must not be due to the individual him/herself.
- No clear policy has been issued by the Immigration and Nationality Directorate as to how applications for permission to work will be processed and by whom. However, correspondence with NASS has suggested applications should be made to the Asylum Casework Directorate in Croydon.⁶⁵

The Home Office has brought detainees in line with prisoners to have the right to engage in paid work. The rate of pay will be below the minimum wage and prob-

⁶⁴See http://www.employingmigrantworkers.org.uk/faqs/4_2_0.html#q4
[http://www.prospects.ac.uk/cms/ShowPage/Home_page/Handling_discrimination/Refugees_and_asylum_seekers/Understanding_the_law/plaie;\\$3F\\$F5\\$7](http://www.prospects.ac.uk/cms/ShowPage/Home_page/Handling_discrimination/Refugees_and_asylum_seekers/Understanding_the_law/plaie;$3F$F5$7) last searched 18 May 2005.

⁶⁵Personal correspondence with Director's Office, NASS, 26 January 2006 and 7 February 2006. If you experience difficulties getting you ARC changed, please contact your nearest One Stop Service.

ably set by the detention centre's governor. When announcing the change in policy, Tony McNulty, Minister of State for immigration and citizenship, stated that: 'Paid activity is generally accepted as a necessary component of the activities provided to individuals in custody. It benefits the individuals concerned by giving them additional constructive and purposeful activity with which to occupy their time.'⁶⁶

From 1 May 2004, any asylum seeker who is able to work must demonstrate this through their Application Registration Card. This will state on the front 'Employment Permitted' if they are able to work⁶⁷.

2.2 REFUGEE EMPLOYMENT STRATEGY 'WORKING TO REBUILD LIVES'

The Department of Work and Pensions published its Refugee Employment Strategy, Working to Rebuild Lives in March 2005.⁶⁸ This followed recommendations by the National Refugee Integration Forum's sub group on

Employment. Its focus is on people who have been given leave to remain following their asylum claim in the UK. The document does refer to asylum seekers but this is largely in the context of moving into mainstream provision following a positive decision on their claim.

The Strategy's main reference to people claiming asylum and work relates to EQUAL funded programmes. It mentions skills audits, vocational-related ESOL etc., but treats it separately to the overall employment strategy. It draws attention to the Home Office's aim to increase the number of asylum seekers in volunteering opportunities. It also comments on the Skills and Aspirations Audit carried out by the Scottish Refugee Council which includes asylum seekers and refugees accessing employment. Nowhere are asylum seekers with permission to work brought together strategically with refugees.

⁶⁶To read the discussion in full, please see <http://www.theyworkforyou.com/debates/?id=2005-11-16a.974.2&s=detainees#g1016.0>, last searched 13 February 2005

⁶⁷See http://www.employingmigrantworkers.org.uk/faqs/4_2_0.html#q4

[http://www.prospects.ac.uk/cms/ShowPage/Home_page/Handling_discrimination/Refugees_and_asylum_seekers/Understanding_the_law/pl/Lfaie;\\$3F\\$F5\\$7](http://www.prospects.ac.uk/cms/ShowPage/Home_page/Handling_discrimination/Refugees_and_asylum_seekers/Understanding_the_law/pl/Lfaie;$3F$F5$7) last searched 18 May 2005.

⁶⁸The full Strategy can be viewed at http://www.dwp.gov.uk/publications/dwp/2005/emp_guide.pdf, last searched 13 February 2006

2.3 INTEGRATION MATTERS: A NATIONAL STRATEGY FOR REFUGEE INTEGRATION

The Government's broader aims for refugee integration are set out in *Integration Matters: A National Strategy for Refugee Integration* published in March 2005.⁶⁹ This states that "integration can only begin in its fullest sense when an asylum seeker becomes a refugee."⁷⁰ Therefore, it only refers to the employability of asylum seekers in the negative. It argues that:

- permission to work is denied
- access to the labour market is a key factor in integration
- therefore, the focus on its integration strategy will be on those who have been given leave to remain following an asylum claim.

2.4 THE BRITISH MEDICAL ASSOCIATION AND TRADE UNIONS SUPPORT THE RIGHT TO WORK FOR ASYLUM SEEKERS

The British Medical Association (BMA) supports the right to work for doctors who are currently claiming asylum in the UK.⁷¹ Within the medical professions there is a stronger voice supporting permission to work. The Scottish Executive has requested that the Home Office allow asylum seekers to work as part of their Fresh Talent initiative.⁷² So far the request has been turned down but there is enthusiasm amongst private and statutory organisations for asylum seekers to be given permission to work in Scotland. The main argument is that the population in Scotland is diminishing; 21% asylum seekers and refugees living in Scotland are educated up to degree level at least; therefore, there's a significant waste of skills.

Although there is general support for asylum seekers amongst trade unions, there is no consistent position on permission to work. EASI Action 3 can be significant in building bridges, particularly with the Trades Union Congress, to influence government policy.

⁶⁹The full Strategy can be viewed at http://www.ind.homeoffice.gov.uk/ind/en/home/laws__policy/refugee_integration0.Maincontent.0002.file.tmp/267218_RefugeeFinal_240205.pdf, last searched 14 February 2006

⁷⁰*ibid* p.4

⁷¹<http://www.bma.org.uk/ap.nsf/Content/RefugeeDocsBriefingPaper>

⁷²For further details, see <http://www.scottish.parliament.uk/nmCentre/news/news-comm-05/ceu05-006.htm>, last searched 14 February 2006

2.5 GENERAL COMMITMENT TO ASYLUM SEEKERS BEING GIVEN PERMISSION TO WORK

There is a general commitment to asylum seekers being given permission to work. The differences arise around when it should be given. Some argue that it should be from day one; others argue for a later date.

Day one: emphasis is placed on the right to work. This right is enshrined in the European Union Charter on Fundamental Rights⁷³ and should be given once someone has made an asylum claim. It is also argued that employment is key to integration and this process starts on arrival to the UK.

Later in asylum claim (3-6 months most common): although the right to work is acknowledged, the concern is that granting it on day one will lead many to access low skilled jobs. This is likely to continue if someone is given leave to remain in the UK following their claim for asylum. As a result, refugees and asylum seekers are likely to remain socially excluded. Therefore, people should receive support during their first few months in the UK so that they can enter the labour market more confidently (i.e. more intensive and vocationally specific ESOL, skills audit, work shadowing). It is also recognised that claiming asylum in the UK is a stressful experience, particularly in the first couple of months. The government's New Asylum Model aims to make decisions much quicker so that most asylum seekers receive an initial decision and appeal within one month. Working long, unsocial hours during this time may well have a negative effect on their asylum claim.

Others: there is a campaign seeking to grant permission to work for Zimbabweans whose asylum claims have been refused but who cannot return to the country.⁷⁴ At present, the Government is not moving on the issue. However, Kate Howey MP has recently lodged an Early Day Motion calling on the Government to grant the right to work to Zimbabweans who cannot return and whose asylum claims have been refused.⁷⁵

2.6 THE BENEFITS OF EMPLOYING ASYLUM SEEKERS

There are arguments for granting the right to work to asylum seekers based on the competitive value they would bring to potential employers.

