

EMPLOYMENT AND SOCIAL AFFAIRS

LABOUR MARKET INTEGRATION OF REFUGEES: STANDARDS SET BY EU LAW

This note summarises the [Qualification Directive](#) (Directive 2011/95/EU) with a view to beneficiaries of international protection and the [Reception Directive](#) (Directive 2013/33/EU) with a view to applicants. In its Communication of 6 April 2016 [towards a reform of the Common European Asylum System and enhancing legal avenues to Europe](#), the Commission announced that it will propose a new Qualification Regulation replacing the Qualification Directive and targeted modifications of the Reception Directive.

1. QUALIFICATION DIRECTIVE: BENEFICIARIES OF INTERNATIONAL PROTECTION

The Directive aims at a **uniform status for all beneficiaries of international protection** including

- a) **recognised refugees** = *well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, and*
- b) **recipients of so-called "subsidiary protection"** = *substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin or former habitual residence, would face a real risk of suffering serious harm, i.e. death penalty or execution; torture, inhuman or degrading treatment or punishment; indiscriminate violence in situations of international or internal armed conflict (Art. 2).*

A **third category falls outside the scope of the Directive**, the so-called **recognition for humanitarian reasons**, i.e. third-country nationals or stateless persons who are allowed to remain in the territories on a discretionary basis on compassionate or humanitarian grounds on the basis of national law.

EQUAL TREATMENT WITH NATIONALS IN ACCESS TO EMPLOYMENT, RECOGNITION OF QUALIFICATIONS, SOCIAL ASSISTANCE AND HEALTHCARE

With respect to **employment**, "*Member States shall authorise beneficiaries of international protection to engage in employed or self-employed activities **subject to rules generally applicable** to the profession and to the public service, **immediately after protection has been granted**" including the law in force applicable to **remuneration, access to social security systems and other conditions of employment**.*

Taking account of the special situation of refugees, "*Member States shall ensure that activities such as employment-related education opportunities for adults, vocational training, including training courses for upgrading skills, practical workplace experience and counselling services afforded by employment offices, are offered to beneficiaries of international protection, **under equivalent conditions as nationals** and facilitate full access (Art. 26). Further, the Directive sets standards for **skills validation**: Member States shall not only ensure **equal treatment between beneficiaries of international protection and nationals** in the context of existing recognition procedures, but they shall also facilitate full access to **validation for those who cannot provide documentary evidence** to appropriate schemes (Art. 28).*

In addition, beneficiaries of international protection shall have access **to integration programmes** taking account of their specific needs or to **measures creating pre-conditions** which guarantee access to such programmes (Art. 34).

All beneficiaries of international protection **shall receive the necessary social assistance as provided to nationals** of that Member State (Art. 29).

Further, Member States shall ensure that beneficiaries have **access to adequate healthcare** under the same eligibility conditions as nationals (Art. 30).

... A FEW SPECIFIC CONDITIONS FOR RECIPIENTS OF SUBSIDIARY PROTECTION

While **recognised refugees** shall be granted a (renewable) **residence permit for at least 3 years**, **recipients of subsidiary protection** shall receive a renewable residence permit for **at least 1 year** (in case of renewal at least 2 years) which may turn into an obstacle for labour market integration (Art. 24). Further, Member States **may limit social assistance granted to beneficiaries of subsidiary protection to core benefits** (at the same level and under the same eligibility conditions as for nationals) by way of derogation from the general rule (Art. 29).

2. RECEPTION DIRECTIVE: EFFECTIVE ACCESS TO EMPLOYMENT FOR APPLICANTS, BUT NO STANDARDS FOR SUPPORT

The Reception Directive stipulates that applicants shall have "**access to the labour market no later than 9 months from the date when the application for international protection was lodged**". This also applies to **vocational training relating to an employment contract** while the general standards set are more generous: "**Access to vocational training may be granted irrespective of whether applicants have access to the labour market**" (Articles 15, 16).

Applicants should have effective access to the labour market, but **Member States may give priority to Union citizens, EEA citizens and third-country nationals** such as rules on labour market tests).

Contrasting with standards set for beneficiaries of international protection, the Reception **Directive does not include any standards for ALMP or integration programmes** to support applicants in labour market integration neither specifies further rules applicable to employment.

As regards **access to material reception and health care**, the Directive allows for making provision dependent on **means-testing**, to ask applicants for covering or contributing to the costs or for refund in case that an applicant had sufficient means. Member States may also grant **less favourable treatment** to applicants compared to nationals (e.g. material support in kind, levels of financial allowances, vouchers). However, "**Member States shall ensure that material reception conditions provide an adequate standard of living for applicants which guarantees their subsistence and protects their [...] health**" (Art 17).

3. SPECIFIC PROVISIONS TO PROTECT MINORS AND VULNERABLE PERSONS AMONG RECOGNISED BENEFICIARIES OF INTERNATIONAL PROTECTION AND APPLICANTS

With regard to beneficiaries of international protection, the Qualification Directive grants **minors full access to the education system under the same conditions as nationals** while **for adults** the same conditions apply as for **third-country nationals legally residents** (Art. 27). Equally, the Reception Directive sets **specific standards for children of applicants: minors shall be granted access to education within three months after application for international protection under similar conditions as for nationals**. Education may be provided in accommodation centres and the Member State shall offer other education arrangements in case access to the education system is not possible due to the specific situation of the minor (Art. 14).

Member States shall perform a needs assessment within a reasonable time after application to identify and address **special reception needs of vulnerable persons** and to take account of these in national law (Art. 21, 22).



Disclaimer

The content of this document is the sole responsibility of the author and any opinions expressed therein do not necessarily represent the official position of the European Parliament. It is addressed to the Members and staff of the EP for their parliamentary work. Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

This document is available on the Internet at: www.europarl.europa.eu/supporting-analyses

© European Union, 2016

Contact: Poldep-Economy-Science@ep.europa.eu