



# **European Migration Network**

## Ad-Hoc Query on Asylum seekers' right to work

Requested by Finnish EMN NCP on 10<sup>th</sup> of November 2009

Compilation produced on 18<sup>th</sup> of Nov. 2009


Responses from [BE](#), [CY](#), [CZ](#), [EE](#), [ES](#), [FI](#), [FR](#), [LT](#), (9 in Total)

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### 1. Background Information





Some changes are currently being proposed into Finnish Aliens' Act concerning the asylum seekers right to work. Currently asylum seekers waiting for their application to be processed are allowed to work after three (3) months from their arrival in Finland. The proposed change stipulates that asylum seekers could only start working after 3 months if they can present a valid international travel document. In its absence, asylum seekers could only start working after a waiting period of six (6) months. The Finnish Ministry of the Interior is responsible for preparing the changes in this legislation would appreciate the input from other EU Member States via this EMN Ad Hoc-question. The requested deadline for the answer is 5<sup>th</sup> of Dec. 2009.

### 2. Responses<sup>1</sup>

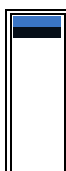
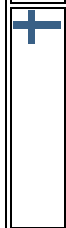
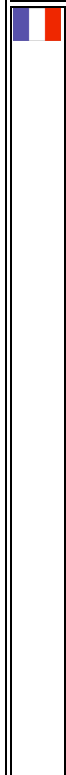
	Query	Wider Dissemination	1. Does your member state allow asylum seekers to work outside the reception centres? Is there a quarantine period for the asylum seeker is allowed to take up employment and if so, what length is it?  2. Does your Member State provide asylum seekers a possibility for paid work in the reception centres. How is it regulated?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not

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			disseminated further.
	Belgium	Yes	<p>1. Currently, the asylum seekers in Belgium whose asylum procedure is still being processed are not allowed to work. Belgium has not yet passed the legislation that would allow an asylum seeker to work after a certain period. This legislation is foreseen for 2010.</p> <p>2. Meanwhile the asylum seeker is allowed to do 'community services' (cleaning, assisting in the kitchen, etc) within the reception centre, and they can receive a small payment for this (with a maximum of €125 per month, daily allowance included). If the 'community services' are related to activities of the reception centre, the asylum seeker is also allowed to work outside the reception centre.</p>
	Cyprus	Yes	<p>1. Yes, asylum seekers can work outside the reception centre, but in particular fields. Yes, asylum seekers can work after 6 months of the lodging of the application for international protection.</p> <p>2. n/a.</p>
	Czech Republic	Yes	<p>1) Yes. Yes, asylum seekers are allowed to take up employment after a period of 12 month after submission of application for international protection.</p> <p>2) No, in a reception centre, asylum seekers who are above 18 years of age are only allowed to carry out activities (in a scope not exceeding 12 hours a month) in favour of the other asylum seekers which make adaptation to the environment in the facility easier and at the same time contribute to the operation of the asylum facility and improvement of common life. For these activities they may receive increased pocket money.</p>
	Spain	Yes	<p>1. In accordance with Article 32 of Law 12/2009 of 30 October 2009 governing the right to asylum and subsidiary protection (BOE no. 263 of 31 October, applicants seeking international protection will be authorized to work in Spain under the terms laid down in regulations. Additional Provision Seventeen of Royal Decree 2393/2004, of 30 December, approving the Regulations of Organic Law 4/2000 of 11 January 2000 on the rights and freedoms of foreigners in Spain and their social integration, sets forth that asylum seekers will be authorized to work in Spain once six months have elapsed since the filing of their application, as long as it has been admitted for processing and has not been decided upon due to reasons not attributable to the interested party.</p> <p>Therefore, a period of six months is established during which the asylum seeker may not be employed.</p> <p>2. Reception centres are dependent on public administrations, therefore personnel employed there are civil servants - employees of the public sector which have successfully passed a selection process based on competitive examinations - or recruited personnel - employees who are not civil servants but who must meet specific requirements in order to be hired. Therefore, though it is not explicitly prohibited by regulations, it would not be easy for an asylum seeker to work in a reception centre.</p>

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	Estonia	Yes	<p>1. According to the Act on Granting International Protection to Aliens an asylum seeker may work in Estonia if the Citizenship and Migration Board has not made a decision on the application for asylum within one year as of the submission of the application for asylum due to reasons beyond his/her control or if the asylum seeker has contested the negative decision in court, provided that employment does not hinder the processing of his/her application for asylum, judicial proceedings or execution of the decision.</p> <p>2. Working in reception centres in case of asylum seekers is not regulated in Estonian legislation.</p>
	Finland	Yes	<p>1. At the moment asylum seekers in Finland are allowed to work after a three month quarantine period from their arrival in the country regardless whether their identity has been credibly established or not. The suggested change in legislation currently debated in the Parliament would lengthen this quarantine period into six months, if the asylum applicant's identity has not been established through a valid international travel document which the person has used upon legally entering the Finnish territory.</p> <p>2. The reception centres in Finland do not gainfully employ the asylum seekers residing in them.</p>
	France	Yes	<p>1. In France, asylum seekers are not usually entitled to work according to the Entry and Residence in France and Right of Asylum Code (Ceseda) Article R.742-2. However, they can do so after one year of residency if their application has not been answered by the OFPRA (<i>French Office for the Protection of Refugees and Stateless People</i>) or if he/she appeals at the CNDA (<i>National Court for Right of Asylum</i>).</p> <p>In those two cases, asylum seekers can apply for a temporary work permit that is granted by local work directions. The asylum seeker will be granted a temporary work permit provided that there are enough occupations in the related regions or/and sectors; he/she won't be able to exercise an occupation if situations wanted are higher than job offers, unless he/she applies for an occupation identified in the list of 'tense sectors' that appears in the Order dated January 18<sup>th</sup> 2008.</p> <p>2. Asylum seekers and refugees can stay in CADAs (Reception Centres for Asylum Seekers) while their application is being reviewed. There were 271 CADAs in 2008 for a total capacity of 20 410 persons. These centres are managed and financed by the French Ministry of Immigration, Integration, National Identity and Codevelopment and placed under the authority of prefects in every region or department. This system is coordinated by the French Office for Immigration and Integration (OFII) and locally managed by associations. In CADAs, asylum seekers can benefit from accommodation but also from social and legal accompaniment.</p> <p>The reception centres in France do not gainfully employ the asylum seekers residing in them. On the other hand, asylum seekers who are housed in CADAs receive a monthly subsistence allowance (AMS), when they do not have enough resources. The manager of the CADA must pay this allowance which amount fluctuates depending on the family composition: the main member of the family is given €200 a month and an additional person is given €100 a month.</p> <p>Asylum seekers waiting to be admitted in reception centres can benefit from a temporary activity allowance (ATA) which daily amount is €10, 54 (€316, 20 a month) in 2009. This allowance is given to asylum seekers who are not housed in reception centres and who have not refused the accommodation proposition during the procedure of their application for asylum. Nevertheless, if their application for asylum is rejected by the OFPRA or the CNDA, these allowances will end.</p> <p>These financial benefits are provided by Pole Emploi (French organization that helps job seekers and compensates unemployed persons).</p>

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			The asylum seeker must provide a copy of his/her registration letter to the OFPRA and a document stating he/she has no means of support and does not benefit from an accommodation provided by the State.
	Lithuania	Yes	1. No 2. No

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