



Integration of young refugees in the EU: good practices and challenges



FRA

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Integration of young refugees in the EU: good practices and challenges

Foreword

Imagine you were forced from your home in the most harrowing of circumstances; endured hostility and peril during your flight; lost loved ones; and finally arrived in an unfamiliar place, surrounded by people who survived similar hardships. How would it feel to realise that another hugely challenging journey was about to begin?

This is the reality many of the over 2.5 million people who applied for international protection in the European Union in 2015 and 2016 face. Uprooted and often traumatised, they are confronted with one difficult transition after another while striving to build a new life.

FRA's report, which focuses on children and young people between the ages of 16 and 24, shows that two transitions loom particularly large: the transition from being an asylum applicant to a person who has been granted international protection, and the transition from childhood to adulthood upon turning 18. Changes that should in many ways be joyful instead often crack open protection gaps that can undermine even the most sincere efforts to integrate.

Successful integration involves multiple factors, all strongly interconnected. Extended legal uncertainty, being separated from family members, unstable housing conditions, language difficulties, interrupted social support, mental health issues, limited educational and training opportunities, and the threat of criminality – these all in and of themselves present hurdles to inclusion, and can also exacerbate each other.

FRA's look at developments in six EU Member States that have hosted a significant number of arrivals underscores that these challenges are real. But they are not insurmountable. Diverse examples highlight that smart and thoughtful policy decisions can go a long way towards overcoming obstacles. We hope this report encourages policymakers at both national and EU levels to embrace such decisions.

Michael O'Flaherty

Director

Country codes

Country code	Country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czechia
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SK	Slovakia
SI	Slovenia
UK	United Kingdom



Glossary

Asylum applicant	A third-country national or stateless person who has made an application for international protection in respect of which a final decision has not yet been taken <i>Asylum Procedures Directive, 2013/32/EU, Article 2 (c)</i>
Humanitarian protection	Authorisation to stay for humanitarian reasons under national law. [...] It includes persons who are not eligible for international protection but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments. Examples of such categories include persons who are not removable on ill health grounds and unaccompanied children <i>Eurostat, Glossary, Asylum decision</i>
International protection beneficiary	A person who has been granted refugee status or subsidiary protection status <i>Qualification Directive, 2011/95/EU, Article 2 (b)</i>
Land/Länder	German state(s) or Austrian province(s)
Refugee	A third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply <i>Qualification Directive, 2011/95/EU, Article 2 (d)</i>
Status holder	Synonym for international protection beneficiary
Subsidiary protection beneficiary	A third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country <i>Qualification Directive, 2011/95/EU, Article 2 (f)</i>
Family Reunification Directive	<i>Council Directive 2003/86/EC</i> of 22 September 2003 on the right to family reunification, OJ L 251, p. 12–18
Long-Term Residents Directive	<i>Council Directive 2003/109/EC</i> of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 16, p. 44–53
Qualification Directive	<i>Directive 2011/95/EU</i> of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted
Reception Conditions Directive	<i>Directive 2013/33/EU</i> of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection
TFEU	<i>Treaty on the Functioning of the European Union</i>
Victims' Rights Directive	<i>Directive 2012/29/EU</i> of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, p. 57–73

Acronyms list

AIDA	Asylum Information Database
AMKA	Social security number (Αριθμός Μητρώου Κοινωνικής Ασφάλισης)
ASE	Child welfare services (<i>aide sociale à l'enfance</i>)
CADA	Reception centre for asylum seekers
CAF	Family Allowance Service (<i>Caisse d'Allocations Familiales</i>)
CAS	Centres for asylum applicants (<i>Centri di Accoglienza Straordinaria</i>)
CJEU	Court of Justice of the European Union
CPH	<i>Centre provisoire d'hébergement</i>
CPIAs	<i>Centri provinciali per l'istruzione degli adulti</i>
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECRE	European Council on Refugees and Exiles
ESC	European Social Charter
ESTIA	Emergency Support to Integration and Accommodation
FRA	EU Agency for Fundamental Rights
NGO	Non-governmental organisation
UNHCR	United Nations High Commissioner for Refugees

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Key findings and FRA opinions

This report is about the integration of young third-country nationals who arrived in the EU in 2015 and 2016 as asylum applicants.

