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The integration of applicants for international protection in the labour market

Common Template for EMN Study 2022

Final Version, 9 August 2022

Subject: The integration of applicants for international protection in the labour market

Action: EMN NCPs are invited to submit their completed contributions by 25 November 2022.

If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at emn@icf.com.

1. BACKGROUND AND RATIONALE FOR THE STUDY

The study focuses on the integration of applicants for international protection in the labour market.

As stated in the EU Action plan on Integration and Inclusion 2021-2027 "The EU's work on integration and inclusion is underpinned by a shared set of principles and values, which should also guide the work of EU Member States when they design, implement or review their strategies for integration."¹ Research has shown that labour market integration is one of the key elements of migrant integration and successful participation in society. For many migrants, building a new life entails the important aspect of finding appropriate work in the host country, because it is related to their economic independence, health and overall wellbeing.²

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action plan on Integration and Inclusion 2021-2027, COM(2020) 758 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0758&from=EN>, last accessed on 28 July 2022.

² Dustmann, C., Fasani, F., Frattini, T., Minale, L., Schönberg, U., Sunde, U., and Trigari, A. 'On the economics and politics of refugee migration' (2017), *Economic Policy*, 32, p. 497. de Vroome, T., and van Tubergen, F. 'The employment experience of refugees in the Netherlands' (2010), 44, p. 376. Ager, A., and Strang, A. 'Understanding integration: A conceptual framework' (2008), *Journal of Refugee Studies*, 21, p.166.

In the EU, access to the labour market is a shared competence, regulated for different groups under various legislative acts. For applicants of international protection access to the labour market is regulated under Reception Conditions Directive Recast (2013/33/EU).³ The idea of allowing access to the labour market for the applicants of international protection is connected with the aim of promoting the self-sufficiency of applicants even whilst their applications are being processed. This contributes also to having better prospects for eventual integration of those who will ultimately be granted protection.⁴

Hence, access to the labour market with an aim to increase applicants' self-reliance and possible integration prospects is regulated in EU Member States by the Reception Conditions Directive Recast (2013/33/EU) currently in force. However, in terms of practical implementation, EU Member States have considerable flexibility in deciding whether to allow this access once the nine months deadline set as a maximum in the Reception Conditions Directive Recast (2013/33/EU) is reached, directly after the application is lodged, or sometime in between. Although almost all EU Member States give applicants access to the labour market during the asylum procedure, the period after which access to employment is granted, varies considerably from one Member State to another.⁵

EU Member States experienced an unprecedented influx of incoming applicants for international protection in the period of 2014-2016,⁶ which, in addition to immense pressure on the asylum systems, also led to changes in the integration programmes and activities offered to applicants for international protection. According to the results of a study carried out by the European Migration Network (EMN) in 2018,⁷ one of the main areas where the changes were detected was access to the labour market, with the study reporting on different measures taken after 2015 to improve such access for applicants of international protection. For example, Belgium reduced the waiting period between the lodging of the application for international protection and access to the labour market from six to four months, while Latvia reduced this period from nine to six months. In Germany, the Integration Act of 6 August 2016 foresaw the creation of 100 000 work opportunities for applicants for international protection

³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) OJ L 180, 29.6.2013, p. 96–116.

⁴ Recital 23 in the Directive 2013/33/EU.

⁵ Please see the results of relevant past ad hoc queries on that topic:

European Migration Network, 'Ad-Hoc Query on Residence permit and labour market needs'. Requested by COM on 11 December 2020. Link: https://ec.europa.eu/home-affairs/system/files/2021-02/202075_residence_permit_and_labour_market_needs_en.pdf

European Migration Network, 'Ad-Hoc Query on access of international protection applicants to the labour market', Requested by LU EMN NCP on 19th July 2016. Link: https://ec.europa.eu/home-affairs/system/files/2020-09/2016.1091b_lu_access_of_international_protection_applicants_to_the_labour_market.pdf

European Migration Network, 'Ad-Hoc Query on access to the labour market for asylum seekers', Requested by AT EMN NCP on 23rd January 2015. Compilation produced on 3rd June 2015. Link: https://ec.europa.eu/home-affairs/system/files/2020-09/654_emn_ahq_access_to_the_labour_market_for_asylum_seekers_wider_dissemination.pdf

European Migration Network, 'Ad-Hoc Query on the rules of access to labour market for asylum seekers'. Requested by FR EMN NCP on 25th October 2010. Compilation produced on 10th December 2010. Link: https://ec.europa.eu/home-affairs/system/files/2020-09/269_emn_ad-hoc_query_rules_of_access_to_labour_market_for_asylum_seekers_25oct2010_wider_disseminat_en.pdf

⁶ Overall figures of Eurostat show a total of 431 095 first time asylum applicants in 2013 and 626 960 in 2014 in the European Union. In 2015 and 2016 more than 1.2 million first time applicants for international protection were registered.

⁷ European Migration Network, 'Changing Influx of Asylum Seekers 2014-2016', 2018, https://ec.europa.eu/home-affairs/system/files/2020-09/00_eu_changing_influx_study_synthesis_final_en.pdf, last accessed on 28 July 2022.

to bridge the long waiting period of several months between the lodging of a claim and the decision on the status. Austria and Sweden focussed on better matching of qualifications with employment and, alongside Belgium, introduced measures for a swifter recognition of applicants' qualifications. Belgium offered an alternative to the recognition of a diploma to the applicants for international protection. Namely, they introduced a trajectory which could include, depending on the profession / field of study, participation in a limited number of courses on a related master discipline, attending one or more seminars, practical training sessions, or authoring a paper. With the aim of better matching applicants' qualifications with available jobs, Sweden introduced a fast-track scheme. Finally, Finland piloted a prepaid debit card, to which the employer could transfer the salary, to overcome the obstacle posed by the fact that applicants for international protection were not allowed to open a bank account. Although, the above-mentioned study brought out several changes EU Member States carried out in the period of 2014-2016, an in-depth study for the more recent years is needed to examine further the laws, policies and practices (measures) of the EMN Member States and Observer Countries and developments when it comes to the integration in the labour market of applicants for international protection.

As noted above, the first point of divergence between the EU Member States is *when* labour market access is granted. Further issues relate to variations in the laws, policies and measures which guarantee that this access, when granted, is *effective*.

Under the expression 'effective access', there are several questions that need to be looked at. As the practical implementation of access to the labour market is under national laws, questions arise about whether EMN Member States and Observer countries,⁸ for example, use labour market tests, and what kind of impact they have in practice. Another basis for divergence comes from the rights that applicants in different EU Member States are entitled to when accessing the labour market and whether they are guaranteed equal treatment with nationals of the Member State or similar to as other third-country nationals who are working in the European Union (EU) (for example under the Single Permit Directive⁹ or the Seasonal Workers Directive).¹⁰ Another issue which allows divergences between the EMN Member States and would need to be explored further, is whether applicants for international protection are excluded from some specific labour market sectors and, if so, if this is limited in time (for example in some cases for certain seasonal sectors). Another question would be on the rights of the applicants in different EU Member States as regards the length of employment permits and hence, contract duration, equal treatment for freedom of association and affiliation, education and vocational training, the recognition of professional qualifications (including formal qualifications that cannot be documented) and diplomas and social security.

Access to the labour market for the applicants of international protection would need to be in full compliance with labour market standards (such as a minimum wage,

⁸ The EMN National Contact Points (EMN NCPs) coordinate the EMN activities at national level in all EU Member States (except Denmark) and the EMN observers, namely Norway, Georgia and the Republic of Moldova. For more information, please see: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-members_en , last accessed 14 July 2022.

⁹ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State OJ L 343, 23.12.2011, p. 1–9.

¹⁰ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers OJ L 94, 28.3.2014, p. 375–390.

working conditions), which should also help to avoid distortions in the labour market. Research suggests that differences between EU Member States' rules on access to the labour market may also create incentives for secondary movements of asylum seekers.¹¹

While several EU Member States do not apply any specific restrictions¹² with regard to the applicants' access to the labour market but as integration measures vary, it is important to have an up-to-date and clearer overview of the ways the integration to the labour market is currently provided and facilitated by the EMN Member States and Observer Countries.

