

**The integration of applicants
for international protection
in the labour market**



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COMMON TEMPLATE

THE CONTRIBUTION OF THE CZECH REPUBLIC

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**COMMON
TEMPLATE**



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

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

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.

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.

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 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

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- 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 19 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 23 January 2015. Compilation produced on 3 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 25 October 2010. Compilation produced on 10 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.

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

⁸ **The European Migration Network (EMN)** is a Europe-wide network providing information on migration and asylum. The EMN consists of National Contact Points (NCPs) in the EMN Member (EU Member States except Denmark) and Observer Countries (NO, GE, MD, UA, ME, AM, RS), the European Commission and the EMN Service Provider (ICF). 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.

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, 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;

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 4 August 2022.

- ▶ 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 to access to the labour market to the applicants of international protection since 2013, differences in the approach to granting access persist across the EU.¹⁷

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.

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).

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.

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.emnetherlands.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.emnetherlands.nl/sites/default/files/2019-09/2019%205%20Right%20to%20work%20for%20asylum%20seekers.pdf>.

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.

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

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.

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 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.

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.

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:

- ▶ 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.

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>.

- ▶ 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?

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 \(europa.eu\)](#).

²⁵ European Commission, EU Anti-racism Action Plan 2020-2025, [EU Anti-racism Action Plan 2020-2025 | European Commission \(europa.eu\)](#), last accessed on 4 August 2022.

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
- ▶ 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 19 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 23 January 2015. Compilation

produced on 3 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 10 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

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

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 4 August 2022.

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)
- ▶ 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)

A stylized map of Europe is shown in shades of green. The Czech Republic is highlighted in a darker green, while the rest of the map is a lighter green. The map is centered on the page.

NATIONAL CONTRIBUTION OF THE CZECH REPUBLIC



INTRODUCTION

The direction of integration policy of the Czech Republic is detailed in the Migration Policy Strategy of the Czech Republic. A key document in this regard is the Policy for the Integration of Foreign Nationals in the Czech Republic. A Procedure for Implementation of the Policy for the Integration of Foreign Nationals is submitted annually to the government, containing measures adopted by the relevant departments responsible for implementation of integration policy over the course of the given year to aid successful integration of foreign nationals in the Czech Republic. Both documents also concern integration in the labour market.

Employment of foreigners is addressed by the Act No. 435/2004 Coll., on Employment, Act No. 455/1991 Coll., on Licensed Trade, and, in terms of residence permits related to employment, Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic. Asylum procedure is outlined by Act No. 325/1999 Coll., on Asylum.

Since 2017, Czech Republic has recorded on average around 1,300 applications for international protection every year. As these numbers are significantly lower than in most EU countries, there is limited demand for labour market measures targeted specifically at international protection applicants. Applicants for international protection can access the labour market after six months from submitting their application. Their employment is only possible with a work permit issued by the Labour Office for a specific job.

The integration policy of the Czech Republic targets third country nationals legally residing in the territory. It is preferable to start the integration process of an international protection applicant only after they have been granted international protection. Every year, international protection is granted to approx. 150 individuals.²⁷ These persons have the same access to the labour market as Czech nationals. They can also take part in the State Integration Programme which helps them to become a part of the society.

As of 30 June 2022, the regional branch offices of the Labour Office of the Czech Republic registered a total of 767,515 foreign workers in the positions of employees.

²⁷ However, in 2021, in relation to the situation in Afghanistan, over 300 persons were granted international protection. So far, 2022 continues in this trend as up until June 2022, international protection was granted to more individuals than in the years 2017-2020.



SECTION 1

Integration of applicants for international protection – data and debates

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.

Compared to most EU countries, significantly lower numbers of persons apply for the international protection in the Czech Republic.

In a long-term view, citizens of Ukraine are the most numerous group between applicants for international protection. Except in the year 2019 (where there was an influx of Armenian citizens applying in the transit airport area) they have always been in the first place. Nevertheless, their applications were often submitted after their visas or long-term residence permits expired and applying for international protection was a way how to legalise their stay.