⁷³Article 15 of the Charter. See http://europa.eu.int/comm/justice_home/unit/charte/en/charte-freedoms.html, last searched 14 February 2006

The UK Government is not returning Zimbabweans at present following an Asylum and Immigration

⁷⁴Tribunal ruling in October 2005. See http://www.refugeecouncil.org.uk/news/2005/Oct05/curr1005_4.htm, last searched 14 February 2006.

⁷⁵See <http://www.publications.parliament.uk/pa/cm/cmmedm/60112e01.htm>, last searched 14 February 2006

These include the facts that:

- the ability to recruit from a wider pool of talent increases opportunities to utilise additional skills, experience, ideas, etc.
- employing a workforce with experience from outside of the UK can help develop or refine products, services and systems at work;
- given dispersal policies, asylum seekers are part of wider refugee communities around the UK. Businesses can gain a positive reputation amongst these and the wider community;
- asylum seekers are likely to be committed, motivated and flexible employees.

The biggest advantage of employing asylum seekers is their attitude: motivated, willing to work and flexible. Many⁷⁶ combine this with high levels of skills that could be harnessed, even if it were in the short term. This is why bodies such as the British Medical Association support the right for doctors claiming asylum in the UK being given the right to work. The same could be said for a number of other professions.

2.7 POSSIBLE REASONS FOR NOT EMPLOYING ASYLUM SEEKERS

In many cases employers are hesitant to employ asylum seekers with permission to work, due to confusing documentation, concerns over trouble with the authorities or lack of information about the legal situation. Recent Immigration and Asylum Legislation (2005) has introduced fines or a possible custodial sentence for employers who hire illegal workers, which will also add to their resistance to employing asylum seekers. Confusion over the terms 'illegal immigrants' and 'asylum seekers', something the UK media has been criticised for, will also be a contributing factor. Employers may also be concerned that there is no definite time frame for the employee to remain in the UK.

Asylum seekers are rarely able to provide UK references and proof of UK work experience, which is recognised as a large barrier to employment, both for asylum seekers and those granted leave to remain in the UK. They may also have a low level of English, a lack of knowledge of the national work culture and find it problematic to demonstrate qualifications from overseas.

⁷⁶A recent study by NIACE found that 54% per cent of asylum seekers surveyed were educated to NVQ3 or above, with 29% having graduate or post graduate qualifications. See <http://www.niace.org.uk/projects/ASSET-UK/ASSETUK-Policy-Report.pdf>, last searched on 15 February 2005

3. ACCESS TO THE LABOUR MARKET

3.1 LEGAL BACKGROUND TO THE EMPLOYMENT OF ASYLUM SEEKERS

As discussed above, as regulations currently stand, any asylum seeker who was granted the concession to work before July 2002 is still able to work unless their application has since been denied. Any asylum seeker who has made an application after this date is not allowed to undertake paid work. If they are forced to wait for over 12 months for an initial decision, they are allowed to apply for permission to work.

3.2 THE LABOUR MARKET SITUATION IN THE UK

The employment rate for people of working age (defined as 16-64 years for men and 16-59 years for women) in the UK was 74.5% for the three months ending in January 2006 (according to the Office for National Statistics). The unemployment rate for the same period stood at 5%. Eurostat measures total employment rate for the UK in 2004 as 71.6%, above the EU (25 countries) average of 63.3%. The unemployment rate in the UK, according to Eurostat, in 2005 was 4.7%, well below the EU (25 countries) average of 8.7%.

Unemployment rates vary by region in the UK. Figures for 2003 show an average of 5.1% unemployment for the UK, but a rate of 6.6% in the North East of England, 5.9% in the West Midlands, 4.6% in Wales and 5.7% in Scotland (UK Labour Force Survey). Many asylum seekers have been dispersed to these areas since 2000 so are likely to be affected by the higher unemployment rates, should they have permission to work.

London has (2003) the highest rate of unemployment at 7.1%. London also has the largest asylum seeking and refugee population. Within the capital the unemployment rate varies greatly. Unemployment in Tower Hamlets, a London Borough with a large refugee population, was at 13.8% (March 2004 - February 2005) and in Newham, another borough with a large refugee population it was at 9.6% in this period (UK Labour Force Survey). This suggests that the

employment of asylum seekers living in these boroughs would be low.

Unemployment rates for the ethnic community in the UK are higher than the UK average. Recent surveys expect the unemployment rate for refugees to be twice the rate for ethnic minorities, suggesting that the unemployment levels of asylum seekers with permission to work would also be high. Two reports looking at the employment of refugees put the numbers in employment at 27% (Carey-Wood 1995) and 29% (Bloch 2002) compared to 60% for other ethnic minority communities⁷⁷.

3.3 ACTUAL LABOUR MARKET SITUATION OF ASYLUM SEEKERS IN THE UK

There is no data produced by the authorities on the employment of asylum seekers in the UK. As few asylum seekers have permission to work it is unlikely that there are a great number in employment. Those that have been granted permission to work are covered by the same regulations as other workers, but are likely to suffer discrimination (see below) and may end up in poorly paid occupations; as discussed above there are a number of reasons for which employers are disinclined to employ asylum seekers with permission to work. In addition, asylum seekers themselves are often unaware of their rights in the labour market.

There is no data available on volunteering levels within the asylum seeking population, though the UK Government (Home Office) actively encourages the involvement of asylum seekers in voluntary activity. The Home Office 'Purposeful Activities Fund' is targeted at projects for asylum seekers that "offer the opportunity to undertake activities enabling them to interact with, and make a positive contribution to, the communities in which they reside." Many of these projects are concerned with volunteering.

Volunteering is commonplace in the UK. Research in England in 2005 shows that 20.4 million people regularly volunteer at least once a month in their communities. This is a significant increase from 2001 (47% and 18.8 million people). The UK has a network of 'volunteer bureaux' that encourage volunteering within the UK population and act as a link between volunteers and volunteer-seeking organisations. Some bureaux now have projects specifically for asylum

⁷⁷See Office for National Statistics, www.statistics.gov.uk, UK Labour Force Survey, www.nomisweb.co.uk, Bloch (2002) Opportunities and barriers in employment and training and Carey Wood (1995) The settlement of refugees in Britain last searched on 18 may 2006.

seekers and refugees (such as Islington Volunteer Centre, London). It has been recognised for some time that the large Refugee Community Organisation (RCO) sector in the UK is heavily reliant on the work of volunteers, many of which are asylum seekers. With very little funding for RCOs a large number are run entirely by on a voluntary basis⁷⁸.

