



Benchmark Paper: The labour market integration of applicants for international protection

November 2023

This benchmark was drafted and published by the Belgian National Contact Point to the European Migration Network (EMN Belgium), with the contribution of Jo Antoons, Pauline Chomel and Wout Van Doren (Fragomen).

Introduction

In 2022, the European Migration Network (EMN) conducted a study on the labour market integration of applicants for international protection during the reporting period 2017-2022.¹ This study complements an earlier EMN study conducted in 2019, which examined the labour market integration of third-country nationals, excluding those seeking international protection.²

The 2022 study includes contributions from 24 EU Member States: Austria (AT), Belgium (BE), Bulgaria (BG), Cyprus (CY), Czech Republic (CZ), Germany (DE), Estonia (EE), Greece (EL), Spain (ES), Finland (FI), France (FR), Croatia (HR), Hungary (HU), Ireland (IE), Italy (IT), Lithuania (LT), Luxembourg (LU), Latvia (LV), Malta (MT), Netherlands (NL), Poland (PL), Sweden (SE), Slovenia (SI), Slovakia (SK). The full list of questions included in the study is provided in Annex.

What follows is a benchmark of the main findings of the study, with a focus on the situation in Belgium (hereafter, **BE**). Between 2017 and 2022, **BE** registered approximately 3.3% of all applications for international protection across the EU for the same period.³ The benchmark offers a comparison between the situation in **BE** and that of other countries on the existing framework to regulate access to the labour market (section 1), and available policies and support measures to enhance labour market integration and self-employment (section 2).

1. Legal framework: conditions and procedures to access the labour market⁴

In the EU, access to the labour market for applicants of international protection is regulated under the recast Directive (EU) 2013/33 laying down standards for the reception of applicants for international protection (so-called 'Reception Conditions Directive'). In **BE**, and similarly in five other countries,⁵ access to the labour market for applicants for international protection is governed by the general legislation framework on employment applicable to all third-country nationals residing in the country.⁶ As a federal state, the legal framework governing access to the labour market in **BE** combines federal regulations on immigration policy, regional regulations on labour market policy (with different approaches in the Flemish Region, Brussels-Capital Region, Walloon Region, and German-speaking Community⁷), and community regulations on integration policy (with different approaches in the Flemish Community, French Community, and German-speaking Community).

¹ European Migration Network, 'Integration of applicants for international protection in the labour market', 2023, https://home-affairs.ec.europa.eu/news/integration-applicants-international-protection-labour-market-2023-10-05_en, last accessed on 26 October 2023.

² European Migration Network, 'EMN study on labour market integration of third-country nationals in EU Member States', 2019, https://home-affairs.ec.europa.eu/news/emn-study-labour-market-integration-third-country-nationals-eu-member-states-2019-02-14_en, last accessed on 4 August 2022.

³ Eurostat.

⁴ Covered by questions 8 to 20 of the Study (see Annex).

⁵ CZ, FR, LT, LV, NL.

⁶ In **BE**, until 24 December 2018, the Law of 30 April 1999 regarding employment of third-country nationals and its Royal Decree of 9 June 1999 applied. Currently the cases of access to the labour market for applicants of international protection is governed by Law of 9 May 2018 and its Royal Decree of 2 September 2018 regarding the occupation of foreign nationals in a particular residence situation.

⁷ Regulations specific to the German-speaking Community were not included in the Study.

How soon can applicants for international protection work?

The recast Reception Conditions Directive states that EU Member States “shall decide the conditions for granting access to the labour market for the applicant in accordance with their national law, while ensuring that applicants have effective access to the labour market” (Article 15(2)), but specifies that this **access must be granted no later than nine months from the date on which the application was lodged** (Article 15(1)). This so-called ‘waiting period’ for applicants to access the labour market differs greatly between EU Member States, ranging from immediate access (SE) to the maximum period of nine months (HU, SI). **BE** is the only country in which the waiting period is four months (except in the case of self-employment – see Box 1), with nine countries⁸ having a shorter waiting period, and 13 countries⁹ having a longer waiting period (see Table 1).