Between 2017 and 2022, the numbers of applicants were as follows:

	2017	2018	2019	2020	2021	2022
Number of applications	1 220	1 460	1 675	1 040	1 230	1 694

Source: Eurostat

In 2017 there was a higher proportion of applicants from Armenia, Georgia and Azerbaijan. In the case of Armenia there was a 115 % yearly increase. It was a start of a higher influx of nationals of Armenia submitting their applications in the transit airport area when the highest numbers were recorded in 2019 (372). In 2018 the same modus operandi appeared with the nationals of Cuba who applied in the transit airport area after their flights from Russia with transit in Prague and were on the third place of main countries of origin (154). In 2020 there was an increase in the numbers of applications from Belarus nationals (65, +242 %) who made it for the first time into TOP 10 main countries of origin. The increase in the

number of requests from citizens of this country occurred as a result of the MEDEVAC Permanent Medical Humanitarian Program, which provided assistance to Belarusian citizens persecuted by the Belarusian state after the August anti-government demonstrations.

Due to the evacuation of Afghanistan there was a sharp increase in the number of applicants from Afghanistan in 2021 (a total of 151 applied for international protection).

In 2022 the main trend that is recorded this year is:

- 1)** The decrease in the number of applications submitted by Ukrainian nationals who rather apply for temporary protection. So far they submitted 170 first time applications.
- 2)** The increase in the number of applications submitted by Russian nationals. In 2021 there were only 15 applications by Russian nationals, in 2022 until June there were 70 such applications submitted.
- 3)** The increase in the number of applications submitted by citizens of Turkey, in 2021 there were 45 applications submitted and this number was already surpassed in June 2022 (50). This increase is related to high numbers of transit irregular migrant apprehensions which were observed in 2022.

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.

Yes, data on employed international protection applicants who hold a work permit is collected. However, overviews using this data are not generated regularly. They are only created upon request.

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

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

International protection applicants who are employed in the Czech Republic with a work permit:

Year	Employed individuals
31. 12. 2017	103
31. 12. 2018	136
31. 12. 2019	167
31. 12. 2020	161
31. 12. 2021	160
31. 12. 2022	152

Year/employed individuals (according to Article (97) (e) of Act No. 435/2004 Coll. on employment)
Source: Ministry of Labour and Social Affairs of the Czech Republic.

Data on the number of denied work permit applications is not monitored.

As of 30 June 2022, the regional branch offices of the Labour Office of the Czech Republic registered a total of 767,515 foreign workers in the positions of employees.

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)?

Previously, within the legislative procedure of transposing the Directive 2013/33/EU on standards for the reception of applicants for international protection into Czech law there was a policy debate regarding the time limit for access to the labour market. The Directive states that applicants for international protection must have access to the labour market in no more than nine months after submitting their application. In the end, the relevant stakeholders (Ministry of Labour and Social Affairs, Ministry of Interior etc.) made a compromise, i.e. six months.

Currently there is no ongoing debate on applicants for international protection and their labour market integration. They do not form a numerous group and the legal arrangement of gaining access to the labour market after 6 months from submitting their application has been in effect for a number of years.

As regards policies to support their integration, existing measures are intended only for those who are granted international protection.



SECTION 2

Integration policies in the EMN Member States and Observer Countries

Q5

Does your state have a specific policy/ strategy to support the labour market integration of third-country nationals?

Yes No

The Policy of Integration of Foreigners generally mentions the labour market and employment, i.e. citizens of third countries are supported in this matter. The priorities of the integration policy of the Czech Republic are updated every year with regards to the target group needs.

a) if yes, does it encompass applicants of international protection?

Yes No

The primary target group of integration measures are third country nationals residing in the territory of the Czech Republic on the basis of long-term or permanent residence permits. Applicants for international protection are not the target group of the Policy of Integration of Foreigners. Individuals who are granted international protection can enter the State Integration Programme which offers various measures to help them integrate in the society (e. g. housing support, language classes, legal counselling etc.).

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

Applicants for international protection are granted access to the labour market six months after submission of their application. They must first receive a work permit tied to a specific employer/job. No labour market test is necessary prior to their employment.

However, it is important to note that the primary reason for the applicant's stay in the territory of the Czech Republic is to receive a decision on the application. Only after international protection is granted is it effective to start the integration process.

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

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.

Yes

No

No, there are no such governance structures in place.

SECTION 3

Accessing the labour market (employment and 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.

For six months from the day of submitting the international protection application, the applicant does not have access to the labour market. After six months, the applicant can apply to receive a work permit at the local Labour Office. Once he/she receives it, he/she can start working legally. Work permits for international protection applicants are only issued for registered vacancies. However, no labour market test is needed. The work permit is valid for up to two years and only for the position that it was issued for. If the international protection applicant wants to change jobs, he/she must apply for a new permit.

a) Does your state regulate differently access to employment or self-employment?