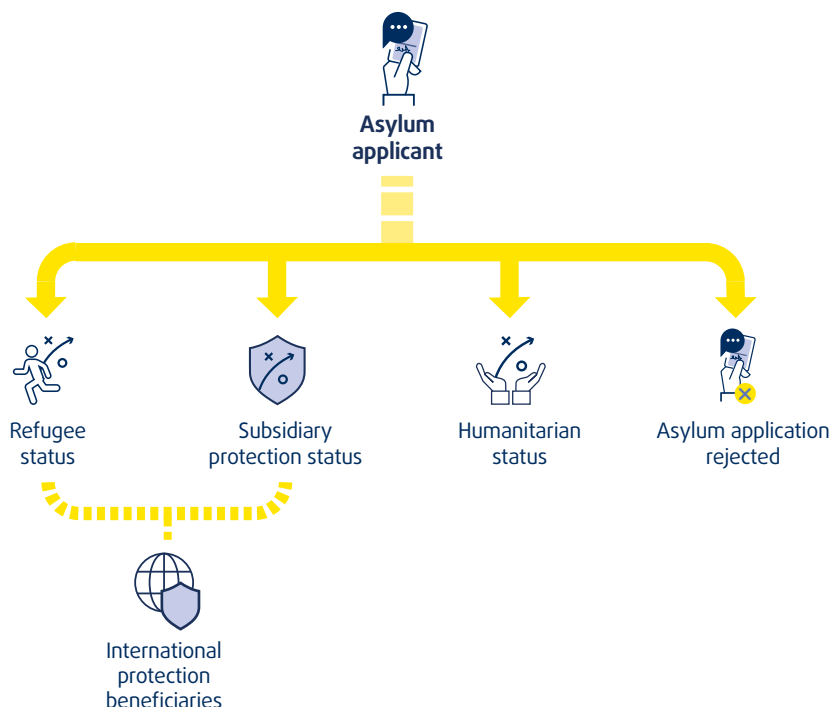
Over 2.5 million people applied for international protection in 2015 and 2016 in the 28 EU Member States, according to Eurostat. Most reached Germany, Sweden, France and Austria. Many remained in Italy and Greece, their first countries of arrival. EU Member States' asylum, reception, social welfare and educational systems were not adequately prepared to receive them. This led to hardships, such as people sleeping rough and children being unable to attend school.

From 2015 to 2018, according to Eurostat, 1.9 million people received international protection in the EU, either as refugees or as beneficiaries of subsidiary protection, or received a humanitarian residence permit. More than 80 % were below the age of 34, including nearly 540,000 girls and young women.¹ Figure 1 shows the types of protection a person claiming asylum may obtain.

Many of those granted asylum are young people. They are likely to stay and settle in the EU. The EU Agency for Fundamental Rights (FRA) interviewed some of them, as well as professionals working with them in 15 locations across six EU Member States: Austria, France, Germany, Greece, Italy and Sweden. This report presents the result of FRA's fieldwork research. It examines if and how EU Member States respected their rights, as set out in EU asylum law. It describes how and to what extent Member States are facilitating their inclusion into European societies.

In its 2016 Action Plan on the integration of third-country nationals, the European Commission pointed out that failure to integrate the newly arrived people can result in "a massive waste of resources, both for the individuals concerned themselves and more generally for our economy and society". The legal, economic and social inclusion of recently arrived refugees in the host society depends on how the different rights they are entitled to under EU and national law can be realised in practice.

Figure 1: Possible outcomes of an asylum application



Source: FRA, 2019

¹ Eurostat, migr_asydcfsta and migr_asydcfina, extracted on 16 September 2019.

The report paints a multifaceted picture with many good initiatives and promising practices. It also shows major gaps and challenges, many of which remain unaddressed. It reveals that measures taken in one policy field often affect the degree to which individuals are able to enjoy their rights in other fields. This points to the need for better coordination both between ministries and between levels of governance (national, regional and local). Gaps in one area have an impact on other areas. As Figure 2 shows, successful integration hinges upon several interconnected factors. In most cases, these factors represent different rights that EU law guarantees.

This report, which focuses on young people between 16 and 24 years of age, also reveals two critical moments, which require much more attention:

- the transition from asylum applicant to a person granted international protection
- the transition from childhood to adulthood upon turning 18 years of age.

