Please cite as: EUAA, '4.7.2.3 Employment' in *EASO Asylum Report 2021*, Januar 2022.

4.7.2.3 Employment

While employment-related developments are often at the forefront of legislative and policy changes, in 2020 relatively few changes happened. Several Member States, however, reported on the adverse effects of the pandemic on employment for applicants.

Among the more significant changes, the Irish government announced its intention at the end of 2020 to reduce the waiting period for asylum applicants from 9 months to 6 months to apply for a work permit. The permission's validity was to be extended from 6 months to 12 months.612 The new measures were introduced in January 2021.613

The Secretary of State for Migration in Spain issued new instructions allowing unaccompanied minors between
16 and 18 years to work *(see Section 5)*.614

In order to fill gaps in labour market shortages caused by the pandemic, applicants in Belgium were exceptionally exempted from the 4-month waiting period until 30 June 2020. The measures applied to applicants who registered an application before 18 March 2020. Applicants also needed to ensure that they could obtain accommodation with the employer in order to limit commuting to work.615 In view of the continuing shortage of workers in some sectors due to the closing of the borders, this measure was resumed from December 2020 until 30 June 2021. The condition is, however, that the application for international protection is registered on 8 December 2020 at the latest. And as before, this derogation can only be used if the employer takes responsibility for the accommodation of the asylum seeker.616

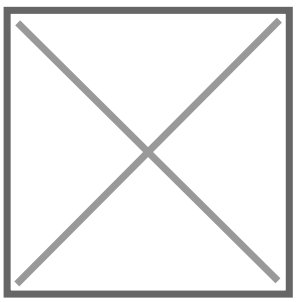
Similarly, in Finland, the legislation governing an asylum applicant's right to work was temporarily amended on 29 June 2020 in order to facilitate access to seasonal jobs, such as berry-picking, which are typically done by migrant workers from EU countries. The act was in force until 31 October 2020. Reception centres in the country continued conducting skills assessments for asylum applicants to collect information on previous work experience, education and interests, and then organised some matching activities in reception centres and mostly helped applicants to seek these activities outside of reception centres

A report from the National Assembly in France made recommendations to promote access to the labour market and training for applicants for international protection, as it found that currently there were no specific measures to encourage applicants to search for employment.617 Administrative burdens, such as the requirement to obtain a tax registration number, kept hindering applicants in Greece to have legal access to the labour market.618 In Spain, the long

administrative delays in receiving and renewing the necessary documents were mentioned as an obstacle for employment in particular and for accessing services in general.619 The Labour Department in Cyprus encouraged applicants seeking employment to use their online system to obtain job referrals, but the Cyprus Refugee Council observed many barriers, including unfamiliarity with the system and language difficulties.620 In Croatia, civil society organisations reported that, even though applicants are offered information at the beginning of the procedure, they became entitled to the right to work 9 months after lodging an application – when no first instance decision was issued – and this right ended when the decision on their application became final.621

The Austrian Supreme Administrative Court held that the recast Reception Conditions Directive, Article 15 on an applicant's employment provides for an effective access to the labour market, but this does not mean that all professional fields would be open without any restrictions. In the case at hand, it found that the decision to refuse access to the labour market was lawful, as the applicant requested access after a first negative decision was issued on his application for international protection.

In Ireland, the court ruled that the current regulations block applicants from obtaining a driver's license as they need to provide a full or permanent residence. The case concerned a female applicant who tried to obtain a driver's licence to be able to get to work from a remote reception facility.623



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[613] Department of Justice and Equality | An Roinn Dlí Agus Cirt Agus Comhionannais. (2021, January 28). *Minister McEntee announces reduced 6 month waiting period for international protection applicants to access work* . http://www.justice.ie/en/JELR/Pages/PR21000016

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[615] Arrêté de pouvoirs spéciaux n° 14 pris en exécution de l'article 5, § 1, 5°, de la loi du 27 mars 2020 accordant des pouvoirs au Roi afin de prendre des mesures dans la lutte contre la propagation du coronavirus COVID-19 (II) visant à garantir la bonne organisation du travail dans les secteurs critiques [Decree of Special Powers No 14 pursuant to Article 5 (1) (5) of the

Law of 27 March 2020 granting powers to the King to take measures to combat the spread of the coronavirus COVID-19 (II) aiming to ensure the proper organisation of work in critical sectors].
http://www.ejustice.just.fgov.be/eli/arrete/2020/04/27/2020030838/justel

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