

## JOINT RESPONSE OF PROJECTS AND STAKEHOLDERS INVOLVED IN EQUAL TO THE GREEN PAPER ON THE FUTURE OF THE COMMON EUROPEAN ASYLUM SYSTEM

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On 22-24 May 2007, the Swedish ESF Council organised, in cooperation with DG Employment, Social Affairs and Equal Opportunities and with inputs from DG Justice, Freedom and Security, a European Policy Forum entitled: "Minimum standards – and beyond: The contribution of EQUAL to a dignified standard of living for asylum seekers". More information on the EQUAL Community Initiative, which funded more than 100 projects (called Development Partnerships) can be found at: [http://ec.europa.eu/employment\\_social/equal/index\\_en.cfm](http://ec.europa.eu/employment_social/equal/index_en.cfm). More information about the event can be accessed at: <http://www.temaasyl.se/Templates/IntroPage.aspx?id=1685>.

Over 250 representatives from nearly 50 Round 2 EQUAL partnerships, the European Commission, international organisations, refugees, journalists and national ministries from 23 different Member States came together to discuss the many advantages of helping asylum seekers to integrate rather than to exclude them from society, and to jointly identify opportunities to take the EQUAL legacy forward once the programme comes to an end in 2008.

This response is based on the **six key recommendations** that were jointly formulated by all those that took part in the event and on the general discussions during these three days. A total of **104** actors and stakeholders from all over Europe, representing a mix of public authorities, NGOs and other bodies have signed up to this response. It is noted that answers are provided only to questions where it was deemed that EQUAL could make a useful contribution.

### 2. LEGISLATIVE INSTRUMENTS

#### 2.1. Processing of asylum applications

(2) How might the effectiveness of access to the asylum procedure be further enhanced? More generally, what aspects of the asylum process as currently regulated should be improved, in terms of both efficiency and protection guarantees?

Recommendations to enhance the effectiveness to the asylum procedure, based on good practices in the **EQUAL Asylum Seeker theme**, include:

- The provision of basic training of all those working with asylum seekers, hence including those responsible for the application process. The training should be standard practice in the same light as, for example, diversity training. Asylum seekers are a unique but heterogeneous target group with very particular needs. Ideally, a 'Code of Conduct' or 'minimum standards' for competences and skills of staff working with asylum seekers should be agreed at EU level.
- The European Commission should consider developing additional guidance, training, exchanges of experiences or other opportunities to increase the capacity of administrations and other agencies to deal with the application process. There would be scope to also develop a quality assurance system which would help monitoring whether such capacity is indeed being developed.

It is equally important to ensure that asylum seekers continue receiving support even when a first negative decision on their application has been reached.

## **2.2. Reception conditions for asylum seekers**

(6) In what areas should the current wide margin of discretion allowed by the Directive's provisions be limited in order to achieve a meaningful level-playing field, at an appropriate standard of treatment?

Based on the good practices in the **EQUAL Asylum Seeker theme**, there are clear arguments for amending Article 24 of the Directive. Member States should give clear guidance on the necessary qualifications for support staff, if possible supported by a 'Code of Conduct' or minimum standards set at EU level. The empowerment of asylum seekers should be an essential part of the reception and integration process of asylum seekers. Upon arrival, asylum seekers should have the right to and be informed about access to education, training and skills assessments / recognition.

(8) Should national rules on access to the labour market be further approximated? If yes, in which aspects?

Based on the good practices in the **EQUAL Asylum Seeker theme**, Article 11 should be amended. Asylum seekers should have direct access to employment unless Member States can provide hard evidence that this will substantially disturb their labour markets. Issues of social inclusion are to be taken into account. Employer organisations and trade unions should become involved in opening the labour market for the creation of new jobs based on diversity, and influence policy makers to revise reception conditions.

The development of specific vocational programmes or pathways for asylum seekers facilitates the learning process and enables them to better 'profile' themselves on the labour market. **EQUAL partnerships** have for example experimented with new job profiles which have been particularly effective in Member States with a tight labour market or where access of asylum seekers to employment is otherwise restricted.