None	SE
1 month	CY
2 months	IT
3 months	AT, BG, DE, FI (with a travel document), HR, LV
4 months	BE
6 months	CZ, EE, EL, ES, FI (without a travel document), FR, IE, LV, LU, NL, PL, SK
9 months	HU, SI

Several considerations come into play when choosing a waiting period. **BE**, along with six other countries,¹⁰ indicate that they have opted for a shorter waiting period to promote the integration and self-sufficiency of applicants for international protection. In DE and CY, labour shortages are also cited as a reason for earlier access to work. CZ, EE, and PL indicate that they do not wish to reduce the waiting period further to discourage applications for international protection in their countries. HU has opted for the maximum waiting period as it does not prioritise integrating applicants for international protection into the labour market.

Under what conditions can applicants for international protection work?

In **BE**, access to the labour market is automatically granted at the end of the waiting period (except in the case of self-employment – see Box 1) if, within those four months, they have not received a negative first instance decision from the Office of the Commissioner General for Refugees and Stateless persons (*CGRA/CGVS*). Automatic access to employment is also applicable in six other countries.¹¹ The other respondent countries have defined additional requirements that must be met before applicants can access the labour market (see Table 2):

- ❖ In 8 countries,¹² applicants for international protection who wish to work must possess a **work permit**. Applications can be done by the employer (AT, CY, FR, HU, and NL) or the employee (DE and LU), or both (CZ). In DE, applicants for international protection from so-called ‘safe countries of origin’ cannot apply for a

⁸ SE, CY, IT, AT, BG, DE, FI (only applicants with a travel document), HR, LV.

⁹ CZ, EE, EL, ES, FR, IE, LT, LU, NL, PL, SK.

¹⁰ DE, FR, IE, IT, LV, SK.

¹¹ EE, ES, FI, IT, SI, SK.

¹² AT, CY, CZ, DE, FR, HU, LU, NL.

work permit. The work permit can be valid for multiple employers (NL, AT, HU, and LU) or tied to a single employer (CZ, DE, CY, and FR).

- ❖ As part of the conditions to obtain a work permit, access to the labour market is tied to a **labour market test** in 5 countries¹³. A labour market test is “a mechanism that aims to ensure that migrant workers are only admitted after employers have unsuccessfully searched for national workers, EU citizens (in EU Member States this also means EEA workers), or legally residing third-country nationals with access to the labour market according to national legislation.”¹⁴ This means that employers prioritise national workers, EU citizens, and legally-residing third-country nationals (in that order) before examining applications from other third-country nationals.
- ❖ In 8 countries,¹⁵ applicants for international protection do not need a work permit but must request **proof of their right to work** from authorities by proving that their waiting period has elapsed.

Table 2: Conditions for applicants for international protection to access the labour market	
Automatic access	BE, EE, ES, FI, IT, SI, SK
Certificate (proof of right to work)	BG, EL, HR, IE, LV, LT, PL, SE
Work permit without labour market test	CZ, DE, NL
Work permit with labour market test	AT, CY, FR, HU, LU

Finally, some countries have placed other conditions on applicants for international protection entering the labour market, ranging from restricting the type and form of employment that can be accessed¹⁶ and limiting the hours that applicants can work in a given year,¹⁷ to verifying whether the position and the employer are in compliance with employment-related legislation¹⁸ and limiting the category of applicants for international protection who can apply (for instance, if they come from certain ‘safe countries of origin’).¹⁹

¹³ AT, CY, FR, HU, LU.

¹⁴ EMN Glossary, version 9.0, available at: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary_en

¹⁵ BG, EL, HR, IE, LV, LT, PL, SE.

¹⁶ CY, FI, FR, IE.

¹⁷ LU, NL.

¹⁸ AT, CY, FR, NL.

¹⁹ DE.

