



EUROPEAN POLICY BRIEF



SIRIUS

Skills and Integration of Migrants,
Refugees and Asylum Applicants
in European Labour Markets

SIRIUS POLICY BRIEF N. 2 – JANUARY 2019

LABOUR MARKETS, POST-2014 MIGRANTS
AND REFUGEES IN EUROPE: EVIDENCE AND
THOUGHTS FOR BETTER INTEGRATION

INTRODUCTION

The capacity for labour market opportunities to ensure the economic and social ‘inclusion’ of people within society holds true for host populations as well as non-EU migrants, refugees and asylum applicants (from this point on, unless specified, we shall use the acronym MRAs). The SIRIUS project focuses upon non-EU migration and does not consider intra-EU migration. Regardless of one’s migrant or native status (by native we mean people residing in their country of birth and nationality), employment provides income, social identity, social connections, and it enables individuals to contribute to the growth and prosperity of the country through consumption and taxation.

However, the integration of MRAs via labour markets is not a straightforward task, due to the specific issues relating to migration and refugee/asylum statuses, but also due to the extent of the heterogeneity apparent across contemporary labour markets in Europe. This heterogeneity (in economic structure, sectorial composition, labour force and demographic features, etc.), combined with the substantial, but also uneven, impact of the wider economic crisis on European labour markets, has created a highly differentiated economic and social environment across countries.

Building on these premises, SIRIUS understands the labour market integration of migrants, asylum seekers and refugees as being dependent on a pattern of concurring circumstances and features located at different analytical levels: at the macro (state, sub-state and supra-state), at the meso (intra-societal), and at the micro (individual) levels.

In this policy brief we present evidence and policy considerations about the ‘macro’ dimensions of integration by assessing how far legal and institutional frameworks of migration and asylum as well as labour law, operate as barriers or enablers of post-2014 MRAs integration in European labour markets across the seven countries studied in SIRIUS (the Czech Republic, Denmark, Finland,

Greece, Italy, the United Kingdom and Switzerland). We focus on post-2014 MRAs given the peak in migration and asylum figures Europe has experienced in 2015 and 2016.

EVIDENCE AND ANALYSIS

The findings of this policy brief are based on the comparative analysis (1) of the political, legal and institutional context of migration governance, integrated with critical insights on the cultural and socio-economic environment of the SIRIUS countries, and (2) of the different legal status, rights, and entitlements of migrants, refugees and asylum applicants in the SIRIUS countries. Overall, when legal issues are at stake, the integration of MRAs heavily depends upon the country in which they settle and the legal status through which they are recognized. In fact, entry and settlement in European countries is subject to strict limitations for non-EU nationals, but these limitations take different forms according to the given European country and the given migrant status. Refugees, for example, have a set of rights which makes them comparable to nationals when entering the labour market, while asylum seekers rely upon a much more limited set of rights which vary from country to country, with non-EU economic migrants operating between the two. The comparative analysis of MRAs' right to be legally recognised and accorded a status (and subsequently receiving permission to stay) in SIRIUS countries on the one hand, and to have a number of other rights stemming from their status -first of all the right to work and the right to do it as nationals do- on the other, speaks of the legal marginalization of MRAs in European jurisdictions, despite narratives of inclusiveness.

Our comparative analysis has delivered four main findings as regards **barriers** to labour market integration:

- The first finding consists in the deep unevenness among SIRIUS countries regarding the legislation, rights and entitlements of MRAs in the policy-domain of labour. On the one hand, this is obvious and legitimate: there is no proper Europeanization of asylum policy and law, and immigration and asylum remain one of those domains in which states are reluctant to devolve their authority to supranational jurisdictions. On the other hand, this lack of homogeneity among countries makes it difficult for people, both foreign workers and employers, to understand who has the right to do what, when, how and where in Europe. Moreover, legal unevenness favours secondary movements, i.e. MRAs moving from one host country to another in search of a better life and working conditions. In sum, the lack of homogeneity among EU member states concerning the rights associated to specific categories of migrants constitutes a barrier for the integration of MRAs in labour markets and societies, even though sometimes it may create comparative advantages for determined people or categories of people in given situations.
- The second result pertains to the complexity of the legal frameworks. In all SIRIUS countries, the legal framework on migration and asylum is extremely difficult to navigate. This is mainly the result of a complex and rapidly changing legislation and of a fragmented institutional landscape involving a multiplicity of actors at different levels of government (from supranational to local). Moreover, in most countries the acts of primary legislation only provide for the general framework, but immigration issues are de facto regulated by an assemblage of secondary legislation (by-laws, regulations, ministerial circulars, administrative rules, etc.). Such complexity does not simply make the legal framework more muddled, it reduces the level of democratic control over migration legislation. In fact, secondary acts are rarely subjected to Parliamentary debate. This fragmentation is further exacerbated by the multiplicity of entities involved in the "multilevel" and subsidiary-based management of migration flows. All tiers of government (from the national to the local) are involved with different, often overlapping, competences in Denmark, Finland, Italy, the UK and Switzerland. In addition, the management of migration often involves other relevant actors, such as the third sector (as is the case in Denmark, Finland, Italy, The UK, for example) and private companies (as happens in the UK), the Courts and also EU and UN agencies, as is the case for Greece. Given the fact that adequate mechanisms of coordination are often scarce, this multiplicity of actors ends up

undermining the uniformity of practices and often results in substandard services and insecure rights.

- The third finding relates to the narrowing of the access to both international protection and legal entry for the purpose of employment in SIRIUS countries. This is pursued through physical restrictions (migrant pushbacks – either at the borders as all SIRIUS countries have experienced or at sea – as is the case in Italy and Greece; increasing border securitisation and border controls - best exemplified by the Swiss case-; physical restrictions when lodging asylum applications – for example since 2002 asylum seekers can only lodge an application on Danish soil), and, less blatantly but more widespread and effective, through procedural restrictions that take the form of reforms of both international protection procedures (hotspots, “safe third countries”, admissibility tests; accelerated asylum procedures; border procedures, suppression of levels of guarantees), and the reduction of working permits and quotas of foreign workers.
- Fourthly, despite the differences among countries, in each of the SIRIUS countries we can observe the creation of a hierarchy in terms of access to rights and therefore in terms of the capacities and opportunities for integration. Refugees and, to a lesser extent, beneficiaries of subsidiary protection and long-term economic migrants are at the top of the hierarchy, endowed with a broader range and stronger set of rights, including those related to accessing the labour market, workers’ rights and benefits. At the bottom of the hierarchy we find irregular migrants, and just above them, asylum seekers, both of which are categories of migrants with the most restrictive access to rights and entitlements which would facilitate their pathway towards integration. Asylum applicants consistently experience time limitations in accessing employment, except in Greece, where they are allowed to work as soon as they lodge their asylum application.

Next, the main findings concerning the **enablers** of MRAs integration are:

- Courts often take part in the management of migration. Judges have proved crucial, in the large majority of SIRIUS countries, on the one hand, to make rulings in favour of those whose rights have been violated and, on the other hand, to provide sound interpretation of legal provisions. In Italy, the UK, the Czech Republic and Finland, for example, the Constitutional/Supreme Courts have represented a fundamental anchor in promoting the legal entitlements of MRAs and in preventing standards from being eroded.
- Regional and international obligations are still enablers for refugees and beneficiaries of subsidiary protection, despite the narrowing access to international protection, as they provide a robust legal basis to claim rights and respect for the rule of law in all migration/asylum proceedings. All SIRIUS countries are signatories of the 1951 Geneva Convention, with some having signed as early as 1952 such as Denmark, whereas others became signatories as late as 1993 such as the Czech Republic (following the post-Cold War transition). Moreover, all SIRIUS countries are bound by the 1967 Protocol, whereas only some are bound by the Common European Asylum System. Switzerland, even though it is not obliged to do so, decided to participate to the European Asylum Support Office (EASO) in March 2014 (with the agreement coming into effect on 1st March 2016). Furthermore, each of the EU SIRIUS countries are bound by the EU *acquis* aimed at the creation of a Common European Asylum System, with the exception of the UK. Finally, most of the SIRIUS countries, such as Denmark, Finland and Italy have incorporated the European Convention of Human Rights, together with its principle of protection against torture or inhuman or degrading treatments (art. 3 ECHR), into their Constitutions, which should offer a safety net for all migrants, and not solely to those who are escaping persecution.
- Legal statuses play a crucial role in enabling people to become full members of their host societies and to contribute to the overall well-being of those societies through, among other things, their full participation in national labour markets. For example, refugees, beneficiaries of subsidiary protection and long-term economic migrants are those that are closer to nationals concerning fundamental rights (except political rights which are beyond the remit of the SIRIUS project) and labour market integration. Moreover, the legal status may allow refugees, beneficiaries of subsidiary protection and long-term economic migrants to benefit from further important opportunities for integration (language courses, vocational training) that are not

available to other types of migrants, strengthening the prospects of those enjoying greater protection to access the labour market.

- The intervention of NGOs attempts to fill the many gaps of the reception system, which fails to adequately meet asylum applicants' needs for protection. NGOs' activities encompass the provision of essential goods and basic services, such as emergency healthcare, legal advice and support toward integration, including training and language classes.

Finally, our results show that there are five key fields related to the **concrete enforcement of the right to work**, which should be taken into account for understanding legal barriers and enablers for MRAs integration in the labour market:

- The acquisition of language skills is the field that all SIRIUS jurisdictions acknowledge as a first step to integration into the host society. Nonetheless, it is not everywhere that language courses are offered for free - this is one of the fields where a space opens up for collaboration with non-state entities, both non-profit and for profit companies. More interestingly, attending language courses is rarely a duty. No duty exists in the Czech Republic, Greece, Switzerland (except for short term economic migrants in those cantons where signing an integration convention is required to access social assistance), or in the UK.
- The recognition of qualifications and competences is crucial to ensuring access to the same employment opportunities as nationals, yet the majority of SIRIUS countries lag behind what substantial equality would entail in this field. Only Denmark, Switzerland and Italy (with the exception of asylum seekers) are open to the recognition of foreign qualifications – however we should point out that in Italy the recognition process may be long and complex, substantially jeopardising the legitimate expectations of migrants. The UK recognises exclusively qualifications from selected countries of origin, on the basis of a common table of conversion. In the Czech Republic and in Greece the formal equalisation of qualifications is substantially undermined by the requirement of the official certificates issued by competent authorities, which is an unreasonable requirement for refugees and asylum seekers who often escape their countries in chaotic circumstances or whose countries' administrations have collapsed through conflict and violence. In between lies Finland, where it is not diplomas but proof of citizenship that is required, as to allow for fair conversions (again, a requirement that is very difficult to be fulfilled by refugees and asylum seekers). Noticeably, in all countries where this is allowed, MRAs have to specifically apply for recognition and in the most favourable of cases, such as in Finland, this is done during the permit application process.
- Vocational education and training are a relevant component of current active labour market policies, and are useful to facilitate migrants, refugees and asylum applicants' integration into their host societies. The offer of vocational training opportunities to MRAs varies across the SIRIUS countries, depending on the legal status of the individual. In Greece and Finland all migrants, except undocumented people, can access vocational training just as Greek and Finnish citizens do. In Italy and in Switzerland in addition to undocumented migrants, asylum applicants too may be prevented from using vocational training either because there are no courses available in the reception centres (in the Italian case), or because the length of the course exceeds the period of the temporary permit to stay which asylum applicants receive. In Denmark, only refugees, beneficiaries of subsidiary protection and of temporary protection status (the Danish national form of temporary protection) are entitled to vocational training, from which economic migrants are excluded. Whereas in the UK, even though there is no formally entitlement enshrined by specific legal provisions, vocational training is open to refugees, beneficiaries of subsidiary protection and those falling under the British forms of national temporary protection; by contrast, asylum applicants are excluded, but not in Scotland, where sub-national legislation has opened the door to vocational training for asylum applicants. Economic migrants may benefit from these measures also, but with limits due to their type of visa. Finally, in the Czech Republic neither asylum applicants nor short term economic migrants or beneficiaries of national forms of temporary protection can access vocational training, this is instead open only to refugees, beneficiaries of subsidiary protection and long-