3.4 SUPPORT SERVICES THAT PREPARE ASYLUM SEEKERS FOR THE LABOUR MARKET

Funding for work with asylum seekers has become increasingly restricted in the UK, particularly since the removal of the employment concession. This has affected the complementary services available to asylum seekers. European Social Fund (ESF) funding has been used to provide training to asylum seekers but vocational elements cannot be included. Orientation services for asylum seekers, such as an orientation course, can include a pre-vocational element though, such as advice on the requalification process.

Asylum seekers without permission to work are also unable to go onto government work-related training programmes. This means that most vocational training courses are not accessible, excluding “embedded English for Speakers of other Languages (ESOL)” courses, for example English for Construction.

Asylum seekers and refugees are eligible for most non-vocational education in the UK as long as they satisfy the entry requirements (including English Language) and can pay the fees. In effect, it is very difficult for asylum seekers to access high-level courses due to a lack of funding.

Most lower-level English Language training (or ESOL) courses are free to asylum seekers. Higher-level English courses, including those needed for professional re-qualification and access to higher education are generally not free, but once again, asylum seekers are eligible if they can pay the fees.

Advice and guidance services and assistance with job search is available to asylum seekers but often restricted to those with refugee status only, or asylum seekers with permission to work. Mentoring schemes, which help immigrants to orientate themselves into life in the UK, may be open to asylum seekers but again it is dependent on the funding. For example a high profile refugee

⁷⁸See Early findings from the 2005 Home Office Citizenship Survey - Rachel Murphy, Elaine Wedlock, Jenny King, Home Office Online Report 49/05 http://www.ind.homeoffice.gov.uk/ind/en/home/laws___policy/refugee_integration0/a_call_for_proposals.html, 23 February 2006, last searched 18 May 2006.

mentoring scheme in the UK, called Timebank, excludes asylum seekers from the project.

4. DISCRIMINATION IN THE LABOUR MARKET

4.1 AGE, GENDER AND RACE DISCRIMINATION IN THE LABOUR MARKET

A majority of asylum seekers are under 50 (NIACE, 2005)⁷⁹ and so the system has an obvious bias against the elderly who need protection. Claiming asylum in the UK often requires people to endure long and difficult journeys from situations of conflict. These can only be undertaken if you are physically fit and able bodied. The UK government's Gateway Protection Programme is one initiative that has the potential to lessen age discrimination. However, numbers are currently small and the programme generally selects people who have been able to access refugee camps in neighbouring countries.

A majority of people claiming asylum in the UK will be under 30⁸⁰. This means that many will have had their education, training and professional development disrupted. Consequently, their employment opportunities in the UK will not reflect their ability or ambition. The barriers imposed by one's degree being graded below those awarded in the UK, lack of a nationally recognised way to accredit prior experience, the poverty levels of asylum support, along with the costs and length of time for retraining mean that many accept jobs far below their level of skills.

Many women struggle to be recognised publicly while claiming asylum. Men are the main applicants on a majority of asylum and NASS applications. This means that the few asylum seekers who gain permission to work are likely to be male. But it is also about the public life while claiming asylum: men collect the NASS subsistence, sign and authorise change of circumstances, etc., and so have greater exposure to using English, mainstream culture.

There are clear differences between men and women in labour market participation. Bloch (2002) found 42% of men compared to 15% of women refugees in paid employment⁸¹. This varied according to country of origin: the most marked difference was amongst Iraqis and Kosovan women; the least variation was

⁷⁹Waddington, S [2005] Valuing skills and supporting integration, NIACE

⁸⁰For 2004 see <http://www.homeoffice.gov.uk/rds/pdfs05/hosb1305.pdf>, last searched 12 April 2006

⁸¹Bloch, Alice (2002) Refugees' opportunities and barriers in employment and training, DWP, Research report 179

with Somali men and women who both had very low levels of employment.

The general differentiation in labour market participation is also recognised within gender groups. A recent TUC report⁸² states that the unemployment rate among black women (5.4 per cent) is almost twice that of white women (2.9 per cent), and it is only slightly lower among Asian women (4.8 per cent). When combined with overall employment rates for refugees and ethnic minorities (29% and 60% respectively), the double disadvantage for women refugees is clear.

4.2 OVERQUALIFICATION AND UNDEREMPLOYMENT OF REFUGEES

Underemployment is common amongst refugees. Many who have been able to find work are not using their skills fully. In fact, over-qualification can provoke discrimination in the workplace. A Sudanese doctor relays his experience: "I remember once that I applied for a job as a Surgery Receptionist in Leeds. I have been asked to speak to the GP when they knew that I'm a Doctor and then the GP asked me after I have explained everything about my situation to her 'if you are a real Doctor as you said, why then do you want to work as a Receptionist?' On so many occasions I have been told that I'm overqualified for Care Assistants vacancies and I heard from my colleagues that the best way to secure employment is to tell them that you are a school leaver not a qualified Doctor!!"

This type of discrimination is common. Much of it results from a lack of understanding or appreciation of the experience of refugees; but racial/cultural prejudice can not be ruled out. As most asylum claims do not result in refugee status, there is widespread public scepticism which is fuelled/reinforced by Government. For example, recent legislation means that people are liable to be prosecuted if they do not have proper documentation when they arrive in the UK. The reasons given for this by the Home Office were reported as follows: Mr Blunkett said most asylum seekers claimed not to have travel documents, despite needing them to board a plane in the first place.

"The fact is, many destroy them en route because traffickers tell them it's their best chance of staying in the UK - by making fraudulent claims and making it difficult to remove them if their claims fail," he said⁸³.

⁸²See <http://www.tuc.org.uk/equality/tuc-11722-f0.cfm>, last searched 11 April 2006

⁸³See http://news.bbc.co.uk/1/hi/uk_politics/3216447.stm, last searched 12 April 2006

However, there are good reasons why someone would not have valid travel documents⁸⁴. Very little is done to counter this negative perception. As a result, people who do receive positive decisions still have to contend with suspicion, as the above example of the refugee doctor from Sudan illustrates.

4.3 ASYLUM STATUS RESTRICTS TRAINING AND LEARNING OPPORTUNITIES.

But asylum status also restricts training and learning opportunities. If you are on NASS support, you should be able to access most courses up to level 2 free of charge. However, people regularly experience difficulties enrolling on courses outside of IT and basic ESOL. More needs to be done to promote a positive public view of the rights and entitlements of asylum seekers.

4.4 IT IS NOT ILLEGAL IN THE UK TO DISCRIMINATE ON THE GROUNDS OF ASYLUM AND REFUGEE STATUS

At present, it is not illegal for an employer to discriminate against someone because they are an asylum seeker with permission to work or a refugee. The Race Relations (Amendment) Act 2000 covers race discrimination; but if an employer could demonstrate that this was not the reason for refusing employment, discrimination on the grounds of someone being a refugee or asylum seeker with permission to work is not currently protected against. In addition, employers are liable to pay fines if someone has been employed illegally (and the employer does not have a reasonable defence); they are also expected to monitor the validity or visa/work documentation. Research conducted by the Institute of Employment Studies addressed this issue.