Box 1: The special case of self-employment

The issue of self-employment deserves specific attention as it constitutes, in some cases, a separate category of employment where different rules apply. In **BE**, there is no waiting period defined to access self-employment, but this access is conditional on the acquisition of a 'professional card'. The process and eligibility criteria to obtain a professional card vary between regional entities:

- ❖ In the **Brussels-Capital Region** and the **Walloon Region**, applicants must submit additional documents including a valid business plan, proof that the business will be economically viable, and proof that they do not have a criminal record. In the Brussels-Capital Region, the assessment of the professional card application is limited to whether the professional project that is presented has any substance and whether revenue from this professional activity can contribute to the applicant's needs. The Walloon Region also considers the risks for the region in case the professional activities are terminated (e.g., because of a negative decision on the international protection application). The professional card in both regions is valid for one year renewable, but conditional on the residence status, meaning they automatically lose their validity if the residence status ends (due to a negative decision on the application for international protection).
- ❖ In the **Flemish Region**, applicants for international protection can no longer (since January 2022) apply for a professional card.

In the majority of the other respondent countries (AT, BG, EE, ES, HR, IE, IT, LV, LT, MT, NL, PL, SE, SI), applicants for international protection can pursue self-employment. While in some countries the conditions for self-employment align with those for employment, 4 other countries (AT, HU, NL, SE) report having specific conditions that apply to applicants for international protection who intend to work as self-employed individuals, such as mandatory registration with public employment services (HR) or tax agencies (SE).

2. Policies and measures to support labour market integration²⁰

The labour market integration of applicants for international protection is a topic of public debate across all respondent countries, though the scope of these debates and the policy response (such as the adoption of targeted strategies and measures) vary. National debates featured the following key issues: (1) time limits and restrictions to access the labour market; (2) promoting effective access; (3) abuse of the asylum system; and (4) precarious work conditions. **While some discussions focus on fostering access to the labour market**, notably through the reduction of waiting periods or lifting restrictions on access to certain sectors, **others raise concerns for potential abuse of the international protection system**, including calls for measures to restrict access to the labour market, for instance through work permits. Finally, several countries – such as FI and IT – reported public debates on potentially precarious work conditions of applicants for international protection and, more generally, the discrimination they may face in the workplace.

BE is one of ten countries²¹ having **targeted strategies to support the labour market integration** of third-country nationals, which encompass applicants for international protection. The former Secretary of State for Asylum and Migration published a policy note in 2021 containing a new section dedicated to the activation of applicants for international protection and the reinforcement of their skills and employability. A new department was also created at the Federal Agency for the Reception of Asylum Seekers (Fedasil), which formulated an action plan (NL: *Asielzoeker zoekt match* / FR: *Activation*) focused on the labour market integration of applicants for international protection. The majority of respondent countries reported adopting new or revised policies to support the labour market integration of third-country nationals since 2017, including **new integration packages** (AT), **amendments to the labour migration legal framework** (BG, DE, SI), and **reduction of the waiting period** to access the labour market (CY, FR).

Once applicants for international protection have access to the labour market, various stakeholders come into play to facilitate their effective integration:

- ❖ **Ministries** are the primary stakeholders driving labour market integration processes (Ministries of Interior, Ministries of Employment), together with specific agencies responsible for integration.
- ❖ **Public employment services** play a significant role in 12 countries.²² This includes **BE**, where applicants for international protection with labour market access can enroll as jobseekers with regional employment services (*Actiris* in the Brussels-Capital Region, *Le Forem* in the Walloon Region, and *VDAB* in the Flemish Region)²³ and are thereby eligible to benefit from their support in finding employment and boosting their skills. All three services have specific policies and/or departments in place to support the labour market integration of third-country nationals, without targeting applicants for international protection specifically.

²⁰ Covered by questions 5 to 7, and 21 to 23 of the Study (see Annex).

²¹ BG, DE, EL, ES, FI, NL, SE, SI, SK.

²² AT, BE, BG, CY, DE, HR, IE, IT, LV, PL, SE, SI.

²³ The German-speaking Community also has its own regional employment service (Arbeitsamt der Deutschsprachigen Gemeinschaft Belgiens (ADG)), but regulations specific to the German-speaking Community were not included in the Study.