In a study carried out by the EMN and published in 2019, which explored the labour market integration of third-country nationals in the EU Member States, the following most common obstacles were identified:¹³

- The accreditation of job qualifications/assessment of skills of those arriving from outside the EU;
- Tackling discrimination within recruitment processes and;
- Managing varying levels of language skills in integration measures.

These difficulties were found to be more pronounced when dealing with migrant women or vulnerable groups.¹⁴ It is likely that similar difficulties can come into play when it comes to ensuring effective access to the labour market for applicants of international protection.

The integration of applicants for international protection in the labour market is a topic that has also emerged in the context of discussions on the 2016 Reception Conditions Directive Recast proposal¹⁵ as one where laws and practices differ from one EU Member State to another. In a briefing¹⁶ by the European Parliamentary Research Service (labour market integration of asylum-seekers and refugees) it was brought out that although national asylum rules have become more harmonised when it comes

¹¹ European Migration Network, 'EMN Policy brief on migrant's movements through the Mediterranean, 2016, <https://emnbelgium.be/publication/migrants-movements-through-mediterranean-emn-policy-brief-update>. See also: Advisory Committee on Migration Affairs, 'Advisory report: Increasing onward migration of asylum seekers in the EU', 2019, <https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/11/05/increasing-onward-migration-of-asylum-seekers-in-the-eu>, European Parliament, 'Secondary movements of asylum-seekers in the EU asylum system', 2017, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608728/EPRS_BRI\(2017\)608728_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608728/EPRS_BRI(2017)608728_EN.pdf), Brekke J.P., Brochmann G., 'Stuck in Transit: Secondary Migration of Asylum Seekers in Europe, National Differences, and the Dublin Regulation', (2015), *Journal of Refugee Studies*, 28 (2), p. 145.

¹² Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) COM(2016) 465 final 2016/0222 (COD) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0465&from=EN>

¹³ 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 04 August 2022.

¹⁴ This is also confirmed by other studies for example European Commission and Joint Research Centre, 'Gaps in the EU Labour Market Participation Rates: an intersectional assessment of the role of gender and migrant status', 2020, [https://publications.jrc.ec.europa.eu/repository/handle/JRC121425;EMN_Study_on_Integration_of_Migrant_Women_in_the_EU:_Policies_and_Measures_\(to_be_published_in_June_2022\)](https://publications.jrc.ec.europa.eu/repository/handle/JRC121425;EMN_Study_on_Integration_of_Migrant_Women_in_the_EU:_Policies_and_Measures_(to_be_published_in_June_2022))

¹⁵ Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) COM(2016) 465 final 2016/0222 (COD) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0465&from=EN> (Reception Conditions Directive Recast).

¹⁶ European Parliament, 'Briefing on the labour market integration of asylum-seekers and refugees', 2022, https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690651/EPRS_BRI%282021%29690651_EN.pdf, last accessed on 04 August 2022.

to access to the labour market to the applicants of international protection since 2013, differences in the approach to granting access persist across the EU¹⁷.

Against this backdrop, the study aims to research and compare EMN Member States and Observer countries' laws, policies and practices (measures) regarding the labour market integration of applicants for international protection in the period January 2017-June 2022.

2. STUDY AIMS AND OBJECTIVES

The overall aim of the study is to inform the target audience (e.g. practitioners, policy officers, decision makers at both EU and national level, including the European Commission and the European Union Agency for Asylum (EUAA), academic researchers, civil society organisations and the general public) on the labour market access of applicants for international protection, identifying existing laws, policies and measures regarding the labour market integration of applicants, good practices and challenges in the period of January 2017- June 2022.

The study's main objectives are:

- To map current national legal and policy frameworks in the EMN Member States and Observer Countries as regards providing access to the labour market for international protection applicants.¹⁸
- To map current national measures¹⁹ in the EMN Member States and Observer Countries as regards supporting effective access to the labour market for international protection applicants, and potential obstacles that hinder access.
- To identify the key actors, including where relevant on the local and regional level in the EMN Member States and Observer Countries, responsible/involved in the design and implementation of support measures aimed at facilitating the labour market integration of international protection applicants.
- To provide examples of good practices and challenges from EMN Member States and Observer Countries on the measures adopted at national level, but also, where applicable, at the regional or local levels, to facilitate access to the labour market for applicants of international protection.

¹⁷ European Migration Network: 'Ad-Hoc Query on Residence permits, borders and working conditions - Gaps in information', Requested by COM on 11 December 2020, https://www.emn.lt/uploads/Products/product_1833/202076_residence_permits_borders_and_working_conditions_gaps_in_information.pdf ; 'Ad-Hoc Query on residence permits and labour market needs' from 11 December 2020 (not published); Ad-Hoc Query on Labour market integration policies aimed at third-country nationals – update', Requested by Adolfo Sommarribas on 10 May 2020, https://www.emnnetherlands.nl/sites/default/files/2020-10/%5bWIDER%20COMPILATION%5d%20labour_market_integration_policies_aimed_at_third-country_nationals_-_update.pdf ; 'Ad-Hoc Query 2019.5 on Right to work for asylum seekers', Requested by Simon Woollaccott on 16 January 2019, <https://www.emnnetherlands.nl/sites/default/files/2019-09/2019%205%20Right%20to%20work%20for%20asylum%20seekers.pdf> .

¹⁸ Taking into account what is foreseen in the Article 15 of the Reception Conditions Directive Recast (2013/33/EU).

¹⁹ EMN definition of 'measures' includes systematic initiatives (multi-year / long term), projects (ad-hoc) and legislative (structural) measures that are used to implement the integration policies (including those funded by governments but implemented by NGOs on behalf of the governments).

3. SCOPE OF THE STUDY

This study addresses third country nationals that have applied for international protection in the EMN Member States and Observer Countries and would benefit from the access to the labour market in the meaning of Article 15 of the Directive Reception Conditions Directive Recast (2013/33/EU) currently in force in the EU or in the meaning of any other equivalent national act that regulates access to the labour market for the international protection applicants.

The reporting period for this study ranges from 2017 to 2022, depending on the area of analysis (i.e. data, policies, laws, measures):

- Data: 2017–June 2022
- Policies/laws: As of August/September/October 2022
- Measures: As of August/September/October 2022

This period covers years after the high migration flows seen in 2015-2016 and after the Reception Conditions Directive Recast proposal by the European Commission. In addition, this period will give an overview of the most recent changes in the EMN Member States and Observer Countries' laws, policies and practices as regards facilitating access to the labour market.

This study will present and compare laws, policies and measures for labour market integration for applicants of international protection in EMN Member and Observer Countries, discuss relevant evidence on the ways integration to the labour market is provided and draw good practices and challenges.

4. METHODOLOGY

This study is based on national reports prepared by the EMN National Contact Points (NCPs).

The identification of a measure as a "good practice" in the context of this study will draw inspiration from the European Website on Integration, where a good practice is defined as a measure that is "effective, efficient, sustainable and/or transferable, and that reliably lead[s] to a desired result". The selection of the measure should be made by an expert working in the field (e.g. policy-maker; service provider; civil society organisation; migrant organisations) or based on studies or evaluations.²⁰

In the context of this study the terms 'laws, policies and measures' are defined as follows:

- 'Laws' regulate the legislative framework providing the access to the labour market of the applicants for international protection.
- 'Policies' refer to targeted integration strategies and action plans but also broader policy instruments relevant to the integration in the labour market.
- 'Measures' refer to systematic initiatives (multi-year / long term), projects (ad-hoc) and legislative (structural) measures that are used to implement the (labour market) integration policies (This includes for example loans that are granted to applicants of international protection for starting a business. This includes also

²⁰ European Commission, 'European Website on Integration – What are 'good practices'?', 2014, https://ec.europa.eu/migrant-integration/page/what-are-good-practices_en , last accessed 04 August 2022.

those measures funded by governments but implemented by NGOs on behalf of the governments).