The issue of liability for unwittingly employing an illegal worker seems to be an ongoing concern. The manager at the Confectionery Manufacturer had been reassured by the IND that the company was not liable for employing a worker with forged documents if they had undertaken a proper inspection of the documents. It is accepted by the Government that forgeries can be impossible for an employer to detect, but it seems that employers still feel vulnerable. Furthermore, even if the company is not legally liable, it may be damaged by publicity relating to any finding of illegal workers⁸⁵.

⁸⁴See http://www.refugeecouncil.org.uk/downloads/briefings/ia_act04/ia_act04_brfg01.pdf last searched 12 April 2006.

⁸⁵Institute of Employment Studies (2004) Employing Refugees: some organisations' experience, p20.

The confusion that employers feel around permission to work is coupled with public hostility. This means that many are reluctant to be associated with asylum seekers and refugees. Quoting one of the employers involved in the IoES research: 'Employers believe that the public perception towards refugees is so negative, that speaking out about it could threaten their custom. The public impression is that refugees are coming in and stealing jobs. This stems from the media, so it is the responsibility of this industry to provide positive press, although positive press is not news'⁸⁶.

4.5 THE MAIN BARRIERS TO EMPLOYMENT - THE OPINION OF SERVICE PROVIDERS

The main barrier to employment is the exclusion and isolation of the asylum process. It means that people spend significant periods of time de-skilling, economically inactive and socially isolated. Volunteering opportunities only go so far. What is needed is a positive programme to engage asylum seekers in accredited learning and training, and employers in providing appropriate work shadowing and ESOL. Coupled with this, the right to work should be restored to people following their claim for asylum.

There also needs to be a structured approach to underemployment with life-long learning opportunities being embedded into people's jobs. Trade unions can play an important role in providing these, along with organisations from the community and voluntary sector.

5. SUPPORT

5.1 SUPPORTING ASYLUM SEEKERS

Outlined below are kinds of support asylum seekers need to be able to prepare for and access the labour market. These are:

- the UK government should reinstate permission to work for asylum seekers;
- appropriate provision and customised English language classes should be provided; so that asylum seekers with limited English can find employment;
- asylum seekers need help to alleviate their social and geographical isolation

⁸⁶Institute of Employment Studies (2004) Employing Refugees: some organisations' experience, pg 26

by encouraging them to participate in social gathering and cultural events, which will also help physical and mental health and wellbeing;

- help with gathering necessary social network which is important for finding about employment opportunities and also get emotional and interpersonal support;
- culturally sensitive and affordable childcare provision. Being without family and relatives to help with childcare will particularly affect asylum seeking women entering the labour market;
- the government should change their policy on accessing education and training for asylum seekers in the following ways;
- help with provision of knowledge and information of both formal and informal system and practices in this society should be provided;
- provision of mentoring support to help with cultural adaptation to a different society should be provided. Personal development is difficult in an unknown environment;
- a specific job search programme to help with technicalities of job application process and understanding the UK labour market should be provided.
- provision of voluntary opportunities which will help with lack of UK work experience and work references should be provided;
- the UK should recognise overseas qualification.

5.2 SUPPORTING EMPLOYERS TO ENHANCE THEIR CAPACITY AND/OR WILLINGNESS TO EMPLOY ASYLUM SEEKERS

Outlined below are ways in which employers can be supported to enhance their capacity and willingness to employ asylum seekers. These are:

- provision of concise and easily accessible information about the rights and entitlements of asylum seekers with regard to paid employment. Employers feel their knowledge is limited, lack of awareness and information has led to fear and distrust of asylum seekers - a "dangerous" unknown group of people. Employers were also concerned that due to lack of accurate information, they could fall foul of the law themselves;
- provision of extra resources (money, training, additional time) to be able to support asylum seekers and refugees;
- ensuring employers understand the importance of work experience/placement for asylum seekers as means to employment because employers believe this takes a great deal of their time and resources and therefore will not promote such activity;

- training establishments should consider the needs of employers and the skills required by them. It is important to consider shortages in the labour market and train asylum seekers accordingly;
- employers need to see the importance of employing asylum seekers in terms of creating a reliable, diverse workforce with a variety of languages and skills. For larger employers this may promote their corporate responsibility.

5.3 THE MOST EFFICIENT WAY TO PROVIDE INSTITUTIONAL SUPPORT

Outlined below are some efficient ways that institutional support could enhance the labour market situation of asylum seekers. There is a need :

- to lobby the government to reinstate permission to work and access to vocational and academic training for asylum seekers;
- to work closely with asylum seekers to create opportunities to enter the labour market. This will build their confidence, create a better future for them and their families and will enable them to integrate in the society, as it is believed that the process of integration begins from the “first day” of seeking asylum;
- to work closely with employers to promote the positive image of asylum seekers and to engage the employers in the sector work;
- to actively and consistently lobby the government and policy makers for the introduction of policies to support asylum seekers accessing training and employment;
- to develop customised job search training material and provide such training to asylum seekers to build their confidence and provide pathways to employment.
- to provide “tailor made” English language training to build asylum seekers confidence, thus enabling them to combine their transferable and communication skills to find suitable employment;
- to engage with the Trade Unions, specialist agencies, private and public sectors to promote the employment needs of asylum seekers to access employment in their prospective profession;
- to provide holistic advice and guidance to asylum seekers;
- to organise supervised work placement schemes to enable asylum seekers to gain work experience in the UK;
- to not just list the barriers to employment for asylum seekers but to suggest practical and achievable solutions to remove the barriers;
- to create mentoring/job brokerage to enhance the asylum seekers’ opportunities to employment.

6. RELEVANCE OF THE EASI EQUAL PROJECT

6.1 THE IMPORTANCE OF THE WORK OF THE EASI DP FOR POLICY MAKERS AND BENEFICIARIES

It is widely acknowledged that asylum seekers face discrimination in the labour market as they do not have a right to work in the UK. Moreover, asylum seekers experience long periods of uncertainty, inactivity and mental stress while their applications for asylum seeking are being processed. The Empowering Asylum Seekers to Integrate (EASI) project is aimed at addressing the inequalities that asylum seekers are currently facing, as well as removing some of the institutional barriers they are encountering. EASI is an Equal Theme I project which has as its primary goal to improve the conditions of asylum seekers during the period that their application is being processed and to provide them with a more meaningful experience. Moreover, on a strategic level the EASI project aims to integrate the asylum seeking process into the wider refugee integration agenda. It aims to influence policy makers to incorporate the asylum seeking phase into the government's refugee integration and employment strategy, which does not currently include asylum seekers.

The EASI programme, which is delivered by a dp of eleven voluntary and community organisations, focuses not exclusively on the London area, but also covers other areas in the UK, for example the North East, Yorkshire and Humberside. The activities involved include innovative ways of delivering support, tailor-made pre-vocational training and accelerated English language courses for asylum seekers. The training will empower asylum seekers with key skills, for example communication, problem solving and teamwork, and specialised skills, such as ICT technical support training, fund raising, community mentoring, advocacy and awareness raising. Training asylum seekers will have also a positive impact on the capacity building of Refugee Community Organisations (RCOs), enabling them to improve their services through volunteering opportunities and also to have better access to mainstream services.

