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3.6.3.2. Employment

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Several initiatives were launched in 2023 to facilitate employment, which reflected a continued trend from previous years. Measures aimed to both ensure the legal possibility of accessing the labour market swiftly and provide support in finding employment. The EMN published a study on the integration of applicants for international protection (who arrived between 2017-2022) in the labour market, noting that 11 EMN countries identified successful approaches to applicants' employment.599ECRE provided an overview of the practical challenges faced by applicants, pointing out for example that restrictions on the freedom of movement and reception facilities in remote areas impede applicants to effectively look for and travel to their work.600

The waiting period for accessing the labour market for applicants in Croatia was reduced from 9 to 3 months. Applicants still need to request an attestation on the right to work, which is delivered within 1 month. If they conclude a work contract, they have to inform the reception facility within 15 days. Once the applicant status ceases, the work permit must be returned within 15 days.601

The waiting period was also reduced to 3 months in Slovenia,602which was supported by the Ministry of the Interior. Prior to the legislative changes, Amnesty International – together with 18 other NGOs – had argued to grant immediate access to the labour market for applicants to allow them to integrate faster, while addressing shortages in the labour market.603

Since 2022, applicants in Portugal can work from the moment they apply for international protection, but the civil society organisation SCML observed several barriers in practice to enter the labour market in 2023. Employers were often not aware that applicants can work legally. Applicants faced several difficulties in having their education and qualifications recognised as well, and this issue was further exacerbated by language barriers.604

Labour market tests were abolished to facilitate access to employment in Luxembourg.605Job fairs were organised in cooperation with UNHCR in the CCACs in Samos, Kos, Lesvos and Chios, where residents were informed about employment opportunities with local, national and international companies. UNHCR welcomed the changes to reduce the waiting time for applicants to work from 6 months to 60 days.606

The civil society organisation Migrant Offshore Aid Station (MOAS) in Malta highlighted the detrimental impact of the work policy introduced in 2021 on applicants' living conditions. The policy forbids access to the labour market for 9 months after the lodging of an application (the maximum time limit allowed by the recast RCD) for applicants from safe countries of origin and

those in the Dublin procedure.607Maltese authorities clarified that, as prescribed by the recast RCD, applicants falling under these two categories have access to accommodation and material aid at AWAS open centres, as well as access to healthcare.

The Irish Refugee Council observed delays in the issuance of labour market access permits due to the increase in the number of asylum applications overall. Applications for first permits took approximately 130 days to process, while renewals were processed within 8 weeks.608In one case, the Irish High Court ruled that the applicant cannot be denied access to the labour market as the delays in the procedure were not his fault. The authorities failed to arrange for an interpreter for him, and he needed to ask for several extensions to be able to fill out the questionnaire and had to arrange interpretation on his own. All the extensions were accepted by the authority.

Evaluating the situation of applicants in Ireland, the Economic and Social Research Institute and the EMN published a research paper on integration into the Irish labour market between 2017 and 2022. The report indicates a tendency for international protection applicants to be employed in jobs that may be of lower quality. The study also referenced limitations of the data, such as a lack of available data on earnings and poor data quality.609

The impact of the Austrian Constitutional Court's 2021 decision on repealing two legislative decrees which limit applicants' access to employment was analysed. It was highlighted that applicants were still rarely employed due to limited job opportunities and a bureaucratically complex system.610

The Dutch Administrative Court ruled in an individual case that restricting an applicant's right to work to 24 weeks per year was contrary to EU law. COA underlined that it was in favour of the abolishment of this restriction.611The Employee Insurance agency and the Ministry of Social Affairs and Employment appealed the judgment,612but the Council of State confirmed that national legislation was in not in line with the recast RCD.613Following the ruling, the government confirmed that applicants are allowed to work more than 24 weeks per year and initiated the necessary changes to bring national legislation in line with the ruling.614

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