Parliamentary Assembly
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COUNCIL OF EUROPE
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Refugees and the right to work

Parliamentary Assembly

1. The right to work is a fundamental right, well established in international law, without which other rights are often meaningless. It is essential for exercising other human rights and preserving human dignity; it enables individuals and their families to maintain livelihoods and receive income, and contributes to their development and recognition in the community.

2. For asylum seekers and refugees (including those with subsidiary protection) the right to work is particularly important as it can enhance their sense of dignity, self-respect and self-worth, and brings with it independence and financial self-sufficiency. Employment is also, more broadly, a crucial facet of integration and can help them recover from often traumatic experiences.

3. Granting these people the right to work and enabling their access to the labour market is also beneficial to the societies in which they live and, where appropriate, the societies to which they return. The majority of these people are of working age and bring knowledge, skills and training with them. Allowing and enabling them to work reduces the likelihood of them taking up informal employment or becoming dependent on State support.

4. The right to work is granted in numerous international and regional legal instruments, including the European Social Charter (ETS No. 35). While the right to work for refugees is granted under the 1951 United Nations Convention on the Status of Refugees, the right to work for asylum seekers is usually only provided for after a certain period of time. Under the European Union's Directive (2013/33/EU) laying down standards for the reception of applicants for international protection (recast), member States must grant the right to work to asylum seekers after nine months of waiting for a decision on their protection.

5. Among member States of the Council of Europe, it is common practice to grant the right to work to refugees. Asylum seekers are usually also granted the right to work, although not immediately and often with restrictions such as secondary access to the labour market after other migrants and nationals.

6. Many barriers exist, however, which prevent refugees and asylum seekers from taking full advantage of the right to work. These include problems linked to insufficient language skills, lack of knowledge of the labour market, lack of training and work experience, and problems related to the recognition of qualifications and experience.

7. It makes sound economic and social sense to allow asylum seekers to work and to provide refugees with access to the labour market. The cost to the State will clearly be less if asylum seekers and refugees are employed rather than dependent on State support. Employment also contributes to a more cohesive society by encouraging and improving contacts between refugees, asylum seekers and the local community.

1. *Assembly debate* on 11 April 2014 (18th Sitting) (see Doc. 13462, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Christopher Chope). *Text adopted by the Assembly* on 11 April 2014 (18th Sitting).

8. The Parliamentary Assembly considers that, taking into account international obligations and the existing European legal framework, member States should do more to ensure that refugees – including people with subsidiary protection – and asylum seekers gain access to and are better integrated into the labour market. More specifically, the Assembly recommends that member States:

8.1. remove all legal and administrative barriers which prevent refugees from having full access to the labour market and ensure that they enjoy the right to work, including by removing restrictions such as the need for a work permit, onerous bureaucratic procedures and secondary access to the labour market after nationals;

8.2. speed up asylum procedures and provide asylum seekers with access to the labour market pending the outcome of a decision on their status, taking into account that this will benefit the asylum seeker, the host country or country of return at the end of the process;

8.3. develop policies and dedicate resources to support individuals in the transition from the asylum system to mainstream integration services. This should include providing language classes (general and vocational), work experience, vocational training, classes to develop knowledge of the labour market and on how to apply for jobs, and individualised employment "plans of action";

8.4. simplify procedures for the recognition and certification of foreign qualifications and experience;

8.5. work with employers' associations and employers, trade unions and the private and voluntary sector to develop placement programmes for refugees and asylum seekers which can help them become established in the labour market and become self-sufficient and financially independent;

8.6. encourage the diversification of employment opportunities for refugees by, for example, providing support for enterprise initiatives;

8.7. encourage more research and monitoring regarding the needs of refugees and asylum seekers in member States' labour markets to better understand the gap in employment rates between refugees, other migrants and nationals, and to develop policies to close this gap;

8.8. share examples of good practice and experience in the integration of refugees and asylum seekers into the labour market with other countries.