The EASI project aims to enable asylum seekers to improve their English language skills through e-learning and new methodologies for the teaching of English. In addition, it constitutes an important source of information for the

recently arrived asylum seekers. This will be complemented by the production in seven refugee languages of an orientation pack to include both specific and generic information about life in Britain, including the UK labour market. If asylum seekers are better informed about their rights and obligations they are better prepared to argue their case, and if successful this will support their smoother integration into British society.

The EASI project works with both highly educated or well-qualified individuals, and un- or low-skilled individuals. Moreover, EASI also engages with asylum seekers with disabilities. The project ensures that these individuals have a meaningful experience during their waiting period in the UK and their skills are used to their own benefit and the benefit of British society at large. In addition, while using some of the skills that asylum seekers already have, it gives them the opportunity to acquire new ones.

The activities under the EASI partnership aim to create volunteering opportunities for asylum seekers, which enables them to gain basic work experience and raises their awareness and understanding of the UK labour market. Volunteer placements of asylum seekers have also a positive effect on the employers themselves, contributing to dispelling some of the negative stereotypes that surround asylum seekers. The EASI project will thus contribute to the development of models of good practice that can be disseminated across both the public and private sectors. One of the most salient elements of the EASI project is the creation of the beneficiary advisory group which has meant that the asylum seekers themselves are involved in the consultative process and are given a voice to improve the delivery of activities of the Development Partnership (DP).

In addition to its national element, the EASI project has also a transnational dimension, which aims to exchange practices with similar organisations in the European Union. It also aims to look at novel ways of incorporating good practices from other EU-member states into the integration process of asylum seekers at national level, with the primary aim to influence both the UK and the EU policy on asylum seekers.

As the economies of the EU in general and the UK in particular are expanding there is a need for more workers to fill many of the newly created jobs. In addition, the current population trends in both the EU and the UK show a decrease

in the working age population, creating a gap in the labour market. Unfortunately, asylum seekers are not included in population statistics, partly because their numbers are subject to fluctuations and partly because their future immigration status is unknown. The EASI project is making a contribution to this issue arguing that the asylum-seeking phase should be an integral part of the integration process. This will add value to the debate that asylum seeking should complement the government's refugee integration and employment strategy.

APPENDIX

CHANGES⁸⁷ IN THE LEGAL AND SOCIAL SITUATION OF ASYLUM SEEKERS IN THE UK SINCE THE COMPILATION OF THE COUNTRY REPORT

1. THE PERIOD 2005-2007 HAS BEEN MARKED BY A CONTINUOUS FALL IN ASYLUM NUMBERS IN THE UK

Asylum statistics for 2005

Applications for asylum fell to 25,710 in 2005. The top five nationalities in 2005 were Iran (3,140), Somalia (1,770), Eritrea (1,760), China (1,735) and Afghanistan (1,585). The number from Iranian, Somali and Chinese nationals fell in 2005 by 9%, 31% and 27%, whilst the numbers from Eritrean and Afghan nationals rose by 60% and 13%⁸⁸.

Asylum statistics for 2006

23,520 asylum applications were received in 2006, 9% lower than in 2005 (25,710). The top 5 applicant nationalities in 2006 were Eritrea (2,600), Afghanistan (2,400), Iran (2,370), China (1,935) and Somalia (1,850). Applications from Eritrean, Afghan, Chinese and Somali nationals rose in 2006 by 48%, 52%,

⁸⁷As of October 2007.

⁸⁸For more detailed statistics for 2005 see <http://www.homeoffice.gov.uk/rds/pdfs05/asylumq105.pdf> For the Asylum Statistics 1st Quarter 2005, <http://www.homeoffice.gov.uk/rds/pdfs05/asylumq205.pdf> 2nd Quarter 2005, <http://www.homeoffice.gov.uk/rds/pdfs05/asylumq305.pdf> for 3rd Quarter 2005,

⁸⁹<http://www.homeoffice.gov.uk/rds/pdfs05/asylumq305.pdf> last searched 23rd May 2006.

For further details, see <http://www.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf>, last searched 3 July 2007

12% and 5% respectively whilst applications from Iranian nationals fell by 25%.⁸⁹

Asylum statistics for the first quarter of 2007 (January to March)

The number of applications for asylum in the UK, excluding dependants, was 1% lower in Q1 2007 (5,680) compared with Q4 2006 (5,725), and was 12% less than Q1 2006 (6,455). Afghan nationals accounted for the highest number of applications, 7% higher than Q4. Applications also increased in Q1 for nationals of China (10%), Zimbabwe (45%), Sri Lanka (73%), Pakistan (7%) and Nigeria (27%).

There were 6,005 initial decisions made in Q1 2007, 16% higher than in Q4 2006 (5,155) and higher than the level of applications.⁹⁰ The number of cases (excluding dependants) recorded as awaiting an initial decision was 5,700 at the end of March 2007 (4,900 at the end of March 2006). Of this total, 4,300 cases were work in progress, i.e. the application had been outstanding for 6 months or less. 15% of initial decisions in Q1 were to grant asylum, compared with 13% in Q4. 10% of initial decisions were granted humanitarian protection or discretionary leave compared with 11% in Q4 2006. 75% of initial decisions in Q1 2007 were refusals compared with 76% in Q4. 57%² of substantive applications in Q4 2006 had initial decisions made and served within two months, lower than Q3 2006 (59%).

2. 2005-7 HAS MARKED THE INTRODUCTION OF NEW METHODS FOR MANAGING THE ASYLUM SYSTEM IN THE UK, KNOWN AS THE (NEW) ASYLUM MODEL⁹⁰

In February 2005, the UK Government published a five year strategy for immigration and asylum⁹¹. The strategy announced the development of the New Asylum Model (NAM). The aim of the New Asylum Model is to introduce a faster, more tightly managed asylum process with an emphasis on rapid integration or removal. The Home Office began implementing the NAM in May 2005 and is now processing all new asylum seekers within the new model as of 5th March 2007.

The main objective of the NAM is to conclude an increasing proportion of asylum cases within six months leading to either integration or removal. The Home Office seeks to achieve this through segmentation, faster processing and case ownership.

⁸⁹For a fuller overview of the New Asylum Model, see <http://www.refugeecouncil.org.uk/policy/briefings/2007/nam.htm>, last searched 16 July 2007

⁹⁰Controlling our borders: Making migration work for Britain - five-year strategy for asylum and immigration www.archive2.official-documents.co.uk/document/cm64/6472/6472.pdf, last searched 16 July 2007

3. THE PERIOD 2005-7 HAS MARKED THE INTRODUCTION OF NEW SYSTEMS FOR ACCOMMODATION AND SUPPORT FOR ASYLUM SEEKERS.

Asylum seekers may apply for two types of Asylum Support (previously known as National Asylum Support Service (NASS)). Asylum support will either provide accommodation and subsistence for people who need financial support and accommodation or will provide subsistence only for those who have accommodation.

