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ANALISYES & OPINIONS

*Sustainable and Mutually Beneficial
Labour Market Integration of Asylum Seekers*

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Key Words

Migration - Asylum seekers - Employment ban - Integration from day one - Caporalato

Abstract

This study explains the concept of employment ban, sheds light on its economic and social negative impacts on asylum seekers and finally, suggests policy proposals put forward by Berenike Jacob, Carolina Violani, Daniela Serafino, Eva Branson, Jad Hajj Chehadeh, Lilya Mahfoudh, Lucia Mazzanti, Minna Tuominen.

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Introduction

The ideas expressed in the following paper are the result of a collaborative group reflection on integration difficulties and legal obstacles asylum seekers face when trying to access the European labour market. The working group session took place during the training session of the *IntoMe Summer Training School (STS)* on [Legal and Political Challenges of Migrants' Integration in Europe](#).

During the group discussion, multiple factors influencing the integration of asylum seekers into the European labour market were identified and a paper was drafted – in the form of a *policy proposal* – focusing on potential measures to reduce the negative effect of the abovementioned obstacles. Special attention was given to the risks of exploitation and marginalisation in the labour market.

Who are asylum seekers? A preliminary definition

First of all, considering that asylum seekers are a particular category of migrants, it is necessary to clarify what is meant by the term. In the context of this paper, we understand asylum seekers as those individuals whose request for sanctuary has yet to be processed ([UNHCR](#))¹, after their request for protection is accepted by the host state, they are granted the status of refugees. Asylum seekers' integration is complex and multidimensional, referring to integration into the economic, health, educational and social contexts. Multiple factors contribute to how their integration occurs, including their experiences, their physical and mental health, and/or social support.

According to many researchers' studies, such as the survey conducted and presented during the IntoMe STS by Tommaso Frattini², one of the greatest obstacles to asylum seekers' integration into the European Labour market is the *employment bans* imposed on them by the Legislation of various EU Member States.

What is an employment ban?

The term employment ban refers to a restriction imposed by hosting States on asylum seekers prohibiting legal access to the labour market for a period of time that varies depending on the State where they present their request. The different bans imposed vary from 2 to 12 months, but some countries (like Ireland and Lithuania) have an indefinite labour restriction for asylum seekers.

The reason behind these restrictions relies on the fact that it is controversial for States to let an

¹ More specifically, an individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which the claim is submitted. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee was initially an asylum-seeker.

² (*The struggle for*) *refugee integration into the labour market: evidence from Europe* by Tommaso Frattini, Università degli Studi di Milano, during IntoMe STS, 2021.

asylum seeker work, given the fact that his/her status has yet to be formally recognised. Furthermore, States are opposing the withdrawal of employment bans, because (considering the length required to process the asylum request in many countries) legal integration in the labour market can become a key factor to allow the foreigner a different type of residence permit.

Even so, employment bans have proven to have a negative impact not only on the integration and well-being of asylum seekers, but also on the economic growth of the host States themselves.

What are the negative effects of the employment bans?

It is estimated that bans on asylum seekers' employment cost the European Union EUR 37.8 billion in loss of potential output in the period 2012-2020 (Fasani et al., forthcoming). As such, it is to the benefit of both host societies and asylum seekers that such bans and their effects on long-term employment trends be limited.

Further, some asylum seekers and irregular migrants have been shown to work in exploitative conditions, such as the [caporalato](#) system in the Italian agricultural labour market.³ Such conditions contribute to modern forms of [slavery](#)⁴ and clearly inhibit the mutually beneficial process of safe and fair labour market integration which now has been increasingly tackled by the COVID-19 pandemic's impacts.

What objective should the policy proposal aim to achieve?

Given these negative impacts on both host States and asylum seekers, policy proposals aimed to limit the risk of asylum seekers' exploitation in European labour markets and to facilitate a mutually productive process of social and economic integration should minimise the negative effects of legal restrictions on asylum seekers' ability to work in EU Member States' economies. To do this, local labour markets need to become more accessible and receptive to asylum seekers. In addition, they should address challenges specifically affecting women and other particularly vulnerable groups of asylum seekers.

Policy propositions

With a view to contributing to the debate on how to re-shape the access to labour markets for asylum seekers in Europe, the following policy propositions have been put forward:

- EU Member States are encouraged to limit the extension of employment bans on asylum seekers to **no more than three months**. If employment ban exceeding this duration are kept in place, Member States should at least provide culturally tailored employment counseling during the following months.

³ The caporalato system is "a form of illegal hiring and exploitation of manpower through an intermediary. It is widespread across Italy and particularly frequent in the agricultural and farm sector" (Gallotti, 2020).

⁴ Slavery, condition in which one human being was owned by another. A slave was considered by law as property, or chattel, and was deprived of most of the rights ordinarily held by free persons.