## **2.4. Cross-cutting issues**

### *2.4.1. Appropriate response to situations of vulnerability*

(15) How could the provisions obliging Member States to identify, take into account and respond to the needs of the most vulnerable asylum seekers be improved and become more tailored to their real needs? In what areas should standards be further developed?

**EQUAL Asylum Seekers** has shown that it is particularly important that staff working with vulnerable groups is well-trained and is fully aware of the needs and plight of this particular target group. For this purpose, similar to the response to point 6, Article 24 of the Directive should be amended. Member States should give clear guidance on the necessary qualifications for support staff, if possible supported by a 'Code of Conduct' or minimum standards set at EU level.

(16) What measures should be implemented with a view to increasing national capacities to respond effectively to situations of vulnerability?

**EQUAL Asylum Seekers** has shown that specific programmes and projects for vulnerable groups can be highly successful in promoting the integration of asylum seekers and / or to prepare them for reintegration. The programmes often included a combination of social and psychological counselling and support, special health care provisions, civic orientation, language courses and vocational training or even job placements, where possible.

### *2.4.2. Integration*

(17) What further legal measures could be taken to further enhance the integration of asylum seekers and beneficiaries of international protection, including their integration into the labour market?

As above, **EQUAL** would recommend amendments to Articles 11, 12 and 24 of the Directive. Similarly, the **EQUAL good practices** have shown that there is scope for 'exceeding' the minimum standards of Article 12 of the Directive in the area of training. The experience of **EQUAL** in this area illustrate the benefits that this can bring not only to individuals but also to the host society. Member States which allow asylum seekers to access vocational training can testify higher levels of motivation and faster integration. Asylum seekers faced with the necessity to return to their country of origin are also better prepared and in general more positive about their future.

#### *2.4.3. Ensuring second stage instruments are comprehensive*

(18) In what further areas would harmonization be useful or necessary with a view to achieving a truly comprehensive approach towards the asylum process and its outcomes?

As mentioned under point (6) above, upon arrival, asylum seekers should have the right to and be informed about access to education, training and skills assessments / recognition. Whilst there is an overall obligation for Member States to provide information to asylum seekers, further specification and harmonisation of this obligation would be beneficial.

### **3. IMPLEMENTATION - ACCOMPANYING MEASURES**

(19) In what other areas could practical cooperation activities be usefully expanded and how could their impact be maximised? How could more stakeholders be usefully involved? How could innovation and good practice in the area of practical cooperation be diffused and mainstreamed?

The **EQUAL European Thematic Group on Asylum Seekers (ETG5)** was made up of a Steering Group leading the overall work programme. The ETG5 focused on Advice, education and training; Employment and employer relations; and Capacity building and awareness raising.

Several Working Groups were established to explore particular themes (e.g. Skills Audits) or to support the organisation of an event (e.g. Dublin European Conference in April 2005 and Exchange event in Greece in 2006). The ETG5 also promoted the organisation of the European Policy Forum on Asylum. Practitioners and stakeholders from all Development Partnerships (i.e. the projects funded by EQUAL) in both Round 1 (38 projects) and Round 2 (64 projects) of the Community Initiative were on many occasions consulted and requested to put forward their good practices, which were discussed and exchanged during practice-oriented events organised by the ETG5. In addition, two larger-scale conferences looked in particular at mainstreaming the good practices.

**There would be scope in continuing the ETG5 in some form or transferring some of its work to another European platform.** Options for funding a similar network should be explored, but could be found through the European Social Fund or the new Framework Programme on Solidarity and Management of Migration Flows.

### **4. SOLIDARITY AND BURDEN SHARING**

#### **4.2. Financial solidarity**

(25) How might the ERF's effectiveness, complementarity with national resources and its multiplier effect be enhanced? Would the creation of information-sharing mechanisms such as those mentioned above?

**EQUAL** would welcome the development of an information-sharing mechanism and draws attention to the example offered by the ETG5 described in point (19) above. The instruments for dissemination and policy impact used and developed in the EQUAL Initiative should be further developed, adapted and transferred.

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