5. EU LEGAL AND POLICY CONTEXT

According to article 78 the Treaty of the Functioning of the EU (EUTF)²¹ the EU shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of *non-refoulement*. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties. According to the second paragraph of the same article, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for a common European asylum system comprising standards concerning the conditions for the reception of applicants for asylum or subsidiary protection. With this aim in mind and in order to promote the self-sufficiency of applicants and to limit wide discrepancies between EU Member States, the Reception Conditions Directive Recast (2013/33/EU)²² provides for rules on the applicants' access to the labour market. According to article 2 of the Reception Conditions Directive 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.

According to article 15 in the current Reception Conditions Directive Recast (2013/33/EU) EU Member States shall ensure that applicants have access to the labour market no later than nine months from the date when the application for international protection was lodged, if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

According to the Reception Conditions Directive Recast (2013/33/EU) article 15(2), 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. When it comes to ensuring access to the labour market to the applicants of international protection, for reasons of labour market policies, EU Member States may give priority to EU citizens and nationals of State parties to the Agreement on the European Economic Area (EAA), and to legally resident third-country nationals. According to Article 15(3) of the same Directive access to the labour market for applicants of international protection shall not be withdrawn during appeals procedures, where an appeal against a negative decision in a regular procedure has suspensive effect, until such time as a negative decision on the appeal is notified.

In the Reception Condition Directive Recast proposal COM(2016) 465 final, the European Commission has proposed to further reduce the time-limit for access to the labour market from no later than nine months to no later than six months from the lodging of the application. In the same proposal, EU Member States were also encouraged to grant access to the labour market no later than three months from the lodging of the application where the application is likely to be well-founded.

Other relevant policy instruments include:

²¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

²² Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) OJ L 180, 29.6.2013

- The Pact on Migration and Asylum,²³ that was proposed by the European Commission on 23 September 2020, but which also includes proposals by the Commission from 2016. With the Pact, the Commission is proposing a fresh start on migration, bringing together policy in the areas of migration, asylum, integration and border management. From 2016, among others a proposal for the Reception Conditions Directive Recast (2013/33/EU) was kept, which regulates the access to the labour market.
- EU Action plan on Integration and Inclusion 2021-2027²⁴ promotes an integrated approach to migrants' inclusion and aims to create close synergies with existing and upcoming EU strategies to foster equality and social cohesion to ensure everyone is fully included and participates in European societies.
- EU Anti-racism Action Plan 2020-2025,²⁵ which was published on 18 September 2020 by the European Commission to step up action against racism in the EU.

6. PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The study seeks to address four primary questions:

- What does the available data /research tell about the situation of international protection applicants in the labour markets of EMN Member States and Observer Countries?
- To what extent are international protection applicants specifically addressed in national integration policies with regard to labour market integration in EMN Member States and Observer Countries (e.g. strategies, action plans and government programmes)?
- How is access to employment and self-employment for applicants of international protection regulated in the EMN Member States and Observer Countries?
- To what extent /and what kind of targeted labour market integration measures are available in the EMN Member States and Observer Countries, specifically addressing applicants of international protection, and what has been identified as good practices/challenges in this area?

7. RELEVANT SOURCES AND LITERATURE

EMN STUDIES AND INFORMS

- European Migration Network and OECD, 'Skills mobility partnerships: exploring innovative approaches to labour migration', Inform, 2022, https://ec.europa.eu/home-affairs/system/files/2022-03/2022_March_Joint_EMN-OECD_Inform_Skills_Mobility_Partnerships.EN_.pdf

²³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, COM/2020/609 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0609>.

²⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Action plan on Integration and Inclusion 2021-2027, COM/2020/758 final, [EUR-Lex - 52020DC0758 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0758).

²⁵ European Commission, EU Anti-racism Action Plan 2020-2025, [EU Anti-racism Action Plan 2020-2025 | European Commission \(europa.eu\)](https://ec.europa.eu/anti-racism/), last accessed on 04 August 2022.

- European Migration Network, 'Labour market integration of third-country nationals in EU Member States' Synthesis report, 2019, https://ec.europa.eu/home-affairs/system/files/2019-02/00_eu_labour_market_integration_final_en.pdf
- European Migration Network, 'Social benefits and rights for beneficiaries of international protection', Inform, 2018, https://ec.europa.eu/home-affairs/system/files/2020-09/00_eu_social_benefits_inform_en.pdf
- European Migration Network, 'Changing Influx of Asylum Seekers 2014-2016', Synthesis Report, 2018, https://ec.europa.eu/home-affairs/system/files/2020-09/00_eu_changing_influx_study_synthesis_final_en.pdf
- European Migration Network, 'Integration of beneficiaries of international/humanitarian protection into the labour market: policies and good practices', Synthesis Report, 2015, https://ec.europa.eu/migrant-integration/sites/default/files/2016-09/emn-studies-00_integration_of_beneficiaries_of_international_protection_eu_2015_en_final.pdf

AHQs:

- Ad-Hoc Query on Residence permit and labour market needs. Requested by COM on 11 December 2020. Link: https://ec.europa.eu/home-affairs/system/files/2021-02/202075_residence_permit_and_labour_market_needs_en.pdf
- Ad-Hoc Query on access of international protection applicants to the labour market Requested by LU EMN NCP on 19th July 2016. Link: https://ec.europa.eu/home-affairs/system/files/2020-09/2016.1091b_lu_access_of_international_protection_applicants_to_the_labour_market.pdf
- Ad-Hoc Query on access to the labour market for asylum seekers Requested by AT EMN NCP on 23rd January 2015. Compilation produced on 3rd June 2015. Link: https://ec.europa.eu/home-affairs/system/files/2020-09/654_emn_ahq_access_to_the_labour_market_for_asylum_seekers_wider_dissemination.pdf
- Ad-Hoc Query on The rules of access to labour market for asylum seekers Requested by FR EMN NCP on 25th October 2010. Compilation produced on 10th December 2010. Link: https://ec.europa.eu/home-affairs/system/files/2020-09/269_emn_ad-hoc_query_rules_of_access_to_labour_market_for_asylum_seekers_25oct2010_wider_dissemination_en.pdf

8. AVAILABLE STATISTICS

- Eurostat - Asylum applicants by type of applicant, citizenship, age and sex - annual aggregated data (rounded) (migr_asyappctza)
- National statistics, applications/grants/refusals of the applications to access the labour market/self-employment as well as the employment rates of applicants for international protection, if available (see Q3)

9. DEFINITIONS

The following key terms are used in the common template. The definitions are taken from the EMN Asylum and Migration Glossary,²⁶ unless specified otherwise in footnotes.

- **Access to procedures for recognition of qualifications:** In the EU migration context, conditions and requirements governing the admission to procedures for recognition of professional diplomas, certificates and other evidence of formal qualifications for third-country nationals (legally resident third-country nationals, beneficiaries of international protection) in EU Member States in accordance with the relevant national procedures.
- **Access to employment (also referred to in the study as labour market):** In the EU migration context, authorization of third-country nationals (legally resident migrants, beneficiaries and applicants for international protection to engage in employed or self-employed activities in EU Member States subject to the rules generally applicable to the profession and public service, as well as employment and working conditions.
- **Applicant for international protection:** A third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.
- **Integration:** In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of EU Member States.
- **Integration indicators:** Benchmarks used to measure the integration of migrants in specific policy areas, such as employment, education, social inclusion and active citizenship.

10. ADVISORY GROUP

A core AG, consisting of four NCPs, COM and the Service Provider has been established to follow the development of the common template very closely and provide dedicated input and support.

- COM
- ICF/ EMN Service Provider
- AT NCP
- IE NCP
- IT NCP
- CY NCP
- ME NCP (Observer Country)

The following third parties will be invited to contribute to this study:

- European Union Agency for Asylum (EUAA)
- European Union Agency for Fundamental Rights (FRA)

²⁶ EMN Asylum and Migration Glossary, https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary_en, last accessed on 04 August 2022.