Yes No

Yes, self-employment is regulated and is not possible for international protection applicants.

- 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.

Act No. 435/2004 Coll., on Employment, as amended.

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?²⁹

The minimum period is 6 months.

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.

It is a protective period with the aim to prevent third country nationals from abusing the untested access to the labour market, and to discourage foreigners from applying for international protection in order to get a job.

²⁹ 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.

(In the early 2000s, there were no restrictions on labour market access, and over 10,000 people applied for international protection in one year.)

Q11

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

Yes No

Yes, but only with a work permit.

Q12

What kind of documents are necessary in order to access the labour market?³⁰

- 1) An employment contract, an agreement to perform work or a preliminary contract in which parties agree to enter into an employment contract or an agreement to perform work within the agreed period of time.
- 2) Documents proving the professional qualification to perform the job in question. With regulated professions, documents proving fulfilment of conditions given by the law are needed; additional documents might be required depending on the character of the work or if stated by a declared international agreement whose ratification has been agreed by the Parliament and which is binding to the Czech Republic.

³⁰ According to Reception Conditions Directive Recast (2013/33/EU) article 6, Member States shall ensure applicants have a document that proves they are applicant.

Q13

Is a work permit or another type of administrative application/decision necessary for accessing the labour market?

Yes No

If yes, please specify:

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

The application can be submitted by the applicant or the employer (but only with authorisation from the applicant).

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

The Labour Office of the Czech Republic is the responsible authority.

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

See Q6, Q10.

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 time limit for the procedure is 30 days. The average time is not monitored.



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

Self-employment of international protection applicants is not permitted in the Czech Republic.

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.

The work permit is issued for up to two years; it can be extended upon request.

- 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?

Applicants for international protection are excluded from the civil service, armed forces and any other occupations which are open only to Czech nationals.

- Q17

Is employment restricted to a single employer?

Yes

No

Work permit is always issued for a specific position with a single employer.

- 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?

The validity of the work permit can be extended by the regional Labour Office. This can be done repeatedly; the permit can be extended by two years at a time. The application for the work permit extension must be submitted three months at the earliest and 30 days at the latest before the work permit expires. No labour market test is carried out prior to extending the validity of the work permit.

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

EU nationals, their family members, and family members of Czech nationals have the same legal position in regards to access to the labour market as Czech nationals.

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.)?

EU nationals have free access to the labour market, i.e. their employment does not require a work permit and no labour market test is carried out prior to it. Furthermore, EU nationals can benefit from employment services such as arranging a job and career advice. They can also be supported by one of the Active Employment Policy tools.