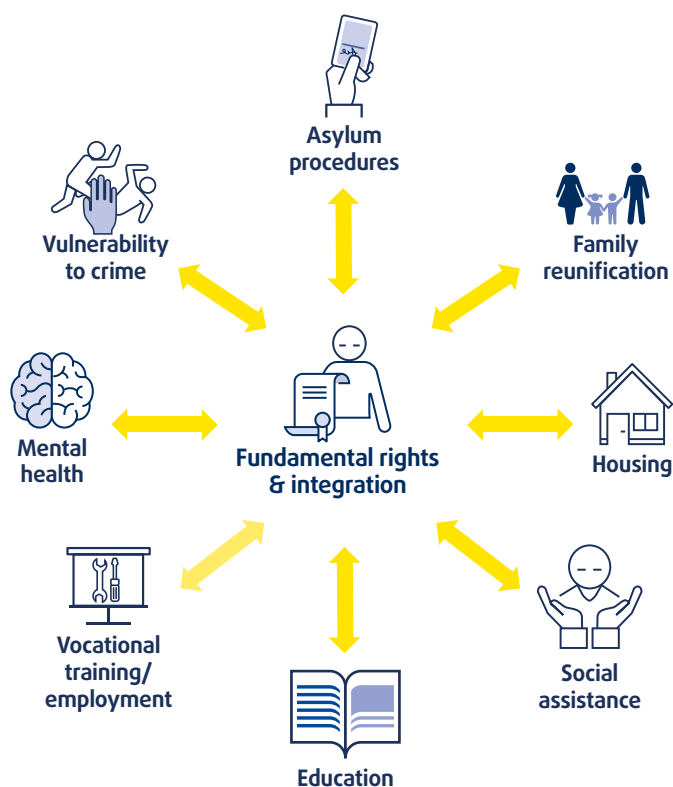
During such transitions, people experience gaps in rights and services, which risk undermining their pathway to social inclusion. FRA’s research documented challenges relating to such transitions across the eight different but interconnected policy areas this report covers.

Sufficient, consistent and systematic support from lawyers, social workers and guardians emerges from the research as a key factor for successful integration. It not only promotes the best interests of the child but also helps children and young adults with the multiple challenges they face, in particular during transition to adulthood or when receiving decisions on their legal status.

Length of asylum procedures

Because of the large number of asylum applications in 2015 and 2016, asylum procedures sometimes lasted for years. Lengthy asylum procedures have various impacts on applicants’ daily lives. Their legal status grants them limited rights and access to services compared with status holders. These limitations, coupled with uncertainty about the outcome of proceedings, the fear of return and the absence of family and friends, can affect integration prospects and mental health, and make some vulnerable to becoming victims or perpetrators of crime. The longer a person does not have full access to rights and benefits, in particular those linked to vocational training and employment, the harder it is to catch up with the integration process once a status is granted. At the same time, it is crucial

Figure 2: Interconnectedness of different factors for successful refugee integration



Source: FRA, 2019

that the asylum procedure allows sufficient time for the applicant to prepare for the interview, seek legal, medical and psychological assistance, and collect evidence to substantiate a claim.

In the six EU Member States reviewed, asylum procedures lasted longer than the time limits set out by EU law. Numerous factors contribute to the delays in processing asylum applications. Some are within the remit of the authorities, such as insufficient human and financial resources to deal with a high number of applications, delays in appointing a guardian or inadequate information for asylum applicants. Other factors are linked to the person in search of international protection.

The negative consequences of lengthy asylum procedures can be minimised when at least those applicants with good prospects of acquiring a protection status can already start their integration process during the asylum procedure, to make the transition from applicant to status holder as easy as possible.

FRA opinion 1

EU Member States should examine asylum claims within a reasonable time period, allowing sufficient time to prepare a case and to seek legal and other assistance, including in times of large numbers of arrivals. To do so, they should ensure that sufficient financial and human resources, using qualified professionals, can be made available at short notice so as not to exceed the time limits set out in EU law.

Factors contributing to lengthy proceedings should be minimised, in particular if the factor lies within the remit of the authority and if the applicant is a child. Appropriate resources to quickly appoint competent guardians should be ensured. The guardianship system should be an integral part of the national child protection system, and must operate within the national legal child protection framework. EU Member States should ensure that applicants with good prospects of receiving protection can already start their integration process during the asylum procedure to make the transition from being an applicant to being a status holder as easy as possible. This should include participation in language classes and effective access to education, healthcare, vocational training and the labour market as early as possible.

Family reunification

EU law entitles refugees to bring their family members who are still abroad, but does not expressly regulate family reunification rights for subsidiary protection beneficiaries. Since 2015, legal and practical barriers have made family reunification increasingly difficult. In some

cases, there are tight deadlines for refugees to benefit from simplified reunification procedures under EU law. In other cases, national laws introduced waiting periods of up to three years before beneficiaries of subsidiary protection are eligible to apply for reunification.