- European Commission’s Joint Research Centre (JRC)
 - European Integration Network (EIN)
 - Organisation for Economic Co-operation and Development (OECD)
- European Network of Public Employment Services (PES Network)

11. TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action
Study specifications	
12 May 2022	Circulation of the first draft to the AG for written feedback (one-week deadline for review)
30 May 2022	First AG meeting and discussions on the written feedback
01 June 2022	Circulation of the second draft to the AG (one-week deadline for review)
20 June 2022	Second AG meeting and discussions on the written feedback
27 June 2022	Circulation of the third draft to the AG and study lead (three days for review)
11 July 2022	Circulation of the final draft to NCPs (two weeks deadline for review)
08 Aug 2022	Launch of the study
National reports TBC	
25 Nov 2022	Submission of national reports by EMN NCPs
Drafting of study	
09 Dec 2022	Draft of the study to COM and AG members (one-week deadline for review)
16 Dec 2022	Deadline for comments
7 Jan 2023	Circulation of the first draft to all NCPs (two-weeks deadline for review)
23 Jan 2023	Deadline for comments
3 Feb 2023	Circulation of the second draft to COM and all NCPs (two-weeks deadline for review)
17 Feb 2023	Deadline for comments
3 March 2023	Circulation of the third (final) draft SR to COM and all NCPs (two-weeks deadline for review)
17 March 2023	Deadline for comments
31 April 2023	Publication

12. TEMPLATE FOR NATIONAL CONTRIBUTIONS

Common Template of EMN Study 2022

The integration of applicants for international protection in the labour market

NATIONAL CONTRIBUTION FROM LITHUANIA

Disclaimer: The following information has been provided primarily for the purpose of contributing to this EMN Study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet [max. 1 page]

The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentation that can carry through into the study as possible infographics and visual elements.

Please provide a concise summary of the main findings of Sections 1-5:

*Throughout most of the study period, asylum applicants were not allowed to work in Lithuania. The amendments to the Law on the Legal Status of Foreigners passed on 3 December 2019 allowed asylum applicants, **as of 1 January 2020**, to take up employment in Lithuania if the Migration Department does not make an asylum decision within 6 months from the lodging of an application for asylum and the delay cannot be attributed to the applicant. Between 2020 and June 2022, **154 asylum applicants acquired the right to take up employment** in Lithuania (in 2020 – 34; in 2021 – 53; in 2022 – 67).*

*In 2021, when Lithuania faced an influx of irregular migrants, with the number of applications for asylum increasing 13 times in one year, the government declared a country-wide extreme situation on 2 July 2021 and the Seimas introduced a state of emergency on 9 November 2021. In June 2022, after a long debate, the Law on the Legal Status of Foreigners was amended to regulate the right of those asylum applicants who entered the country **during martial law, a state of emergency, or an extreme situation** declared due to a mass influx of foreigners. Such foreigners were allowed to take up **employment or to engage in self-employment activities only after 12 months** from the registration of a foreigner in the Lithuanian Migration Information System. The provisions of this amendment entered into force on 1 August 2022.*

During the period under study, asylum applicants were not subject to any restrictions on taking up employment (for example, working for a single employer or only in a certain occupation) and there was no obligation to obtain a work permit. However, there was also no possibility to engage in self-employment activities or to participate in the labor market integration support programs run by the Employment Service under the Ministry of Social Security and Labor. Currently, asylum applicants are assisted in labor market integration by the staff of non-governmental organizations and the Refugees' Reception Centre under projects funded by the Asylum, Migration and Integration Fund ('AMIF').

Section 1: Integration of applicants for international protection - data and debates

This section aims to provide an overview of the main trends with regard to international protection applicants, as well as present information on public debates (if any).

Q1. Please provide an overview of the main trends (number of applications for international protection, age, sex, citizenship) in international protection applicants in your country in the period January 2017-June 2022 as extracted from Eurostat and included in the statistical Annex.

*In 2017-2019, Lithuania saw only a **slight increase in the number of asylum applicants**²⁷:*

- In 2017 – 475 asylum applicants, of whom 24% (115 persons) were children under the age of 14, 26% (125 persons) were girls and women aged 14 and over, and 50% (235 persons) were boys and men aged 14 and over;*
- In 2018 – 413 asylum applicants, of whom 30% (123 persons) were children under the age of 14, 23% (125 persons) were girls and women aged 14 and over, and 47% (195 persons) were boys and men aged 14 and over;*
- In 2019 – 629 asylum applicants (365 working-age persons), of whom 44% (279 persons) were children under the age of 14, 22% (140 persons) were girls and women aged 14 and over, and 33% (210 persons) were boys and men aged 14 and over.*

The countries from which Lithuania received most asylum applicants during 2017-2019 were Tajikistan, Syria, Russia, Belarus, and Eritrea.

*In 2020, the **restrictions imposed due to the COVID-19 pandemic** also contributed to a **decrease in the flow** of asylum applicants, with 265 asylum applicants applying for asylum in Lithuania, of whom 32% (85 persons) were children under the age of 14, 19% (50 persons) were girls and women aged 14 and over, and 47% (125 persons) were boys and men aged 14 and over.*

*In 2021, Lithuania faced an **influx of migrants**, with applications for asylum received from 4,214 (3,320 working-age) persons. Compared to 2020, the number of applications for asylum increased by 1,226.8%. As regards the citizenship of asylum applicants, 5 countries stand out: Iraq – 2,480 persons (14 in 2020), Afghanistan – 297 persons, Belarus – 260 persons (81 in 2020), the Democratic Republic of the Congo – 149 (0 in 2020), Russia – 132 (88 in 2020). Of those applying for asylum in Lithuania in 2021, 21% (894 persons) were children under the age of 14, 20% (870 persons) were women and girls aged 14 and over, and 58% (2,455 persons) were men and boys aged 14 and over. Only 15 persons were over 65.*

In the first half of 2022, 480 persons applied for asylum in Lithuania, of whom 26% (125 persons) were women and girls aged 14 and over and 70% (335 persons) were boys and men aged 14 and

²⁷ The source of the data provided below is the [Migration Yearbooks](#) published by the Migration Department under the Ministry of the Interior of the Republic of Lithuania.

over. Following the outbreak of hostilities in Ukraine, the number of asylum applicants from Belarus (195 persons) and Russia (65 persons) has further increased.

Q2. Is the labour market situation²⁸ of international protection applicants monitored with official data (gathered by the authorities and reliable)? If so, please provide an overview in terms of indicators that are used in your country, focus on specific groups, data collection intervals etc.

As asylum applicants were not allowed to take up employment in 2017-2019 and were granted such a right as of 1 January 2020, no data were previously collected. Since 1 January 2020 until 30 June 2022, data were collected on the number of applicants for international protection/asylum applicants who acquired the right to take up employment. Information on them is collected by the Migration Department, which issues a foreigner's registration certificate, which indicates the right to take up employment. Statistics on foreigners who have requested to indicate in a foreigner's registration certificate their right to take up employment in Lithuania during the examination of their application for asylum are published by the Migration Department semiannually. Please note, however, that no data has been gathered on how many of those who have acquired the right to take up employment have actually taken up employment, nor on the nature of their employment or any other related indicators.

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? Yes/No

Yes, regarding those who have the right to access the labor market, and no, regarding the employment rates.

If yes, then please provide the totals per year in the period 2017-2022.

In total, 154 asylum applicants acquired the right to take up employment between 1 January 2020 and 30 June 2022 (prior to 2020, they were not allowed to access the labor market and therefore no statistics are available).