Subsistence support is set at 100% of Income support levels for dependant children under the age of 18 and at 70% of Income support levels for adults. The levels of asylum support for adults are intended to reflect the fact that asylum seekers do not pay utility bills.

In the first quarter of 2007, there were 4,575 applications for asylum support. The highest nationality groups during this time were Iran (715), Afghanistan (445), Iraq (400), Eritrea (395) and Somalia (390).

Section 4 of the Asylum and Immigration Act 1999 (as amended by section 49 of the Nationality and Asylum Act 2002) allows the Secretary of State to provide support to refused asylum seekers. The purpose of section 4 is to provide temporary support to people who are destitute and who, through no fault of their own, are unable to leave the UK. This may be because there is no viable route of return to their home country, because they have submitted a fresh asylum application, or because they have a medical condition, including pregnancy, that prevents them from travelling.

In the first quarter of 2007, there were 1,895 decisions to grant Section 4 support, a 25% increase on the previous quarter. The highest nationalities supported were Iraq (3,255), Iran (935), Eritrea (740), Sudan (485) and Somalia (405). As of March 2007 there were 8,780 applications in receipt of Section 4 support (excluding dependents).

4. 2005-7: CHANGES IN THE NATIONAL LABOUR AND ASYLUM POLICY CONTEXT - PERMISSION TO WORK

The Home Office withdrew the concession to work for asylum seekers in 23

July 2002, since then, there has been no significant movement away from this decision. Before this date, asylum seekers could apply to the Immigration and Nationality Directorate (IND) for permission to work in the UK if they had not received an initial decision on their asylum claim within six months of applying. Any asylum seeker who was granted the employment concession before it was ended on 23 July 2002 was still be able to work unless they had received a final negative decision on their claim for asylum.

As a result of the employment concession ending, any asylum seeker who had made an initial asylum application since 23 July 2002 was not able to undertake any form of paid or unpaid employment at all. Unpaid employment is not taken to include volunteering as long as the activity is considered 'genuinely voluntary'.⁹²

The implementation of the European Council Directive 2003/9/EC laying down the minimum standards for the reception of asylum seekers occurred on 5 February 2005. This brought some improvement. It allowed asylum seekers who had been waiting for over 12 months for an initial decision from the Home Office on their asylum claim to apply for permission to work, if the delay was not be due to the individual themselves.

The policy of restricting the right of asylum seekers to work does not apply in detention. The Home Office has brought detainees in line with prisoners to have the right to engage in paid work. The rate of pay will be below the minimum wage and probably set by the detention centre's governor. When announcing the change in policy, Tony McNulty, Minister of State for immigration and citizenship, stated that:

'Paid activity is generally accepted as a necessary component of the activities provided to individuals in custody. It benefits the individuals concerned by giving them additional constructive and purposeful activity with which to occupy their time.'⁹³

EASI DP has continued to press including through the Green Paper consultation on the future of the Common European Asylum System, for a return to the status quo in 2002 where asylum seekers could work after 6 months.

⁹² See http://www.employingmigrantworkers.org.uk/faqs/4_2_0.html#q4
[http://www.prospects.ac.uk/cms/ShowPage/Home_page/Handling_discrimination/Refugees_and_asylum_seekers/Understanding_the_law/plaie;\\$3F\\$F5\\$7](http://www.prospects.ac.uk/cms/ShowPage/Home_page/Handling_discrimination/Refugees_and_asylum_seekers/Understanding_the_law/plaie;$3F$F5$7) last searched 18 May 2005.

⁹³ To read the discussion in full, please see <http://www.theyworkforyou.com/debates/?id=2005-11-16a.974.2&s=detainees#g1016.0>, last searched 13 February 2005

5. 2005-7 UK INTEGRATION STRATEGIES HAVE SHOWN NO REAL CHANGE - REFUGEE EMPLOYMENT STRATEGY 'WORKING TO REBUILD LIVES'.

The Department of Work and Pensions published its Refugee Employment Strategy, Working to Rebuild Lives in March 2005.⁹⁴ This followed recommendations by the National Refugee Integration Forum's sub-group on Employment. Its focus is on people who have been given leave to remain following their asylum claim in the UK. The document does refer to asylum seekers but this is largely in the context of moving into mainstream provision following a positive decision on their claim.

The Strategy's main reference to people claiming asylum and work relates to EQUAL funded programmes. It mentions skills audits, vocational-related ESOL etc., but treats it separate to the overall employment strategy. It draws attention to the Home Office's aim to increase the number of asylum seekers in volunteering opportunities. It also comments on the Skills and Aspirations Audit carried out by the Scottish Refugee Council that includes asylum seekers and refugees accessing employment.

Nowhere are asylum seekers with permission to work brought together strategically with refugees.

INTEGRATION MATTERS: A NATIONAL STRATEGY FOR REFUGEE INTEGRATION

The Government's broader aims for refugee integration are set out in Integration Matters: A National Strategy for Refugee Integration published in March 2005.⁹⁵ This states that 'integration can only begin in its fullest sense when an asylum seeker becomes a refugee.'⁹⁶ Therefore, it only refers to the employability of asylum seekers in the negative. It argues that:

- permission to work is denied;
- access to the labour market is a key factor in integration.

Therefore, the focus on its integration strategy will be on those who have been given leave to remain following an asylum claim.

EASI DP has continued to argue that for asylum seekers, 'whatever the ultimate decision on their case, their integration process begins on 'day one.'

⁹⁴The full Strategy can be viewed at http://www.dwp.gov.uk/publications/dwp/2005/emp_guide.pdf, last searched 13 February 2006

⁹⁵The full Strategy can be viewed at http://www.ind.homeoffice.gov.uk/ind/en/home/laws___policy/refugee_integration0.Maincontent.0002.file.tmp/267218_RefugeeFinal_240205.pdf, last searched 14 February 2006