Q20

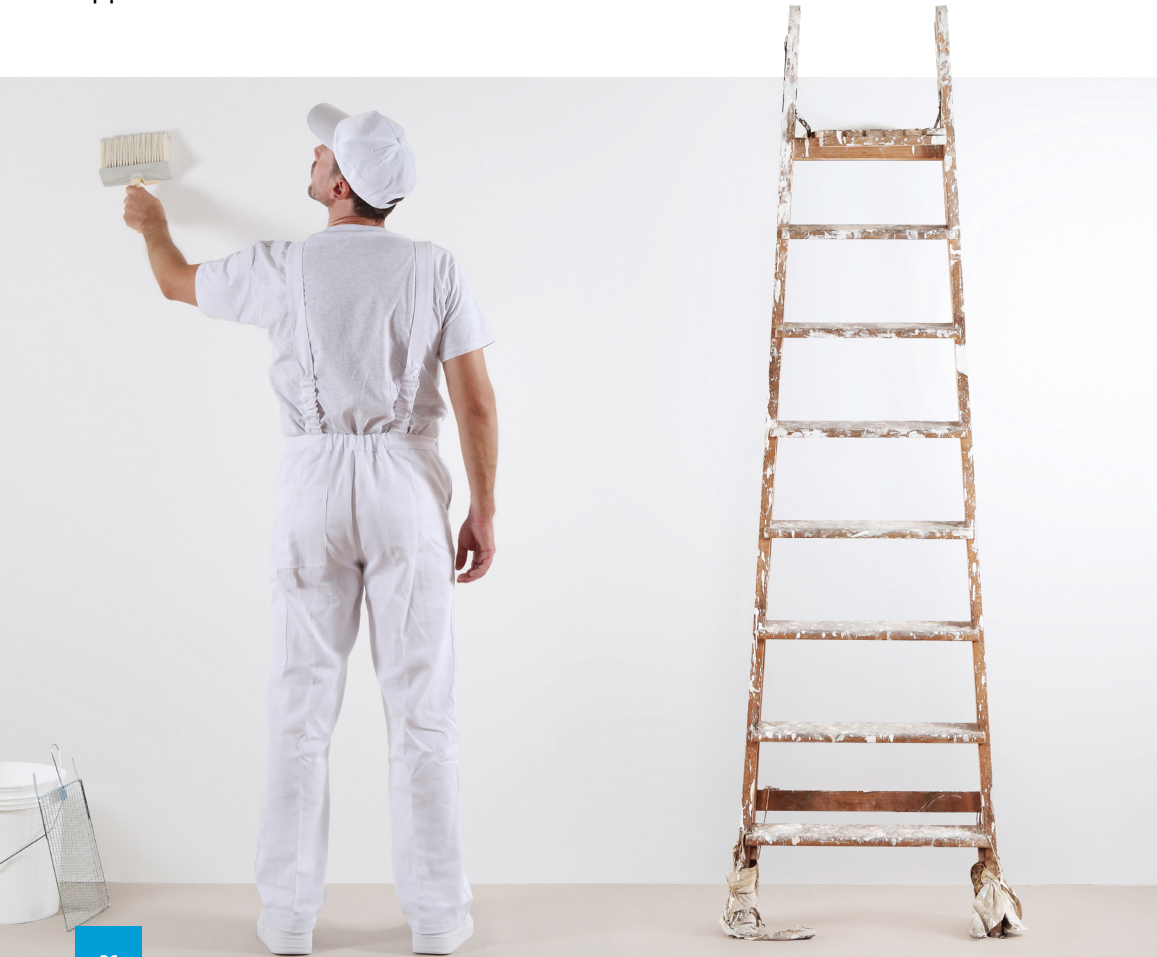
Are there any other limitations in place, either in law or in specific measures relating to applicants of international protection for accessing labour market/self-employment?

N/A

SECTION 4

Support measures to enhance labour market integration and self-employment

An international protection applicant can be registered with the Labour Office as a job seeker. He/she is eligible for help with arranging a job, career advice, and advice on retraining/career change. He/she is also eligible for retraining in order to increase his/her chances of finding a job. However, in terms of employment services, international protection applicants are not a target group defined by specific needs. There are no particular services or guidelines on working with international protection applicants.



SECTION 5

Good practices and challenges

- Q21

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”?

The Ministry of Labour and Social Affairs supports activities through EU funding. The activities are aimed at supporting economic self-sufficiency of disadvantaged groups at the labour market as well as persons with migration experience. In regards to foreigners, support is given to field social work, increasing of awareness in the labour law field, Czech language education (in regards to the labour market), services of (community) interpreters, or assistance with qualification/education recognition.

There are no specific measures targeted at applicants of international protection.

- Q22

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?

Yes

No

Q23

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 distinction³¹ between legislative challenges and challenges in practice and specify how those challenges have been identified.

N/A

³¹ Where applicable.



CONCLUSIONS

As numbers of international protection applicants who have been granted access to the labour market are very low, their potential integration into the labour market is manageable through existing policies aimed at foreigners or beneficiaries of international protection. Currently, there are no policy debates on this topic.

Czech national integration policies do not specifically address international protection applicants. State Integration Programme is primarily aimed at individuals who have been granted international protection. Czech Republic also implements integration measures in accordance with the Policy of Integration of Foreigners which relates to all foreigners legally residing in the country.

Applicants for international protection receive access to the labour market six months after submitting their application. (This is in the form of a work permit issued by the Labour Office for a specific job position.) Self-employment is conditioned by a residence permit, therefore, it is not possible for international protection applicants.

Labour market participation of international protection applicants is not specifically promoted. The policy of the Czech Republic is aimed at first determining whether the applicant is eligible for international protection. If international protection is granted, the recipient can access the labour market and use the special measures as part of the State Integration Programme to help him/her integrate into the society.



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
[\[MIGR_ASYAPPCTZA\]](#)



The content of this study

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