<i>Number of foreigners who in 2020 requested to indicate in a foreigner's registration certificate their right to take up employment in the Republic of Lithuania during the examination of their application for asylum, by citizenship, age and sex</i>								
<i>Citizenship</i>	<i>Male</i>				<i>Female</i>			
	<i>Foreigners' age groups, years</i>							
	<i>Under 25</i>	<i>25-40</i>	<i>40-55</i>	<i>Over 55</i>	<i>Under 25</i>	<i>25-40</i>	<i>40-55</i>	<i>Over 55</i>
<i>Afghanistan</i>		<i>1</i>						
<i>Azerbaijan</i>		<i>1</i>				<i>3</i>	<i>1</i>	
<i>Belarus</i>			<i>2</i>					
<i>Egypt</i>			<i>1</i>					
<i>Iraq</i>	<i>1</i>							
<i>Iran</i>		<i>3</i>					<i>1</i>	
<i>Libya</i>		<i>1</i>						
<i>Moldova</i>			<i>1</i>			<i>1</i>		
<i>Pakistan</i>		<i>1</i>						

²⁸ For example: participation rates/unemployment rates of applicants for international protection.

<i>Russia</i>		<i>1</i>		<i>1</i>				
<i>Somali</i>		<i>1</i>						
<i>Tajikistan</i>		<i>12</i>						
<i>Uzbekistan</i>			<i>1</i>					
Total:		21	5	1	-	4	2	-
Total	34							

Number of foreigners who in 2021 requested to indicate in a foreigner's registration certificate their right to take up employment in the Republic of Lithuania during the examination of their application for asylum, by citizenship

<i>Citizenship</i>	<i>Number</i>
<i>Afghanistan</i>	<i>1</i>
<i>Azerbaijan</i>	<i>2</i>
<i>Tajikistan</i>	<i>2</i>
<i>South Sudan</i>	<i>1</i>
<i>Iraq</i>	<i>1</i>
<i>Russia</i>	<i>5</i>
<i>Belarus</i>	<i>37</i>
<i>Türkiye</i>	<i>3</i>
<i>Nigeria</i>	<i>1</i>
Total	53

In January-June 2022, 67 persons were issued with a foreigner's registration certificate with the right to take up employment.

Please note that the above statistics only show those who have acquired the right to take up employment. No data are collected on the number of asylum applicants who have actually exercised their right to take up employment and have taken up employment. Taking into account the labor market situation in 2020 due to the COVID-19 pandemic restrictions, we can assume that this had a negative impact on the ability of asylum applicants to independently find and take up employment even if they had the right to take up employment.

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

Although NGOs working in the field of human rights and the Office of the United Nations High Commissioner for Refugees in Lithuania have long been raising the issue of the right of asylum applicants to take up employment and have called for the transposition into national law of provisions of Article 15(1) of the Directive of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, the provision granting this right was introduced in the Law on the Legal Status of Foreigners only at the end of 2019. The main reason for the delay in granting to asylum applicants the right to take up employment has been the potential threat of abuse of the asylum system, given that Lithuania is a country that guards the external borders of the European Union. Moreover, since the number of asylum applicants until 2021 was not very large (a considerable share of them – about 40% – were children under the age of 14) and asylum applicants often used Lithuania as a transit country to other EU countries, the

issue of the integration of asylum applicants into the labor market in Lithuania did not receive much support and interest from either politicians or employers. In 2019, during a discussion of the draft amendment to the Law on the Legal Status of Foreigners, there was a debate regarding the length of the period after which asylum applicants would acquire the right to take up employment in Lithuania – whether it should be 3, 6 or 9 months. The decision to allow asylum applicants to take up employment in certain cases was eventually passed and, as of 1 January 2020, an asylum applicant is allowed to exercise this right if the Migration Department does not examine their asylum case within 6 months through no fault of the asylum applicant.

In 2021, Lithuania's asylum system was severely affected by an unprecedented and unpredictable situation, when a disproportionately large number of asylum applicants entered Lithuania via Belarus within a relatively short period of time. The influx of irregular migrants sparked further debate and necessitated the adoption of measures to tackle the migration crisis, ensure national security and protect the external borders of the European Union, as well as to address the situation of migrants who have illegally crossed the border, turning into a political instrument used by the Belarusian regime. As a result of the massive influx of foreigners, the Government of the Republic of Lithuania declared a country-wide extreme situation on 2 July 2021 and the Seimas of the Republic of Lithuania introduced a state of emergency on 9 November 2021. Subsequently, in order to ensure fast and smooth asylum procedures, the Ministry of the Interior drafted, and the Seimas passed amendments to the Law on the Legal Status of Foreigners allowing for a different regulation of asylum seekers during the period of martial law, a state of emergency, and an extreme situation due to a massive influx of foreigners.

*In June 2022, the Seimas passed amendments to the Law on the Legal Status of Foreigners related to the right of asylum applicants to take up employment **during martial law, a state of emergency, and an extreme situation** due to a mass influx of foreigners. The amendments regulate the right of such persons to take up employment or to engage in self-employment activities **after 12 months from the registration of a foreigner in the Lithuanian Migration Information System**. Asylum applicants entering the country during martial law, a state of emergency, as well as during an extreme situation due to a mass influx of foreigners must obtain a foreigner's registration certificate with the right to take up employment issued by the Migration Department. These and related decisions were taken in view of the rapid increase in the number of irregular migrants crossing the Belarusian border in 2021 and with a view to enabling asylum applicants to become self-supporting, without creating conditions that could encourage migrants to abuse the asylum system. Please note that while debates on these legislative changes were held and the law was passed by the Parliament in the first half of 2022, the amendments entered into force as late as on 1 August 2022. Therefore, the present study assesses the integration of asylum applicants into the labor market prior to these changes.*

Section 2: Integration policies in the EMN Member States and Observer Countries

This part of the study describes the Member State's organisational approach towards labour-market integration policy and analyses how applicants of international protection are addressed in national labour market integration policies for third-country nationals.

Q5. Does your state have a specific policy/ strategy to support the labour market integration of third-country nationals? Yes/No^{29 30}

²⁹ Please note that measures aimed at supporting labour market integration of applicants are discussed in section 4.

³⁰ Please note that regional/local level strategies/policies should be reported only if national is not available.

There is no specific policy to support the labor market integration of third-country nationals as such. Foreigners who have residence permits in Lithuania benefit from the same labor market integration measures as Lithuanian citizens.

- a. if yes, does it encompass applicants of international protection? Yes/No
 - i. if yes, please provide a brief outline of the strategy / policy in place in your country to integrate applicants of international protection into the labour market.

No

- ii. if no, please answer question 5b below
- b. if no, how is the labour market integration of applicants for international protection addressed? Is there a mainstreaming labour market integration approach applicable? Yes/No

No

- i. if no, please provide a reason, if available, and describe briefly how international protection applicants are treated in practice with regard to labour market integration.

*Although, as of 1 January 2020, asylum applicants have the right to take up employment in Lithuania if the Migration Department does not take an asylum decision within 6 months, they do not have the possibility to register with the Employment Service and to receive its services and participate in programs supporting labor market integration. This is so because, according to the legislation currently in force, **third-country nationals can only register with the Employment Service if they have a residence permit in Lithuania.***

Asylum applicants who come from culturally different countries and have not acquired sufficient Lithuanian language skills need assistance in finding employment, translation/interpretation services for job interviews, translating and signing employment contracts, as well as assistance at the workplace. Translators/interpreters are also needed for employment disputes and various business matters. Insufficient language skills, gender and ethnic stereotypes, lack of education and/or qualifications, possessing low-demand professions, the non-recognition of foreign diplomas and qualifications in Lithuania are the main barriers to employment for asylum applicants, which are addressed by referring for help to non-governmental organizations. Currently, assistance is provided by translators/interpreters, lawyers, employment counsellors and Lithuanian language teachers of NGOs, the Refugee Reception Centre, either on a voluntary basis or funded by the AMIF.

- Q6. Have there been any major changes in the strategy/policy to support the labour market integration of third-country nationals within the temporal scope of the study (January 2017 – June 2022)? Yes/No

Yes

- a. If yes, please explain briefly the content, including what was the driver and objective for these changes?

