

## Submission from the EASI Development Partnership in response to the Commission Green Paper Future of the Common European Asylum System

### Introduction

'Empowering Asylum Seekers to Integrate' is a Development Partnership [known as the EASI DP], which is part funded by the European Social Fund under the Equal Community Initiative Programme.

EASI DP welcomes this opportunity to comment on the Green Paper on the Common European Asylum System (CEAS) presented by the Commission in June 2007. We welcome this recent publication of the Commission's Green Paper on asylum, as it puts key issues, with which we have been concerned, back on the EU agenda.

Our comments address two of the main questions posed by the Commission. They draw on EASI DP's work with EU Funding under ESF EQUAL between 2003 to 2007. These are:

2.2: Reception conditions for asylum seekers and

2.42: Integration.

Preamble

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(1) *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?*

We concur broadly with ECRE's report on the transposition of the Reception Directive; in particular we are concerned at the wide margin of discretion allowed by the Directive's provisions, most particularly with reference to Articles 11 and 12 which relate to our response below re access to the labour market.

In general we regret that the Commission has not yet published its report on the Reception Directive, which was due in August 2006, under Art. 25 of the Directive. The Commission's report was to be based on a study by the Odysseus network, which was completed in October 2006. It is harder to comment on improvements needed to Reception Directive without the benefit of that report.

Minimum standards and beyond: The European Reception Directive provides *minimum* standards for the reception of asylum seekers. We support the theme implicit in the title, and also the message and recommendations emanating from, the EQUAL European Policy Forum 2007: "Minimum standards and beyond - the contribution of Equal to a dignified standard of living for asylum seekers in Europe" [Malmo, May 2007] See <http://www.temaasyl.se/Documents/Konferensdokumentation/European%20Policy%20Forum/Recommendations%20final%20plenary.ppt#258>

*[2] Should national rules on access to the labour market be further approximated? If yes, in which aspects*

The UK chose to implement the minimum requirement of twelve months under Article 11. Therefore, the main asylum applicant can apply for work permission if they have not received a decision from the Home Office after this time. The Home Office has not issued clear, public guidance on how to apply; nor is there a right of appeal if an asylum seeker's application for work permission is refused.

There are a number of EU member states which have adopted a more generous interpretation of Article 11. Spain, for example, automatically grants asylum seekers permission to work after six months. In doing so, member states recognise the importance of employment to an individual's wellbeing, skill development, and wider social and economic integration. The UK's position on implementing the minimum requirement under Article 11 is in contrast to its view on the damaging effects of being economically inactive. Its policy positions that long term unemployment is six months plus and work is the best route out of poverty run counter to the refusal to adopt a shorter waiting period under the Directive. It also fails to recognise that the main applicant may not be economically active, or that dependants on the asylum claim may benefit more from being able to work.

EASI believes that the process of integration starts from the day one. Member states should be required to grant full access to the labour market automatically after six months. This should apply to all asylum seekers, whether main applicants or dependants, at first instance or appeal. Member states should also allow access to mainstream employment centres and information, advice and guidance agencies.

Under Article 12, the UK Government has not promoted the potential of vocational training for asylum seekers. The Home Office placed an emphasis on volunteering after removing of the work concession in 2002<sup>1</sup> and distinguished this from paid and unpaid employment. As a result, there was a lack of clarity around whether vocational training (i.e., accredited training developing skills for a particular job) constituted unpaid work. For example, where there is a work placement attached to a course. EASI has clarified the Home Office's position so that asylum seekers can engage in vocational training which is not part of the performance of a job, paid or unpaid.

Providing access to vocational training for asylum seekers is critical to developing economically valuable skills and adjusting to the UK labour market. It is particularly important in the initial stages of an individual's asylum claim. The longer an individual remains economically inactive the more difficult it becomes for them to enter the labour market. The experience of EASI strongly suggests that asylum seekers should be supported in employment preparation measures within the first six months. This should include a skills audit that allows for informed advice, guidance and training to be provided. The aim should be to support asylum seekers into sustainable, appropriate employment.

EASI recommends that member states are required to consider asylum seekers eligible for vocational training from day one; issue clear guidance on the distinction between work-based and vocational training; and, allow access to government funded work-based training to asylum seekers granted access to the labour market.

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<sup>1</sup> Before 23 July 2002 asylum seekers who had been waiting for over six months for a Home Office decision could apply for permission to work.

The Directive does not comment on access to Higher Education. This can play a key role in maintaining and developing professional skills, along with the mutual benefits of participating in a dynamic learning community. EASI recommends that member states are required to consider asylum seekers eligible as home students.

The Directive does not cover provision of training in national language acquisition. EASI has significant experience in delivering English language provision, as discreet courses and embedded in vocational training. Such initiatives have wide reaching benefits in improving cultural and economic communication skills, expanding social networks, strengthening personal well being and feelings of social inclusion. They also impact on community cohesion, enabling better understanding between difference communities.

EASI recommends that member states are required to provide training in the national language to asylum seekers. At a minimum, this should be either to the level required for gaining citizenship or of functional literacy.

#### *2.42 Integration*

*(2) 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?*

In 2004 the European Council adopted Common Basic Principles (CBP) on Immigrant Integration which reflected many of our views on integration, with one notable exception: they fail to recognise that a refugee's process of integration begins the day they arrive in a member state and not when the state recognises them as a person in need of protection. Also refer to ECRE's 'Policy Briefings on the integration of refugees and migrants in Europe', NGO Network of Integration Focal points, 2007 [www.ecre.org](http://www.ecre.org).

The EQUAL programme funded by DG Employment and Social Affairs has addressed this issue over a 5 year period through over 50 Theme I Development Partnerships working in 23 different member states on programmes facilitating the integration of asylum seekers into the host society.

Member States including the UK are reluctant to offer integration assistance to asylum seekers for fear of creating pull factors, undermining policies aimed at deterring asylum seekers with unfounded claims and impeding return policies. A proportion of Europe's asylum seekers, however, will be recognised as in need of protection, granted asylum and will join new communities. Some of them will eventually become future citizens. Policies geared to deterrence are short sighted, as well as inhumane. Far from undermining voluntary return, integration measures such as vocational and language training can empower people, giving them new skills to take with them and the confidence to make the difficult decision to return. Exclusion from the labour market can foster dependency, depression and other mental illness.

The asylum system must create a positive integration experience for future citizens, to foster a sense of belonging and loyalty to the host nation within the new immigrant communities.

The new ESF 2007-13 process should learn from EQUAL's national and transnational elements, and also should include asylum seekers as a target group during this period, without giving member states the option not to include them. National and regional

authorities should learn from EQUAL and continue to recognise the benefits of providing education, training and preparation for employment for this very disadvantaged group. The ESF is the only EU financial instrument that has the scale and scope to provide asylum seekers with such opportunities.

David Hudson and James Lee (Refugee Council) on behalf of the EASI DP