- ❖ **Reception centres** were also reported (notably by EE, ES, FI and NL) as playing an important role in promoting access to employment, as they are often the first line of contact with applicants for international protection.
- ❖ **Social partners**, including employers' associations and sectoral groups, also play an important role, notably in BE, AT, DE, and SI. In the Flemish Region for instance, collaborative information sessions are conducted involving organisations such as the Flemish Employers' Organisation (*Vlaams netwerk van ondernemingen, VOKA*), the Chamber of Commerce of the Province of Limburg, the Confederation of the Construction Sector in Limburg (*Confederatie Bouw Limburg*), and individual employers. These sessions are designed to actively engage individuals seeking international protection.

Respondent countries reported various **measures designed to facilitate the labour market integration of applicants for international protection**. In some cases, they are tailored to applicants for international protection, but more often, they involve assistance available to a broader group of third-country nationals or jobseekers. These measures can be summarised in seven categories:

- ❖ **Language acquisition** (reported by 21 countries),²⁴ which remains a key element in quicker integration and greater access to the labour market. In BE, reception centres may offer free courses specifically targeted at applicants for international protection, but they are not compulsory (unlike in AT, for instance). Applicants for international protection can also follow language courses organised by the public employment services if they are registered as jobseekers (therefore, minimum four months after lodging their application).
- ❖ **Information and counselling** (reported by 20 countries).²⁵ In BE, these measures do not target applicants for international protection specifically. General counselling services for third-country nationals are provided by Fedasil and public employment services.
- ❖ **Support for the recognition of qualifications** (reported by 16 countries).²⁶ In BE, a facilitated procedure to recognise qualifications of applicants for international protection only exists in the Flemish Community. In the French Community, the recognition of qualifications only applies to beneficiaries of international protection.
- ❖ **Vocational education and training** (reported by 15 countries).²⁷ In BE, there are no trainings specifically targeting applicants for international protection, but each region organises training for registered jobseekers through the public employment services.
- ❖ **Assistance in assessing skills** (reported by 14 countries).²⁸ In BE, these measures do not target applicants for international protection specifically. The Flemish public employment service (*VDAB*) offers a service of recognition of acquired skills to registered jobseekers. In the French Community, this service is provided by the *Consortium de validation des compétences*.

²⁴ AT, BE, BG, CY, CZ, EE, EL, ES, FI, FR, HU, IE, IT, LT, LU, LV, MT, NL, SE, SI, SK.

²⁵ AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, HU, IE, IT, LT, LU, LV, NL, SE, SI, SK.

²⁶ AT, BE, BG, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LV, PL, SE, SI.

²⁷ BG, CY, DE, EL, ES, FI, FR, HU, IE, IT, LU, PL, SE, SI, SK.

²⁸ AT, BE, BG, DE, EE, EL, ES, FI, HU, IE, IT, LV, NL, SE.

- ❖ **Civic integration programmes** (reported by 14 countries).²⁹ In **BE**, applicants for international protection are excluded from civic integration programmes in the Brussels-Capital and Flemish Regions. In the Walloon Region, they can follow the programme on a voluntary basis.
- ❖ **Measures to incentivise employers or to support self-employment** (reported by 9 countries).³⁰ In **BE**, these measures do not target applicants for international protection specifically, but initiatives are taken at the regional level to support employers.

Despite these measures, **challenges remain regarding the labour market integration of applicants for international protection**, for applicants themselves but also for employers and other actors involved in labour market integration. **BE** reported the following challenges:

- ❖ **Language barriers**;³¹
- ❖ **Uncertainty about the duration of employment** and the fact that work is terminated in case of rejection of the application for international protection;³²
- ❖ **Costs associated with accessing the labour market**, such as childcare, transportation and administrative costs;³³
- ❖ **Difficulties in the recognition of qualifications**;³⁴
- ❖ **Insufficient knowledge** among applicants for international protection and employers about the conditions to access employment;³⁵
- ❖ **Challenges in cooperation** between ministries, regional authorities, public and private entities, and other stakeholders.³⁶

Other more general challenges that applicants for international protection are subject to include workplace discrimination and the risk of labour exploitation.³⁷

²⁹ AT, BE, EE, EL, ES, FI, IE, IT, LU, LV, MT, SE, SI, SK.

³⁰ BE, BG, CY, DE, EE, ES, HR, SE, SI.