In order to implement the provisions of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), the amendments to the Law on the Legal Status of Foreigners, which entered into force on 1 January 2020, provide asylum applicants with the opportunity to take up employment in Lithuania if the Migration Department has not taken an asylum decision within 6 months from the lodging of an application for asylum through no fault of an asylum applicant.

In order to facilitate the integration of third-country nationals into the labor market, the amendments to the Law on Employment, which entered into force on 1 June 2022, enable the Employment Service to finance state language training for foreigners (lawfully residing in Lithuania) (not applicable to asylum applicants).

The same amendments stipulate that the Employment Service will provide mediation services to asylum applicants who have the right to take up employment and intend to take up employment in the Republic of Lithuania under an employment contract, thus facilitating their access to the labor market.

In June 2022, following the increase in the number of asylum applicants and in view of the financial burden on the State to maintain a large number of asylum applicants, the Seimas amended the Law on the Legal Status of Foreigners and introduced provisions related to the right of asylum applicants to take up employment during martial law, a state of emergency and an extreme situation declared due to a mass influx of foreigners. [Article 140¹³ of the Law](#) grants such persons the right to take up employment or to engage in self-employment activities after 12 months from the registration of a foreigner in the Lithuanian Migration Information System, if this right has not been acquired after the lapse of 6 months in cases when the Migration Department has not examined the asylum case through no fault of an asylum applicant. Asylum applicants entering during martial law, a state of emergency, as well as an extreme situation declared due to a mass influx of foreigners must obtain a foreigner's registration certificate with the right to take up employment issued by the Migration Department. Moreover, as of 1 August 2022, when these amendments entered into force, an asylum applicant who has acquired the right to take up employment has the possibility to engage in self-employment activities and to benefit from information, counselling and employment mediation services provided by the Employment Service, as well as to participate in the qualification acquisition or improvement and labor market integration support programs run by international organizations and NGOs which help to prepare to enter the labor market.

- Q7. Are specific governance structures in place to support the labour market integration of international protection applicants? If yes, please provide an organigram or overview of the institutional framework for developing and implementing relevant strategy/policies/measures on the labour market integration of applicants for international protection.
- describe the key stakeholders and their role (government departments, public authorities, trade unions, employers' associations, NGOs, others?)
 - indicate the responsibilities of the different key actors, noting whether their role is specific to international protection applicants or more general.

Include national / regional /local structures where relevant.

No

Section 3: Accessing the labour market (employment and self-employment)

This part of the study describes how applicants of international protection can access the Member States' and Observer Countries' labour markets as well as enter self-employment.

Section 3.1. Procedures for accessing the labour market

- Q8. Please describe the procedure required to enter the labour market/self-employment for an applicant for international protection in your state.

- a. Does your state regulate differently access to employment or self-employment?
- b. Please provide in your response an overview of the applicable legal framework and make a clear distinction between what is prescribed in laws, policy documents and practice.

The right to take up employment is regulated by the Law on the Legal Status of Foreigners. As of 1 January 2020, asylum applicants have the possibility to take up employment in Lithuania if the Migration Department, through no fault of an asylum applicant, has not taken a decision on the granting of asylum within 6 months from the lodging of an application for asylum. As of 1 August 2022, asylum applicants who have the right to take up employment are also allowed to engage in self-employment activities. Under normal circumstances (i.e., when a martial law, a state of emergency or an extreme situation due to a massive influx of foreigners has not been declared), there is no procedure for entering the labor market – asylum seekers simply need to apply to the Migration Department to have their foreigner registration certificate replaced in order to indicate in it that they have the right to work.

*Following the entry into force on 1 January 2022 of the amendments to the Labor Code, which stipulate that wages and other benefits related to the employment relationship must only be paid by a bank transfer to a payment account indicated by an employee, asylum applicants have faced a new challenge of receiving wages. Not all asylum applicants were able to open bank accounts, as the Law on the Prevention of Money Laundering and Terrorist Financing stipulates that when identifying a customer that is a natural person, financial institutions require the customer that is a natural person to produce an identity document of the Republic of Lithuania or a foreign state or a residence permit in the Republic of Lithuania. Asylum applicants are not always in possession of identity documents, and a foreigner's registration certificate issued to them is not considered to be an identity document. Therefore, in the spring of 2022, amendments to the Labor Code and the Law on the Legal Status of Foreigners were initiated, stipulating that an **asylum applicant** who has acquired the right to take up employment and **who, for objective reasons, does not have a payment account may be paid wages and other benefits related to the employment relationship, as well as per diem allowances and reimbursement of business travel expenses in cash.***

*Moreover, in order to facilitate access to the labor market for asylum applicants who have the right to take up employment and intend to take up employment in Lithuania under an employment contract and to implement the provisions of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), an amendment to the Law on Employment was passed on 1 June 2022 stipulating that the **Employment Service provides employment mediation services** to asylum applicants.*

*Although **there are no restrictions on the type of employment** asylum applicants can engage in, asylum applicants usually speak only their mother tongue and do not speak Lithuanian and other languages in which they can communicate fluently, which limits their employment opportunities. Insufficient language skills, lack of education and/or qualifications, low-demand professions, the non-recognition of foreign diplomas and qualifications in Lithuania are the most important **barriers to employment** for asylum applicants.*

Section 3.1.1. Employment (If the access is regulated differently for employment and self-employment)

Q9. What is the minimum period from lodging an application for international protection after which an applicant has access to the labour market?³¹

The Law on the Legal Status of Foreigners stipulates that an asylum applicant acquires the right to take up employment if the Migration Department has not taken an asylum decision within 6 months from the lodging of the application for asylum through no fault of the asylum applicant. Having acquired the right to take up employment, the asylum applicant submits to the Migration Department an application requesting to indicate this right in a foreigner's registration certificate. Having received the request, the Migration Department issues/renews the foreigner's registration certificate within 10 days for a period of 6 months and indicates in it that the asylum applicant or an irregular migrant has the right to take up employment.

Q10. Please describe the reasoning related to the minimum period of accessing the labour market and conditions of access to the labour market/self-employment.

The period of accessing the labor market is set by law. According to Article 81 of the Law on the Legal Status of Foreigners, an application for asylum must be examined as to substance as soon as possible but not later than within 6 months from the lodging of the application for asylum. The time limit for the examination of the application is also linked to the right to take up employment guaranteed under Article 71(1)(10) of the Law on the Legal Status of Foreigners, which the asylum applicant acquires if, through no fault of his own, the Migration Department does not take an asylum decision within 6 months from the lodging of the application for asylum. In order for this right to be activated, the asylum applicant or a state institution or a facility in which the asylum applicant is accommodated must submit to the Migration Department, in writing or through MIGRIS (Migration Information System), an application for the renewal of a foreigner's certificate, requesting to indicate in the certificate the right to take up employment. There are no additional conditions or requirements for taking up employment.

Q11. Is the right to access the labour market automatic after a specified period?
Yes/No

Yes

Q12. What kind of documents are necessary in order to access the labour market?³²

If an asylum applicant has acquired the right to take up employment and wishes to exercise this right, he himself or a state institution or a facility in which he is accommodated requests this right to be indicated in a foreigner's registration certificate. The Migration Department, having ascertained that the asylum applicant has acquired the right to take up employment, issues/renews the foreigner's

³¹ According to the Reception Conditions Directive Recast (2013/33/EU) article 15(1) Member States shall ensure that applicants have access to the labour market no later than 9 months from the date when the application for international protection was lodged if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

³² According to Reception Conditions Directive Recast (2013/33/EU) article 6, Member States shall ensure applicants have a document that proves they are applicant.

registration certificate for a period of 6 months indicating in it that the asylum applicant has the right to take up employment.