term economic migrants, who, in cases of unemployment, can participate in the same retraining schemes available to nationals.

- Unemployment benefits are another important element for understanding the legal barriers and enablers for the labour market integration of MRAs. Switzerland and Italy are the countries that present fewest restrictions in accessing unemployment benefits: all are entitled to such benefits in the same way as nationals, except undocumented migrants and asylum applicants who are not allowed to work in Switzerland. In Denmark, only refugees and long-term economic migrants holding a permanent residency permit can receive unemployment benefits. In Finland unemployment benefits are made conditional upon permanent residency, which excludes asylum applicants and short-time economic migrants. In Greece refugees, beneficiaries of subsidiary protection and long-term economic migrants can access the unemployment register and receive all benefits and services in the same way as Greek citizens do, whereas asylum seekers can do so only after having completed the application procedure. This is somewhat similar to the situation in the UK, where refugees and beneficiaries of subsidiary and national temporary protections are treated equally with British citizens, but long term economic migrants must be granted indefinite leave to remain in the UK. Similarly, in the Czech Republic solely refugees, beneficiaries of subsidiary protection and long-term economic migrants are entitled to unemployment benefits.
- The right to self-employment and to work in the public sector is the fifth field which is related to the concrete enforcement of the right to work. Apart from Greece, where the public sector is fully reserved to nationals only, in all jurisdictions refugees can both work as public officers (with exceptions as some senior or extremely sensitive positions may be reserved to nationals) and as self-employed workers, with the same applying to long-term economic migrants. The strongest restrictions exist for asylum applicants and short-term economic migrants, which may be explained by the precariousness of the status of the former and by the time element for the latter.

POLICY IMPLICATIONS AND RECOMMENDATIONS

Building upon the aforementioned main findings the most relevant policy implications are:

For all types of migrants:

- Given that the lack of homogeneity among EU Member States concerning the rights associated to specific categories of migrants constitutes a barrier for the labour market integration of MRAs, additional efforts are required from the EU and its Member States at better harmonizing and coordinating respective countries' asylum and immigration policies and laws. More informed, evidence-based and coordinated cross-European asylum and immigration policies could also tackle irregular work and manage secondary movements (intra-EU movement of MRAs).
- The complexity of national legal frameworks on migration and asylum should be reduced, in order to avoid multiple, fragmentary normative stratification, which jeopardises internal consistency and effectiveness, as well as the predictability of rules. Furthermore, immigration and asylum issues should be regulated mainly through primary legislation, which is subject to the democratic control of Parliaments, and not through secondary legislation.
- Collaboration between the public and the private sector, especially NGOs and non-profit associations, should be encouraged, when such collaboration is well coordinated and when the private sector is complementary with the public sector, rather than replacing it.

Primarily but not exclusively concerning economic migration:

- The necessary control of EU external borders and the right of each country to control the influx of non-EU foreigners should go hand in hand with the effective guarantee of fundamental human rights and policies that actually favour legal immigration also for economic reasons, with

a realistic degree of planning on work permits and foreign workers' quotas based on the actual needs of each country's labour market, rather than on stereotypes. Asylum and international protection should not be the almost sole channel to legally enter EU countries. Overly restrictive policies on work permits risks exacerbating issues of irregular immigration and may improperly burden the asylum system.