³¹ Also mentioned by AT, BG, CY, DE, EE, FI, FR, IE, IT, LT, LU, LV, NL, SE, SK.

³² Also mentioned by AT, FI, FR, HU, IE, LU, NL, SK.

³³ Also mentioned by IE, NL, SK.

³⁴ Also mentioned by AT, BG, DE, EE, FI, IE, LU, SE, SK.

³⁵ Also mentioned by AT, FR, IE, IT, LT.

³⁶ Also mentioned by DE, SK.

³⁷ Reported by AT, CY, FI, IE, LV, SK.

Conclusions

- The majority of applicants for international protection in the EU are **first-time applicants of working age**. This suggests that they have the potential to contribute to the labour market.
- EMN Member Countries collect statistics and/or monitor the employment situation of applicants for international protection to varying degrees. This makes it **difficult to measure the extent to which applicants for international protection enter the labour market** once they are allowed to work.
- Most EMN Member Countries have a **shorter waiting period** to enter the labour market than what is stipulated in the recast Reception Conditions Directive. This is also the case in BE, where the waiting period is 4 months.
- Most EMN Member Countries require applicants for international protection to **obtain a work permit or another form of authorisation** in order to access the labour market, and some apply a labour market test. This is not the case in BE, except to access self-employment.
- Support measures targeting the labour market integration of applicants for international protection mainly focus on **vocational and education training, language training and skills assessment**.

Annex: Questions addressed in the EMN Study

Q1. What are the main trends (number of applications for international protection, age, sex, citizenship) in applicants for international protection in your country in the period 2017-2022?

Q2. Is the labour market situation of applicants for international protection monitored with official data (gathered by authorities and reliable)?

Q3. Are statistics available on applications/grants/refusals of the applications to access the labour market/self-employment as well as the employment rates of applicants for international protection?

Q4. What are the main public and policy debates regarding the labour market integration of applicants for international protection (time frame for access, opportunities and challenges)?

Q5. Does your country have a specific policy/strategy to support the labour market integration of third-country nationals and/or applicants for international protection? Is there a mainstreaming labour market integration approach applicable?

Q6. Have there been any major changes in the strategy/policy to support the labour market integration of third-country nationals between 2017 and 2022? What was the driver and objective of these changes?

Q7. Are there specific governance structures in place to support the labour market integration of applicants for international protection? Who are the key stakeholders and what are their responsibilities?

Q8. What is the procedure for applicants for international protection to enter the labour market/self-employment?

Q9. What is the minimum waiting period for applicants for international protection to access the labour market after lodging their application?

Q10. What is the reasoning related to the minimum waiting period and conditions to access the labour market/self-employment?

Q11. Is the right to access the labour market automatic after a specified period?

Q12. What kind of documents are necessary to access the labour market?

Q13. Is a work permit or another type of administrative application/decision necessary to access the labour market? Who is required to submit the application? Which authority is responsible for granting access? What criteria are required to obtain the work permit? What is the average duration of this procedure?

Q14. Is self-employment of applicants for international protection permitted in your country? What is the minimum period after which this is permitted? Which authority is responsible for granting access to self-employment?

Q15. What is the period of validity and conditions of the authorisation to access the labour market/self-employment?

Q16. Is the authorisation limited to certain employment sectors or occupations? Which ones?

Q17. Is employment restricted to a single employer?

Q18. What are the conditions and procedures to renew the authorisation to access the labour market? Are they the same for all employment sectors and occupations?

Q19. Does your country give priority to EU and EEA citizens and to other legally resident third-country nationals in accessing the labour market? How is this priority given in law/policy and in practice?

Q20. Are there any other limitations in place, either in law or in specific measures relating to applicants for international protection accessing the labour market/self-employment?

Q21. What are the main policy or legislative measures that make up your country's strategy to support the labour market integration or applicants for international protection?

Q22. What integration support programmes, projects, legislative or other practical initiatives are available that specifically facilitate effective access to the labour market for applicants for international protection ("good practices")?

Q23. What challenges have been identified by your country regarding access to the labour market for applicants for international protection?