⁹⁶ibid p.4

SITUATION DES DEMANDEURS D'ASILE EN FRANCE, EN HONGRIE ET AU ROYAUME-UNI

LES CONCLUSIONS DES TROIS ENQUETES DE RÉFÉRENCE FAIT PAR LE PARTENARIAT TRANSNATIONAL EXCHANGES

RÉSUMÉ

Ciblant les demandeurs d'asile, le programme EQUAL vise à vaincre les inégalités auxquelles les groupes de personnes défavorisées font face sur le marché de travail en Europe, à l'aide du Partenariat de Développement Européen (DP). Le partenariat transnational EXCHANGES regroupe trois partenariats nationaux : le partenariat EASI au Royaume-Uni, le partenariat ESÉLY en Hongrie et le partenariat FAAR en France. Le partenariat vise à partager, à développer et à propager les expériences et les pratiques recommandées au sujet de l'information, de l'orientation/de la préparation au marché de travail, de l'aide au développement associatif des réfugiés (en anglais:RCO), et de l'enseignement et de l'apprentissage de la langue. Les documents suivants présentent les résultats des enquêtes faites dans les trois pays, dans le but de donner des idées cohérentes sur la situation des demandeurs d'asile sur les trois marchés de travail en question. Ces documents exposent en détails ce qui peuvent être fait pour améliorer cette situation, et par conséquent révèlent ce que seront les buts principaux du partenariat EXCHANGES dans les trois pays. L'intégration des demandeurs d'asile et des réfugiés est une procédure dynamique et à double-sens; l'exigence vis-à-vis des gens récemment arrivés de s'adapter aux nouvelles communautés, et l'exigence vis-à-vis des pays récepteurs d'être tolérant et compris. L'intégration des demandeurs d'asile et des réfugiés est une procédure longue qui est mise en route dès l'arrivée et qui est finit quand les réfugiés deviennent membres de plein droit de la société, à la fois d'un point de vue légale, sociale, économique, éducationnelle et culturelle. C'est une procédure complexe dont le succès ne dépend pas uniquement des conditions matérielles mais aussi des perceptions des réfugiés concernant leurs acceptation par et leurs appartenance en tant que membre à la société réceptrice. Il est essentiel de trouver un emploi, et même, c'est peut-être le facteur le plus important pour une intégration réussie.

site des demandeurs d'asile et des réfugiés. Avoir un emploi entraîne l'autonomie financière, monte la dignité et fournit une opportunité de pouvoir contribuer et se mettre en relation avec la société réceptrice. Donc, le succès des programmes et des entreprises EQUAL est primordial afin d'améliorer la vie des demandeurs d'asile en Europe, à la fois à court et à long terme.

Les trois enquêtes de référence représentées ci-dessous s'intéressent aux trois pays révélant des situations quelque peu différentes au niveau d'immigration, d'économie et de l'emploi. Par suite, les données statistiques concernant des demandeurs d'asile sont également différentes, comme les situations dans lesquelles les demandeurs d'asile se trouvent. Pourtant, la plupart des thèmes des enquêtes sont des thèmes communs, même si les détails diffèrent. Dans tous les cas, on peut avoir l'impression que l'état actuel de la législation et des politiques met les demandeurs d'asile dans une position éprouvante. Même s'il y a des stratégies, au Royaume-Uni il existe même une stratégie d'emploi relative aux réfugiés reconnus, en règle générale, seulement la subsistance de base est mise en place pour les demandeurs d'asile. C'est peut-être parce qu'être un 'demandeur d'asile' est un état temporaire que les gens obtiennent pour une courte période, jusqu'à ce que leur statut ne soit décidé. Malheureusement, certains gens sont des demandeurs d'asile 'temporaires' pendant des années et à ce point-là la manque de stratégie de leur intégration au marché de travail et généralement à la société devient inacceptable. On a l'impression que l'on doit faire encore plus pour que les demandeurs d'asile puissent passer leur temps utilement pendant qu'ils attendent la décision concernant leur demande d'asile, que ce soit un travail ou l'acquisition des nouvelles compétences, plutôt que de gaspiller ce temps, comme ils le font à présent.

Peut-être les conclusions les plus importantes à garder à l'esprit concernant l'emploi des demandeurs d'asile et celles qui doivent certainement être plus vigoureusement présentées au grand public dans les trois pays concernés sont les suivantes: ces gens ne posent pas uniquement des problèmes à la société, mais dans la plupart des cas ils peuvent aussi bien apporter leurs contributions au pays dans lequel ils sont accueillis. Par conséquent, cela ne devrait pas être seulement la responsabilité sociale qui nous encourage à aider les demandeurs d'asile et les réfugiés à mieux intégrer, mais on devrait se rendre compte que nous aussi, en tant que récepteurs, nous pouvons également beaucoup gagner de leur intégration.

En se fondant sur les expériences obtenues pendant le travail dans les trois pays partenaires, le réseau EXCHANGES a émis les recommandations suivantes pour les responsables politiques chargés de l'accueil et de l'intégration des demandeurs d'asile dans les États Membres Européens et dans un contexte européen plus large. Les partenaires fermement croient que ces recommandations peuvent contribuer de grande valeur au développement de la politique commune européenne d'asile.

RECOMMANDATIONS POUR LE DÉVELOPPEMENT DE LA POLITIQUE

EXCHANGES recommande aux responsables politiques de reconnaître que la procédure de l'intégration des demandeurs d'asile commence le jour de l'arrivée. Cela comprend les aspects sociaux et professionnels.

EXCHANGES recommande que les demandeurs d'asile aient accès à l'enseignement et l'apprentissage de la langue à haut niveau, dès l'arrivée. Cela devrait être compris dans la Directive du Conseil Européen relative à des normes minimales pour l'accueil des demandeurs d'asile dans les États membres.

EXCHANGES recommande que la Directive du Conseil Européen relative à des normes minimales pour l'accueil des demandeurs d'asile dans les États membres soit révisée en tant que les États membres permettent l'accès au marché de travail, aussitôt que possible après l'arrivée. Au minimum, le permis de travail devrait être accordé automatiquement et sans condition après une période de six mois pendant la procédure de demande d'asile.

EXCHANGES recommande que la Directive du Conseil Européen relative à des normes minimales pour l'accueil des demandeurs d'asile dans les États membres soit révisée en tant que les États membres soient mis en demeure de permettre les demandeurs d'asile d'avoir accès à des formations professionnelles, y compris la mise au travail en rapport avec des compétences et des expériences acquises, dans leur intérêt personnel et dans l'intérêt de la communauté en plus large.

EXCHANGES recommande aux responsables politiques et aux fournisseurs des services de consulter et d'engager les demandeurs d'asile

directement dans la conception et dans la mise en oeuvre des services et le développement de la politique qui les concernent.

EXCHANGES RECOMMANDE a tous les États membres européens d'encourager l'accès aux Fonds Sociaux Européens 2007-2013 pour les programmes ciblant les demandeurs d'asile, et cela devrait comprendre un élément transnational.

