

ATLAS Partnership response to the Green Paper on the Future of the Common European Asylum System

23rd September 2007

The ATLAS Partnership welcomes the opportunity to respond to this consultation and support the Commission's second stage goals of achieving increased protection and higher common standards across EU member states. The information contained in this document may be made public with the other consultation responses and the respondents wish to be kept informed of developments as this process enters the next stage.

The lead partner of ATLAS is Glasgow City Council. ATLAS is one of 61 Development Partnerships (DPs) in Europe, brought together to develop good practice in relation to the social and vocational integration of asylum seekers under Theme I (Asylum Seekers) of the ESF Equal Programme. This response represents the views of the 14 voluntary and statutory organisations of the ATLAS Partnership and focuses on the elements of the Green Paper most relevant to ATLAS work.

2. LEGISLATIVE INSTRUMENTS

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?*
- (7) In particular, should the form and the level of the material reception conditions granted to asylum seekers be further harmonised*

Based on the good practices developed by ATLAS, there are clear arguments for current discretions to be limited across a number of areas.

Article 5 of the Directive should be amended so that Member States shall provide information to applicants in their mother tongue within a reasonable time not exceeding three days. Upon arrival, asylum seekers should have the right to, in addition to information about organisations and groups, information about access to language learning opportunities, education, training and skills assessments / recognition.

There is evidence to support a change to Article 10. Upon arrival asylum seeker children and young people should have the right to education, if possible in mainstream schools and colleges/institutions of further education alongside nationals. This is preferable, both from an education and integration perspective. Special consideration should be given to the educational needs of young unaccompanied asylum seekers. It makes little economic sense to create special, separate educational provision for asylum seeker children and young people when they could be included within the educational systems, which exist in each member state. Best practice in integrating

asylum seeker children and providing language support should be disseminated across all member states.

Based on good practice developed by ATLAS, Article 12 should be amended. Member states should allow asylum seekers access to vocational training irrespective of whether they have access to the labour market. The development of specific vocational programmes for asylum seekers facilitates the learning and development and enables them to better prepare themselves for the labour market whether they are granted leave to remain or return to their country of origin.

There is evidence to support changes to Article 24 of the Directive. Member States should give clear guidance on the necessary qualifications for staff working with asylum seekers, if possible supported by minimum standards set at EU level. Work has already been undertaken by Equal DPs to make progress with this and a toolkit entitled “Developing models for effective accredited qualifications to build the capacity of those working with asylum seekers across the EU” has been produced by the ASAP transnational DP.

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

The ATLAS Partnership believes that integration begins on ‘day one’ when an asylum seeker arrives in a country and that access to employment is integral to achieving integration. Therefore, decisions on claims should be made speedily to prevent long periods of waiting where asylum seekers are limited in their options for activity.

Based on the good practices developed by ATLAS, Article 11 should be amended. Member States should determine a period of time during which an applicant shall not have access to the labour market and this time shall not exceed six months from the date an application was lodged. Asylum seekers should be granted access to the labour market if a decision on their claim has not been taken within six months. Access to the labour market should not be withdrawn during appeals procedures.

Section 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?

ATLAS has shown that it is particularly important that workers with vulnerable people are well trained and fully aware of the needs of particular groups. Particular groups include (not exhaustively) women, children, people with special care needs, people with mental health problems and victims of torture. Workers requiring training include decision makers and legal representatives. Article 24 of the Directive should be amended to encompass this. There is also a need for a standard duty to assess vulnerability upon arrival. Furthermore, the recent HMIE report on services for asylum seeker children in Glasgow is a good example of how monitoring mechanisms can be used to ensure high standards.

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

ATLAS programmes providing specialist support for vulnerable groups have developed good practice in successful integration of asylum seekers, particularly for women and

young people. These programmes have included specialist advice and information, tailored support programmes, vocational training and community development approaches and have been underpinned by a common core goal of individual empowerment. Dissemination of good practice should be encouraged at a EU and national level.

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?

ATLAS supports the notion that integration begins on day one and would recommend amendments to Articles 11, 12 and 24 of the Directive. ATLAS has developed integration programmes based on appropriate advice, information and orientation, development of community cohesion, ESOL provision and pre-vocational training. This requires access to education and vocational training from day one but facilitates faster access to the labour market or better prospects for those who have to return to their country of origin. There are additional benefits for the host community. Member States should have a duty to provide an integration plan, similar to the Scottish Refugee Integration Plan, and adequately resource this. In addition, Member States should have a duty to provide assessment and recognition of existing skills and qualifications.

Section 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 experiences of ATLAS suggest that transnational cooperation is beneficial and can be maximised by formalised partnership working agreements, clearly identified leads and functional steering groups with work groups established to achieve specific goals. Innovation and good practice can be diffused and mainstreamed through formal networks and conferences. The Equal funding model has proved useful and should be replicated.

Section 4 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 be an appropriate means? What other means could be envisaged?

ATLAS would welcome the development of an information-sharing mechanism. The approaches adopted under EQUAL Theme I should be further developed, adapted and transferred. The recommendations from the ATLAS research commissioned to explore existing funding and future opportunities include the proposal that national and local funding bodies ensure that their objectives are relevant to changing contexts and that funds are complementary. Furthermore, it is recommended that funds should support a balance of innovation and evidence based best practice and that integrated monitoring and evaluation systems should be developed.

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