Primarily but not exclusively concerning asylum and humanitarian migration:

- Widening the access to refugee and beneficiary of subsidiary protection statuses or widening the rights and benefits connected with other statuses would multiply the enabling effect of legal statuses easing the integration of MRAA workers. It would also avoid the creation of a migrant winner/loser divide, which would be at odds with any human rights, and solidarity-based understanding of what a modern society should be.
- Lowering the barriers that prevent MRAs and in particular asylum applicants and beneficiaries of subsidiaries forms of protection to work as nationals do (improving language skills, recognizing skills and qualifications, providing vocational training and education, granting unemployment benefits, the right to self-employment and the right to work in the public sector) would release important energies and capacities that could positively contribute to the economic growth of the host societies, social well-being and peaceful coexistence.

RESEARCH PARAMETERS

The main objective of this stage of the SIRIUS project was to assess how far legal frameworks of migration and asylum work as barriers or enablers for non-EU migrants, refugees and asylum applicants' (MRAs) integration into European labour markets across the seven countries studied in SIRIUS (the Czech Republic, Denmark, Finland, Greece, Italy, Switzerland, and the United Kingdom). To fulfil this main objective, the work has been organised in three principal streams of activities: (1) gathering and critically analysing information on the political, legal and institutional context of migration governance, and illustrating national cases through country reports, and the EU framework legislation in the EU report; (2) comparing the national case-studies and discussing the outcome in a comparative report; and (3) retrieving and systematizing a number of indicators available in the most relevant databases in order to create an ad hoc dataset on socio-economic, cultural, political and legal indicators on migration covering all SIRIUS countries.

PROJECT IDENTITY

PROJECT NAME	Skills and Integration of Migrants, Refugees and Asylum Applicants in European Labour Markets (SIRIUS)
COORDINATOR	Professor Simone Baglioni Glasgow Caledonian University Glasgow United Kingdom Simone.Baglioni@gcu.ac.uk
CONSORTIUM	Charles University – Faculty of Social Science Prague, Czech Republic European University Institute – Robert Schuman Centre for Advanced Studies Florence, Italy Glasgow Caledonian University – Yunus Centre for Social Business and Health Glasgow, United Kingdom

Multicultural Center Prague – MKC
Prague, Czech Republic

National Technical University of Athens – Applied Mathematical and Physical
Sciences
Athens, Greece

Roskilde University – Department of Social Sciences and Business
Roskilde, Denmark

Solidar
Bruxelles, Belgium

Solidarity Now – SN
Athens, Greece

University of Florence – Department of Legal Sciences
Florence, Italy

University of Geneva – Institute of Citizenship Studies
Geneva, Switzerland

University of Jyväskylä – Department of Social Sciences and Philosophy
Jyväskylä, Finland

FUNDING SCHEME

Awarding body: European Union, Horizon 2020 Research programme H2020-SC6-
REVINEQUAL-2017
Project reference: 770515

DURATION

January 2018 – December 2020 (36 months).

BUDGET

EU contribution: 2 500 000 €.

WEBSITE

www.sirius-project.eu

FOR MORE INFORMATION

Contact: Professor Simone Baglioni (simone.baglioni@gcu.ac.uk), Dr Thomas
Montgomery (thomas.montgomery@gcu.ac.uk), Dr Francesca Caló
(francesca.calo@gcu.ac.uk)

FURTHER READING

WP1 Report – Labour Market Barriers and Enablers – Comparative report on the
position of post-2014 migrants, refugees and asylum seekers in the labour market
(available on <https://www.sirius-project.eu/publications>)

WP2 Report – Legal Barriers and Enablers – Comparative report on the legal,
institutional and socio-cultural analysis (available on [https://www.sirius-
project.eu/publications](https://www.sirius-project.eu/publications))