A MENEDÉKKÉRŐK HELYZETE FRANCIAORSZÁGBAN, MAGYARORSZÁGON ÉS AZ EGYESÜLT KIRÁLYSÁGBAN

HÁROM KUTATÁS EREDMÉNYEINEK ÖSSZEFOGLALÓJA KÉSZÍTETTE AZ EXCHANGES NEMZETKÖZI PARTNERSÉG PROGRAM

ÖSSZEFOGLALÓ

Az EQUAL program célcsoportját menedékkérők alkotják. Célja, hogy fejlesztési partnerségek (FP, angolul: DP) munkájával leküzdje a hátrányos helyzetű csoportok által elszenvedett egyenlőtlenségeket az európai munkaerőpiacon. Az EXCHANGES nemzetközi partnerség résztvevői az EASI FP Angliában, az ESÉLY FP Magyarországon és a FAAR FP Franciaországban. A partnerség működésének célja, hogy a partnerek megosszák egymással, fejlesszék és terjesszék azokat a bevált gyakorlatokat és információkat, melyeket a munkaerő-piaci orientációval és felkészítéssel, a menekült önszerveződések (RCO) számára történő kapacitás-fejlesztéssel, nyelvtanítással és tanulókkal kapcsolatban szereztek. Az itt bemutatott dokumentumok a három partnerországban végzett kutatás eredményeit tartalmazzák. Céljuk, hogy egy koherens, átfogó képet adjanak a menedékkérők helyzetéről e három ország munkaerőpiacán. Ugyancsak részletekkel szolgálnak azzal kapcsolatban, hogy mit lehetne még tenni e helyzet javítása érdekében, s hogy következőképpen mik lesznek az EXCHANGES partnerség fő célkitűzései a három országban. A menedékkérők és menekültek integrációja egy dinamikus, kétirányú folyamat: egyrészt az újonnan érkezők felé elvárás, hogy alkalmazkodjanak az új közösségekhez, másrészt a fogadó országok felé elvárás, hogy toleránsak és befogadók legyenek. A menedékkérők és menekültek integrációja hosszú folyamat, mely az érkezéskor kezdődik, és akkor zárul le, amikor egy menekült a társadalom teljes tagjává válik, mind jogi, társadalmi, gazdasági, oktatási és kulturális szempontból. Ez egy összetett folyamat, melynek sikere nemcsak az anyagi feltételeken múlik, hanem a menekülteknek a társadalmi elfogadással és a társadalom tagjává válással kapcsolatos elvárásain is. A menedékkérő és

menekült sikeres integrációjának elengedhetetlen, sőt talán egyetlen legfontosabb tényezője, hogy állást találjon. A munka gazdasági függetlenséget, növekvő önbizalmat és lehetőséget biztosít a kapcsolatteremtésre és arra, hogy a társadalom hasznos tagjává válhasson. Tehát az EQUAL programok és vállalkozások sikere életbevágóan fontos ahhoz, hogy az Európában menedéket kérők élete javuljon mind rövid-, mind hosszútávon.

A három kutatás a bevándorlás, a gazdaság és a foglalkoztatás jellegében különböző három országra vonatkozik. Ennek eredményeként menekültügyi statisztikáik is különböznek, éppúgy, mint azok a helyzetek, melyekben a menedékkérők és menekültek találják magukat. Mindazonáltal a kutatás legtöbb témája közös, ha a részletek különböznek is. Az esetek mindegyikénél az a benyomásunk, hogy a törvényhozás és a politika jelenlegi állása a menedékkérőket meglehetősen mostoha helyzetbe kényszeríti. Bár léteznek integrációs stratégiák, sőt az Egyesült Királyságban még az elismert menekültekre vonatkozó foglalkoztatási stratégia is létezik, mégis a menedékkérőkkel kapcsolatosan csak az alapellátás szabályai rögzítettek. Ez talán azért van így, mert a „menedékkérő” egy ideiglenes állapot, melyben az emberek csak addig a rövid ideig vannak, míg státuszuk felett nem határoznak. Sajnos néhány ember évekig „ideiglenes” menedékkérőnek számít, s emiatt elfogadhatatlan a társadalmi és munkaerő-piaci integrációjukra vonatkozó stratégia hiánya. Többet kell tenni annak érdekében, hogy a menedékkérőnek lehetősége legyen arra, hogy kihasználhassa az időt, amíg menekültügyi kérelmének elbírálására vár, akár valamiféle munkával, vagy tudás elsajátításával, és ne tétlenül töltse, ahogy jelenleg sokan teszik.

A menedékkérők alkalmazását tekintve talán a legfontosabb szempont, amit észben kell tartani, és amit kétségtől kívül mindhárom érintett országban erőteljesebben kell a nyilvánosság elé tárnai az, hogy ezek az emberek nem csupán problémát jelentenek a társadalom számára, hanem több esetben ők is sok mindent nyújtanak a befogadó országnak. Tehát nemcsak társadalmi felelősségvállalásunknak kellene motiválnia bennünket arra, hogy segítsük a menedékkérők és menekültek jobb integrációját, hanem látnunk kellene azt is, hogy mi, befogadók is nyerhetünk integrációjukkal.

A három partnerország munkája során összegyűjtött tapasztalatokra alapozva az EXCHANGES hálózat a következő ajánlásokat fogalmazta meg azon politikai döntéshozók számára, akik menedékkérők fogadásával és integrálásával

foglalkoznak az Európai Unió tagállamaiban, illetve szélesebb európai kontextusban. A partnerek szilárdan hiszik, hogy ezek az ajánlások érdemben hozzájárulhatnak egy közös európai menekültpolitika kialakításához.

AJÁNLÁSOK A SZAKPOLITIKAI IRÁNYELVEK KIDOLGOZÁSÁHOZ

Az EXCHANGES javasolja, hogy a szakpolitikai döntéshozók ismerjék el, hogy a menedékkérők integrációja már megérkezésük napján megkezdődik. Ez mind szociális, mind foglalkoztatási szempontból érvényes.

Az EXCHANGES javasolja, hogy a menedékkérők már megérkezésükkor részesülhessenek magas színvonalú és megfelelő nyelvi képzésben. Ezt a menedékkérők fogadásának minimális követelményeiről szóló tanácsi irányelvnek tartalmaznia kellene.

Az EXCHANGES javasolja, hogy az Európai Tanács a menedékkérők fogadásának minimális követelményeiről szóló irányelvét módosítsa úgy, hogy a tagállamok az érkezés után mihamarabb belépést biztosítsanak a munkaerőpiacra. Legalább a munkavállalási engedélyt kellene automatikusan és feltételekhez nem kötötten biztosítani, a menekültügyi eljárás megkezdésétől számított hatodik hónaptól.

Az EXCHANGES javasolja, hogy az Európai Tanács a menedékkérők fogadásának minimális követelményeiről szóló irányelvét módosítsa úgy, hogy kötelezze a tagállamokat arra, hogy a menedékkérők részére lehetőséget biztosítsanak olyan szakmai képzéseken való részvételre, melyek tartalmazzák a szakértelmükre és tapasztalataikra építő munkaerő-piaci elhelyezést is, mind a saját érdekükben, mind a tágabb közösség érdekében.

Az EXCHANGES javasolja, hogy a politikai döntéshozók és a szolgáltatást nyújtók konzultáljanak és vonják be a menedékkérőket közvetlenül a számukra nyújtott szolgáltatások és a politikai irányelvek tervezésébe és kivitelezésébe.

Az EXCHANGES javasolja, hogy minden EU tagállam támogassa az 'Európai Szociális Alap 2007-2013' megnyitását menedékkérőket célzó programok számára, úgy, hogy nemzetközi együttműködésben megvalósuló elemeket is tartalmazzon.