The long duration and complexity of family reunification procedures, accessing diplomatic missions in non-EU countries, difficulties in producing the documents required and high costs are some of the practical obstacles people face when they want to bring their families.

Family reunification is recognised as one of the key mechanisms for better integration of migrants and refugees. The absence of family members and worries about their well-being hinder effective participation in language courses, school and training and from finding a job. Evidence shows that the absence of their families makes people more vulnerable to mental health issues and criminality. Allowing swift, efficient and affordable family reunification is not only beneficial for the people concerned, but also a worthwhile investment for the host society in the medium and long runs. Equal treatment of refugees and beneficiaries of subsidiary protection would be similarly beneficial. Among others, swift reunification also prevents the use of smugglers and secondary movement.

FRA opinion 2

EU Member States should implement family reunifications in a swift and affordable manner, limiting bureaucracy to a minimum. They should promote equal treatment of beneficiaries of subsidiary protection and refugees.

EU Member States should implement the Court of Justice of the EU's judgment in A and S v. Staatssecretaris van Veiligheid en Justitie, C-550/16, 12 April 2018, and ensure eligibility for family reunification of third-country nationals who are below the age of 18 at the time of the asylum application but who, in the course of the asylum procedure, attain the age of majority.

Housing

EU Member States had difficulty providing housing to the 1.5 million asylum applicants who arrived in 2015-2016. This resulted in significant challenges, including homelessness. Many, including families, had to sleep in tents, shipping containers, camps, sports facilities and hotels. Often quality standards were far below those that the Reception Conditions Directive requires. Applicants experienced overcrowding, lack of privacy, risks of sexual and gender-based violence, lack of attention to vulnerabilities, poor hygiene conditions and

isolation. In practice, many challenges were overcome through large-scale civil society engagement.

The research findings show that there are three critical stages concerning housing. First, upon arrival, many asylum applicants experienced substandard reception conditions, exposing them to protection risks, including violence, which can have long-lasting consequences. Frequent transfers between different reception facilities, which many asylum applicants experienced, often have a negative impact on their future integration. Each relocation requires the individual to repeat administrative tasks, get used to the new environment and start re-establishing relationships.

Second, as soon as applicants receive international protection, they have, in most cases, a deadline to leave the reception facility where they are staying but are not offered another place to go, except for those in Sweden. When applicants receive an international protection status, EU law obliges Member States to provide access to accommodation under the same conditions as other legally resident third country-nationals and the same level of public housing support available to nationals. In practice, often this means very little. In spite of many good initiatives, public support to find adequate housing appeared insufficient. International protection beneficiaries face many practical obstacles to finding an affordable flat. Some of them are general, such as availability and affordability of housing. Others are specific to them, such as prejudices against refugees and difficulties in providing supporting documents. Targeted housing schemes, temporary solutions when status holders have to leave the reception facility and support mechanisms for finding affordable housing would ensure a smoother transition once international protection is granted.

Third, as soon as unaccompanied children turn 18 years of age, they lose their entitlements to special protection and often find themselves facing the same challenges as adults, or more. From one day to another, children are expected to confront many difficulties with very little support. Only in exceptional cases do those who turn 18 continue to receive social support services for a transitional period. This may have a very negative impact on their lives in many respects, including school attendance and performance, mental health and vulnerability to crime.

Multiple factors linked to housing facilitate social inclusion and integration, the research finds. Contact with locals, short distances to services, such as schools, and availability of employment are some of them. In many cases, initiatives by civil society and volunteers help establish links with the local communities and avoid segregation.

FRA opinion 3

EU Member States should develop adequate contingency plans to be prepared for future situations of large-scale arrivals. Such plans should also consider the use of multipurpose facilities, which can be flexibly adapted to the needs. Contingency plans should form part of long-term strategic planning of migration governance at all levels, including the central, regional and municipal levels.

The availability of adequate facilities near the border should be an integral component of national strategies for integrated border management, which Member States are obliged to draw up under the European Border and Coast Guard Regulation.

EU Member States should design their refugee housing policies taking into account how housing may affect education, employment and other aspects of life. They should actively support reception and housing practices that promote social inclusion, avoid segregation, and reduce transfers from one facility to another to a minimum. They should encourage and financially support public administrations, including municipalities, as well as civil society initiatives and housing providers, including through the effective use of European Union funds.

