

## 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.<sup>599</sup> ECRE 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.<sup>600</sup>

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.<sup>601</sup>

The waiting period was also reduced to 3 months in Slovenia,<sup>602</sup> which 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.<sup>603</sup>

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.<sup>604</sup>

Labour market tests were abolished to facilitate access to employment in Luxembourg.<sup>605</sup> Job 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.<sup>606</sup>

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.<sup>607</sup> Maltese 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.<sup>608</sup> In 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.<sup>609</sup>

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.<sup>610</sup>

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.<sup>611</sup> The Employee Insurance agency and the Ministry of Social Affairs and Employment appealed the judgment,<sup>612</sup> but the Council of State confirmed that national legislation was not in line with the recast RCD.<sup>613</sup> Following 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.<sup>614</sup>

<sup>599</sup> European Commission (EC), Migration and Home Affairs. (2023, October 5). *Integration of applicants for international protection in the labour market*. [https://home-affairs.ec.europa.eu/news/integration-applicants-international-protection-labour-market-2023-10-05\\_en](https://home-affairs.ec.europa.eu/news/integration-applicants-international-protection-labour-market-2023-10-05_en)

<sup>600</sup> European Council on Refugees and Exiles. (January 2024). *The Right to work for asylum applicants in the EU: ECRE's analysis of the challenges faced by asylum applicants in realising the right to work in Europe*(Policy Paper No 12).

<sup>601</sup> Zakon o izmjenama i dopunama Zakona o me?unarodnoj i privremenoj zaštiti [Law on Amendments to the Law on International and Temporary Protection]. (22 March 2023). [https://narodne-novine.nn.hr/clanci/sluzbeni/2023\\_03\\_33\\_581.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2023_03_33_581.html)

<sup>602</sup> Republic of Slovenia. (2023, March 28). *Changing the law to speed up the recruitment of foreigners*.

<sup>603</sup> Amnesty International. (2023, March 7). *Poziv k spremembi zakonodaje in ustavivti vra?anj na Hrva?ko [Call for changes to legislation and halting returns to Croatia]*. <https://www.amnesty.si/poziv-pv-prosilci-za-azil>

<sup>604</sup> Santa Casa da Misericórdia de Lisboa. (2023). Input to the Asylum Report 2024.

<sup>605</sup> Loi du 7 août 2023 portant modification :1. du Code du travail; 2. de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration; 3. de la loi modifiée du 18 décembre 2015 relative à l'accueil des demandeurs de protection internationale et de protection temporaire [Law of 7 August 2023 amending: 1.the Labour Code; 2. the amended Act of 29 August 2008 on the Free Movement of Persons and Immigration; 3. of the amended law of 18 December 2015 on the reception of applicants for international protection and temporary protection.] (2023). <https://legilux.public.lu/eli/etat/leg/loi/2023/08/07/a556/jo>

<sup>606</sup> United Nations High Commissioner for Refugees. (2023, December 19). *UNHCR and IOM welcome new amendment facilitating access to labour for migrants and asylum-seekers - UNHCR Greece*.

607 Migrant Offshore Aid Station. (2023). Input to the Asylum Report 2024.  
[https://euaa.europa.eu/sites/default/files/2024-02/migrant\\_offshore\\_aid\\_station\\_moas.pdf](https://euaa.europa.eu/sites/default/files/2024-02/migrant_offshore_aid_station_moas.pdf)

608 Irish Refugee Council. Input to the Asylum Report 2024.

609 European Migration Network. (2023, March 23). *Labour Market Integration of International Protection Applicants in Ireland*.

610 Blog Asyl. (2023, June 12). *Dürfen Asylwerber:innen arbeiten? Eine Analyse des Arbeitsmarktzugangs seit Aufhebung des „Bartenstein-Erlasses“ durch den VfGH [Are asylum seekers allowed to work? An analysis of access to the labour market since the repeal of the "Bartenstein Decree" by the Constitutional Court]*. <https://www.blogasyl.at/2023/06/duerfen-asylwerberinnen-arbeiten-eine-analyse-des-arbeitsmarktzugangs-seit-aufhebung-des-bartenstein-erlasses-durch-den-vfgh/>

611 Central Agency for the Reception of Asylum Seekers | Centraal Orgaan opvang asielzoekers. (2023, April 14). *Afschaffen 24-weken-eis belangrijke stap voor actieve deelname asielzoekers [Abolition of 24-week requirement is an important step for active participation of asylum seekers]*  
. <https://www.coa.nl/nl/nieuws/afschaffen-24-weken-eis-belangrijke-stap-voor-actieve-deelname-asielzoekers>

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Netherlands, Council of State [Afdeling Bestuursrechtspraak van de Raad van State]. The Board of Directors of the Employee Insurance Implementation Institute v MPeople HR BV, 202303122/1/V6, ECLI:NL:RVS:2023:4341, 29 November 2023.

614 Government | Rijksoverheid. (2023, November 29). *Asielzoekers mogen meer dan 24 weken per jaar werken [Asylum seekers can work more than 24 weeks per year]*  
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