- Regardless of the length of the ban, EU Member States should provide **sufficient and competent mental healthcare** to asylum seekers during the whole period of the ban. This assistance should take into account gender and vulnerability concerns, including specific psychological needs.⁵
- EU Member States should strive to provide **advice** to asylum seekers on their legal rights in the national labour market, so as to prevent their exposure to exploitative labour practices. This can also help prevent asylum seekers from entering the “black market” during the enforcement period of national employment bans.
- Furthermore, EU Member States are invited to apply for and use resources from the 2021-2027 Asylum, Migration and Integration Fund ([AMIF](#)) to fund national-level and multilateral projects in the area of migration and specifically integration of asylum seekers.
- EU Member States should similarly encourage universities and civil society organisations to seek funding from [Horizon Europe](#) for scholarly research in the same areas; and collaborate with grassroots organisations to establish mentorship programmes that match newly arrived asylum seekers with co-nationals with migrant backgrounds and Member State’s nationals to create professional and personal networks. Such programmes should provide **administrative and social support to integration efforts**, especially as it relates to asylum seekers’ integration into local labour markets. Sharing local knowledge of labour markets should further aim to prevent asylum seekers’ exposure and vulnerability to exploitative employment practices and human trafficking.
- In addition, partnerships should be established with employment sectors where irregular migrants are traditionally employed, offering incentives to hire asylum seekers within regulated frameworks in exchange for authorities’ right to monitor and ensure safe and dignified working conditions.
- Finally, EU Member States are asked to facilitate asylum seekers’ learning of the national and/or local language through language courses in asylum processing centers. Classes should be offered at *beginner*, *intermediate*, and *advanced* level to meet asylum seekers’ language needs (see below, Table 1).
- Progress on these achievements should be monitored and reported on periodically by the European Commission.

⁵ Gender-based violence in the world of work includes: Bullying, physical and verbal abuse from work colleagues, supervisors or managers. Sexual harassment and unwanted sexual advances. Sexual abuse and violence, including 'coercive' or transactional sex, rape and sexual assault.

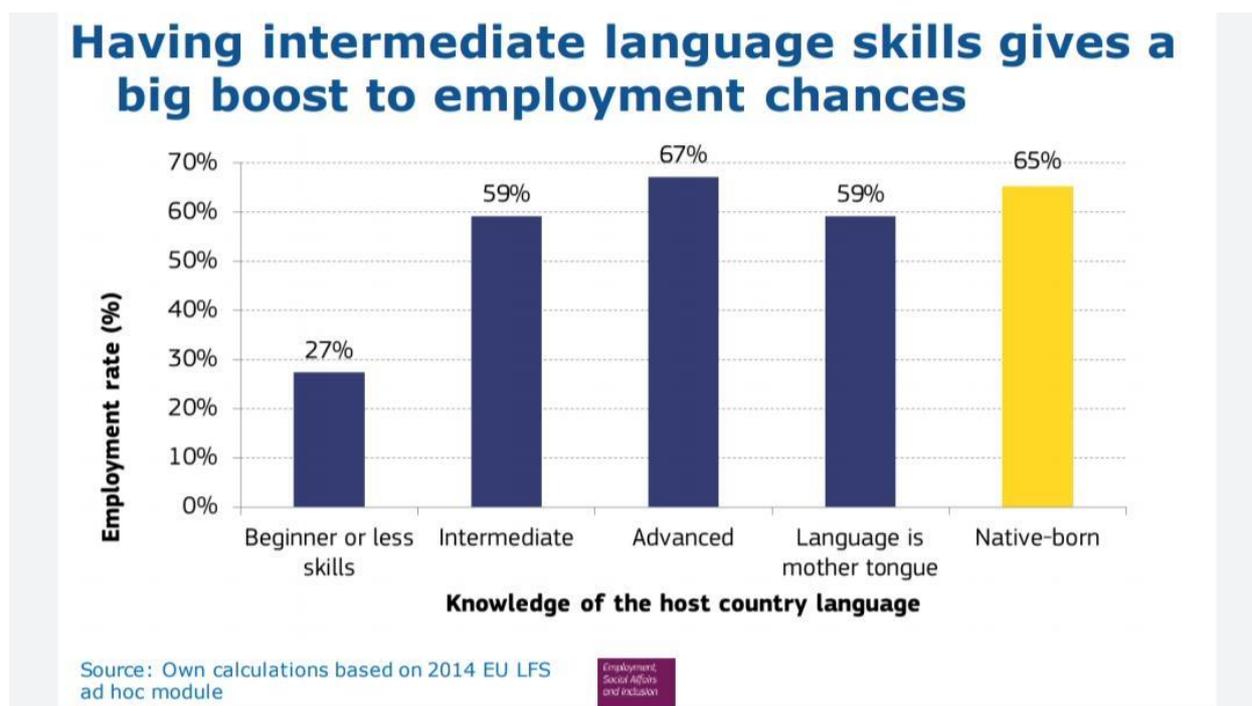


Table 1

Concluding remarks

Ensuring that asylum seekers are not exploited and that they are safely and fairly integrated into Member States' labour markets can reduce the social, economic, and human costs of their exclusion and marginalisation, contributing to the overall well-being and prosperity of European societies as a whole. In addition, successful labour market integration is beneficial⁶ both for asylum seekers and for the social cohesion of receiving society in the long term. Limiting the negative effects of the employment bans, or lifting them, is key to achieving this desirable goal. For these reasons, implementing the aforementioned proposals, will contribute to successful and mutually beneficial labour market integration and better inclusion across Europe in accordance with the principle of non-discrimination.

⁶ https://ec.europa.eu/home-affairs/policies/migration-and-asylum/legal-migration-and-integration/integration/integration-labour-market_en

SUGGESTED READING MATERIALS

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