Q13. Is a work permit or another type of administrative application/decision necessary for accessing the labour market? Yes/No

Yes. While a work permit is not required, the right to take up employment must be indicated in a foreigner's registration certificate issued to an asylum applicant. Point 4 of Article 64 of the Law on the Legal Status of Foreigners stipulates that a foreigner's employment is considered illegal or his engagement in other activities in the Republic of Lithuania is considered unlawful, regardless of whether it is remunerated or not, if he is an asylum applicant who takes up employment without a foreigner's registration certificate attesting to his right to take up employment and/or without a contract of employment.

a. if yes, please specify:

i. who is required to submit the application, the applicant/employer/jointly by both?

An application for the renewal of a foreigner's registration certificate requesting to indicate in it that an asylum applicant has the right to take up employment must be submitted by the asylum applicant or by a facility in which the asylum applicant is accommodated.

ii. which authority is responsible for granting access to the labour market?

The right to take up employment is acquired automatically. The Migration Department is responsible for renewing a foreigner's registration certificate by indicating in it the right to take up employment.

iii. what are the criteria for obtaining the work permit?

A work permit is not required. In order to take a decision on indicating in a foreigner's registration certificate the right to take up employment, the Migration Department assesses whether there is any fault of an asylum applicant that a decision on the granting of asylum has not been taken within 6 months from the lodging of an application for asylum.

iv. what is the average duration of the procedure to grant access to the labour market? If applicable, please also add any official time limits according to law/policy.

The Law on the Legal Status of Foreigners stipulates as follows:

- *the Migration Department issues a foreigner's registration certificate to an asylum applicant within 3 days from the lodging of an application for asylum;*
- *the foreigner's registration certificate is issued or renewed for a period of 6 months and is valid until the expiry of the time limit laid down in it, but not longer than the period during which the asylum applicant has the right to remain on the territory of the Republic of Lithuania.*

Order No IV-131 of the Minister of the Interior of 24 February 2016 [on Approval of the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania](#) stipulates that an asylum applicant or a state institution or a facility in which the asylum applicant is accommodated submits to the Migration Department an application for the renewal of a certificate and, if the asylum

applicant has acquired the right to take up employment and wishes to exercise it, requests to indicate this right in the certificate. The Migration Department, having ascertained that the asylum applicant has acquired the right to take up employment, issues the foreigner's registration certificate with the right to take up employment indicated in it.

The issue of a foreigner's registration certificate with the right to take up employment usually takes between 10 and 20 days.

Section 3.1.2. Self-employment (if the access is regulated differently for employment and self-employment)

Q14. Is self-employment of international protection applicants permitted in your state? Yes/No

a. if yes:

- i. what is the minimum period from lodging an international protection application after which an applicant has access to self-employment?
- ii. which authority is responsible for granting access to self-employment?

During the period under study, no.

Section 3.2. Conditions and limitations in accessing the labour market

Please provide a reference to the legal base (where relevant, linking it to what is described in Q8, if applicable, and make a clear distinction between what is prescribed in laws, policy guidance and practice).

Q15. If applicable, please describe the period of validity and conditions of the authorisation to access the labour market/self-employment.

Not applicable during the period under study.

Q16. Is the authorisation limited to certain employment sectors or occupations? In other words, are applicants for international protection excluded from some labour market sectors or from certain occupations? Yes/No.

If yes, from which ones?

No. There are no restrictions imposed on asylum applicants under national law. They can take up employment in all sectors and perform a wide range of job functions provided, of course, that they meet the eligibility requirements for a vacant position as set by the employer. Asylum applicants wishing to take up employment in a regulated profession would have to meet certain requirements to work in that profession (e.g., obtain recognition of their professional qualifications).

Q17. Is employment restricted to a single employer?

During the period under study, no.

Q18. If applicable, please describe the conditions and procedures of the renewal of the authorisation to access the labour market. Are they the same for all employment sectors and occupations?

Not applicable during the period under study.

- Q19. Does your Member State give priority to EU and EEA citizens (Art. 15/2 clause 2 of the Reception Conditions Directive Recast (2013/33/EU)) and to other legally resident third-country nationals in accessing the labour market? Yes/No
- a. if yes, please specify how priority is given in law/policy and in practice (labour market test, minimum share of employment by EU/EEA nationals, occupations lists etc.)?

No.

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

There are no limitations relating exclusively to asylum applicants. However, they are likely not to meet some of the requirements that apply to anyone who intends to take up employment in Lithuania. For example, lack of knowledge of the state language may prevent them from applying for certain positions, as the requirements concerning the Lithuanian language are laid down in the Law on the State Language and in Resolution No. 1688 of the Government of 24 December 2003 on the Establishment of State Language Proficiency Categories and the Approval of the Procedure of Their Application. Moreover, the Law on the Civil Service provides that only a citizen of the Republic of Lithuania is entitled to become a civil servant.

Section 4: Support measures to enhance labour market integration and self-employment

This part of the study looks at examples of labour market integration measures targeting applicants of international protection.

Please indicate (where applicable) in the table below the main policy or legislative measures,³³ and their rationale and aims, that make up your policy / strategy (according to answer to Q5 above) to support the labour market integration/self-employment of applicants for international protection, by integration area. Please focus on measures that specifically aim at facilitating labour market access for the international protection applicants.

³³ Please make sure legislative and policy actions are distinguished from each other.

Area/component	Overview of the main measures Please describe the rationale, scope and aim under each area.	Stakeholders Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	Target group Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
1. Language acquisition	<i>Projects of the Asylum, Migration and Integration Fund aimed at Lithuanian language acquisition</i>	<i>Projects implemented by the Vilnius Archdiocese Caritas, the Lithuanian Red Cross Society, the Refugee Reception Centre</i>	<i>Measure addresses the integration of third-country nationals</i>
2. Vocational education and training (including reskilling schemes)			-
3. Civic integration courses			-
4. Support for recognition of diplomas, certificates and other evidence of formal qualifications including those formal qualifications that cannot be documented (lost or destroyed in the context of existing procedures for recognition of foreign qualifications) Please note in the overview column if the procedure is a general one or specific to international protection applicants.			-
5. Skill assessments to validate prior (non-accredited) learning and experience			-
6. Information and counselling (labour market orientation, tailored advice, other)	<i>Projects of the Asylum, Migration and Integration Fund aimed at providing</i>	<i>Projects implemented by the Vilnius Archdiocese Caritas, the</i>	<i>Measure addresses the integration of third-country nationals</i>

Area/component	Overview of the main measures Please describe the rationale, scope and aim under each area.	Stakeholders Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	Target group Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
	<i>integration services to third-country nationals</i>	<i>Lithuanian Red Cross Society, the Refugee Reception Centre</i>	
7. Incentive measures for employers (e.g. tax reductions, labour matching services, recruitment support)			-
8. Support for self-employment (for example preferential taxation and social security contributions, administrative support with establishing a company etc., business plan development, other). Please note in the overview column if the support differs from the regular support to self-employment available to national population, EU citizens or other third-country nationals.			-
9. Indirect support (e.g. childcare, transport)	<i>Projects of the Asylum, Migration and Integration Fund aimed at providing integration services to third-country nationals</i>	<i>Projects implemented by the Vilnius Archdiocese Caritas, the Lithuanian Red Cross Society, the Refugee Reception Centre</i>	<i>Measure addresses the integration of third-country nationals</i>

Section 5: Good practices and challenges

What integration support programmes, projects, legislative or other practical initiatives are available that specifically facilitate effective access to the labour market for applicants of international protection and have been identified by experts as a “good practice” in accordance with the definition provided in paragraph 3 “Scope of the study”? Please provide up to three examples (see the templates below and please adjust accordingly).

There were no examples of integration support programs, projects, legislative or other practical initiatives in Lithuania that were available specifically for applicants for international protection and that were identified by experts as a “good practice”.

Q20. Are there any specific protocols, synergies between agencies/institutions to support labour market integration of international protection applicants that have been identified as good practices?

No

Q21. What kind of challenges have been identified in your country when it comes to access to the labour market by applicants for international protection? Please provide a distinction³⁴ between legislative challenges and challenges in practice and specify how those challenges have been identified.

*Although asylum applicants have the possibility to take up employment in the Republic of Lithuania if the Migration Department has not taken a decision on the granting of asylum within 6 months, they **do not have the possibility to register with the Employment Service and to receive its services** (except for the possibility to receive its mediation services, which was formalized in 2022), because according to the legislation currently in force, foreigners can only register with the Employment Service and participate in the labor market integration programs run by it if they have a residence permit in the Republic of Lithuania. Moreover, according to the legislation in force during the period under study, asylum applicants were not entitled to engage in self-employment activities.*

The results of an [anonymous survey](#) conducted under the international project on the National Integration Evaluation Mechanism show that the most frequent challenges to integration into the labor market faced by the respondents were the lack of the Lithuanian language skills (50%) and prejudiced attitudes of the society (42%). Surveys of third-country nationals conducted under the project on Enhancing the Competence of Municipalities in Providing Services to Third-Country Nationals, implemented with funds of the National Program 2014-2020 of the Asylum, Migration and Integration Fund, also showed that one of the reasons for the unemployment or lower-skilled employment was the Lithuanian language barrier and the reluctance of employers to employ migrants (especially, the more vulnerable groups, as well as people belonging to other cultures, religions, races). More vulnerable third-country nationals (e.g., asylum applicants) often take up lower-skilled employment compared to employment in their country of origin. The research conducted under the project Enhancing the Competence of Municipalities in Providing Services to Third-Country Nationals also identified the challenge of access to information and services in search for employment. The majority of the survey participants claimed that they found employment on their

³⁴ Where applicable

own (most often by searching for it on the Internet or in social networks) or through social contacts in Lithuania (family members, other relatives, friends and acquaintances). Non-governmental organizations implementing integration programs for third-country nationals played an important role in searching for employment opportunities, especially for some migrant groups. Please note that during the above-mentioned surveys, interviews were conducted with persons who have been granted asylum (no similar surveys have been undertaken with asylum applicants in Lithuania). Nevertheless, it is reasonable to assume that the insights of these surveys are applicable to the situation of asylum applicants as well.

Asylum applicants from far-away countries who have not learned the Lithuanian language sufficiently need assistance in finding employment, translation/interpretation services for job interviews, translating and signing employment contracts, as well as assistance at the workplace. Translators/interpreters are also needed for employment disputes and various business matters. Currently, assistance is provided by translators/interpreters, lawyers, employment counsellors and Lithuanian language teachers of NGOs, the Refugee Reception Centre, either on a voluntary basis or funded by the Asylum, Migration and Integration Fund.

Section 6: Conclusions

This part of the study compiles the main findings from sections 1-5.

Q22. Please synthesise the findings of your national report by drawing conclusions from your responses:

- a) What are the main trends with regard to the situation of international protection applicants in the context of labour market integration and what are the main debates regarding their labour market integration identified in your country (Section 1)?

Please describe.

Although human rights NGOs and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Lithuania have long been raising the issue of granting to asylum applicants the right to take up employment, the provisions granting this right were only introduced in the law at the end of 2019. The main reason for the delay in granting to asylum applicants the right to take up employment has been the perceived threat of abuse of the asylum system, given that Lithuania is a country that guards the external borders of the European Union.

Following the entry into force in 2020 of the legislative amendments granting to asylum applicants the right to take up employment, not all those who were granted the right were able to exercise it due to the crisis caused by the COVID-19 pandemic and the restrictions that were imposed.

Asylum applicants who acquired the right to take up employment were not allowed to engage in self-employment activities during the period under study (until 1 August 2022).

*Until 30 June 2022, **no information was collected in Lithuania on the number of asylum applicants who took up employment** and, therefore, it is not possible to assess the percentage of asylum applicants who have successfully exercised their right to take up employment. Insufficient language skills, lack of education and/or qualifications, low-demand professions, non-recognition of foreign diplomas and qualifications in Lithuania are the **most important barriers to employment for asylum applicants**.*

In Lithuania, labor market integration measures are available to only those foreigners who have a residence permit in Lithuania. Therefore, during the period under analysis, asylum applicants did not have the possibility to benefit from the services provided by the Employment Service and labor market integration support programs. Only after 1 August 2022, following the entry into force of legislative amendments, asylum applicants who have acquired the right to take up employment will

have the possibility to engage in self-employment activities and will be able to benefit from information, counselling and employment mediation services provided by the Employment Service. They will also be able to participate in the qualification acquisition or improvement and labor market integration support programs run by international and non-governmental organizations, which help to prepare to access the labor market.

*In 2021, amendments to the Law on the Legal Status of Foreigners were passed as a result of the increase in the number of asylum applicants. The amendments provide that, during a martial law, a state of emergency and an extreme situation declared due to a mass influx of foreigners, asylum applicants have the right to take up employment or to engage in self-employment activities after 12 months from their registration in the Lithuanian Migration Information System. **Asylum applicants entering the country during martial law, a state of emergency or an emergency declared due to a mass influx of foreigners must obtain a foreigner's registration certificate with the right to take up employment issued by the Migration Department.***

The AMIF projects implemented by the Lithuanian Red Cross Society and the Refugees' Reception Centre will give asylum applicants the possibility to receive mentoring services (assessment of personal capacities and needs, assistance in career planning, business plan, escort services, assistance in establishing work or business contacts, assistance at the workplace, business environment, career counselling); expert services (business plan drafting, individual business and career planning counselling); vocational training, courses (to acquire or to improve qualifications and existing competences needed in the modern labor market); additional Lithuanian language training at a foreigner's workplace; translation and interpretation services (translator's and interpreter's services in communication with a mentor, in job interviews, at the workplace, etc.); reimbursement of costs of childcare or employment activities (reimbursement of babysitting or kindergarten costs for parents while undergoing vocational training, preparing to take up employment, engaging in self-employment activities or setting up a business). These changes are expected to help asylum applicants access the labor market more quickly and successfully in the future.

- b) If at all and to what extent are international protection applicants specifically addressed in national integration policies with regard labour market integration (Section 2)? What are the key characteristics of the national integration policies for promoting labour market participation for the applicants of international protection (Section 2) and how is the access to employment and self-employment for applicants of international protection regulated/supported (Section 3)

Please describe.

Until 2021, the number of asylum applicants was small. Moreover, asylum applicants often choose Lithuania as a transit country to other EU countries rather than as their destination country. This is evidenced by the large number of requests from other countries to the Republic of Lithuania to take over the examination of applications for asylum under the Dublin III Regulation (390 in 2021, 575 in 2020, 995 in 2019, 1,140 in 2018 and 2,144 in 2017). Therefore, the issues raised by NGOs and international organizations regarding the integration of asylum applicants into the labor market in Lithuania did not previously receive much support and interest from either politicians or employers.

Asylum applicants are not under restrictions or obligations to meet specific requirements when taking up employment and they do not need to obtain a work permit. However, they also do not have the possibility to register with the Employment Service and benefit from its services, or to take part in programs that support labor market integration.

Currently, labor market integration services are provided by translators/interpreters, lawyers, employment counsellors and Lithuanian language teachers of NGOs, the Refugees' Reception Centre, either on a voluntary basis or funded by the AMIF.

- c) To what extent are targeted measures to support labour market participation available in your country, specifically addressing applicants for international protection (Section 4) and what has been identified as challenges as well as good practice in this area (Section 5)?

Please describe.

In 2020-2021, descriptions of project financing conditions for projects aiming at the integration of third-country nationals under the Asylum, Migration and Integration Fund Program were revised to include new measures or a new target group (asylum applicants), thus providing the possibility to participate in the integration activities undertaken by non-governmental organizations and the Refugees' Reception Centre (language courses, employment counselling, translation/interpretation services, etc.). This is expected to support the labor market participation of asylum applicants.

Annex: Eurostat statistics

Eurostat Data for each EU Member State will be extracted centrally by the Service Provider and an Excel-Sheet prepared for each country and shared with the NCPs.

The Statistical Annex consists of the following:

Annex 1.1: Eurostat data asylum and first time asylum applicants
[\[MIGR_ASYAPPCTZA\]](#)