In accordance with the 2017 Commission Communication on the protection of children in migration, EU Member States should support unaccompanied children in their transition to adulthood, including when leaving care. Support measures could entail preparatory measures to support the child's autonomy, through encouraging independent living and managing the demanding paperwork. If a transfer to an adult facility is required, authorities should consider delaying the transfer until completion of the education cycle, and ensure there is an assigned social worker who continues to support the young person during the transition period.

The EU should ensure that the integration of unaccompanied children remains a priority in the new Asylum and Migration Fund.

Social welfare for international protection beneficiaries

In its Action Plan on the integration of third-country nationals, the European Commission highlights the necessity for Member States to implement national economic and social policies that cover the immediate needs of migrants and refugees and contribute to their integration. The action plan recognises that ensuring sufficient social and economic assistance will be a challenge for Member States, but notes also that with the right conditions it is an opportunity for swift and successful integration.² This research shows

² European Commission (2016b), p. 3.

that sufficient social assistance is what allows young international protection beneficiaries to learn the local language and to pursue education.

When individuals cannot support themselves, social assistance ensures a decent existence for those persons who lack sufficient resources, as required by Article 34 of the Charter. Under EU law, refugees have the same rights to social welfare as nationals, but allows Member States to pay only core benefits to beneficiaries of subsidiary protection. Austria is the only EU Member State out of the six reviewed that differentiates between the two. The type and level of benefits differ significantly from one EU Member State to another and, in some cases, even between component parts of a Member State.

Although Member States must grant core benefits to all international protection beneficiaries, in practice, lack of information – sometimes also among professionals – complex procedures and formal requirements may exclude young international protection beneficiaries from social welfare benefits. Moving from the support system established for asylum applicants to the national welfare system may create gaps or delays, leaving status holders without resources at a crucial time for their integration. Moreover, benefits may be reduced or cut if the person does not comply with integration requirements, including language tests.

Support mechanisms for accessing social assistance, in particular when one becomes an adult or a status holder, the reduction of bureaucratic hurdles, and flexible and fair application of conditions to access social assistance would enhance integration prospects.

FRA opinion 4

EU Member States should ensure that refugees receive all social welfare benefits they are entitled to under EU law. They should consider providing the same entitlements to subsidiary protection status holders in need of support.

EU Member States should remove practical obstacles that impede access to social welfare benefits – for example, by providing information in clear, accessible and non-bureaucratic language and offering language support, where needed.

When EU Member States require international protection beneficiaries to comply with integration measures to receive social assistance, any such requirement must be non-discriminatory and thus comparable to those established for national recipients of social assistance. Any reduction of benefits for non-compliance with integration requirements should be implemented in a flexible manner, taking into account the individual circumstances of persons who have fled armed conflict or persecution. Reduction of benefits should not result in precarious living conditions for beneficiaries.

Mental health problems

Exposure to stressful situations before, during and after the flight puts people in need of international protection at a particular risk of developing mental health problems. They might, for instance, experience disrupted sleeping patterns, anxiety and other signs of post-traumatic stress.

EU asylum law grants access to healthcare, including mental health care, to asylum applicants as well as international protection beneficiaries. In practice, however, officials often fail to identify signs of mental health problems soon enough to refer them to adequate care at an early stage. When mental health problem are not swiftly addressed, they can develop further and negatively affect integration. Early investment in the identification and care of mental health problems is thus beneficial not only for the person concerned but also for the host society.

A lack of social integration, particularly social isolation and unemployment, is linked with higher prevalence of mental health problems in refugees and migrants. Across all policy fields, interviewees in all locations spontaneously referred to negative effects of lengthy asylum procedures, poor living conditions and frequent transfers, loss of child-specific support for 18-year-olds, family separation and other factors that affected their physical and mental health conditions.

Early and clear information for applicants and status holders about where and how they can seek support, as well as enough mental health workers who are trained to work specifically with migrants and refugees, can help to address the factors leading to mental health problems.

FRA opinion 5

In line with the social determinants of health approach, the conditions in which people grow up, work and live strongly contribute to their individual health status. When developing their policies to address mental health issues for asylum applicants and status holders, EU Member States should acknowledge that mental health problems also result or are magnified by gaps relating to the provision of different services, such as education, housing and income, which are necessary for successful integration.

EU Member States should ensure swift and efficient identification, referral and treatment of mental health problems. They should have mechanisms to ensure that the results of the needs assessment under Article 22 of the Reception Conditions Directive are followed up and support continued once protection status is granted. They should apply the EASO Guidance on reception conditions of 2016: operational standards and indicators.

EU Member States should provide early and clear information to applicants and status holders about where and how they can seek help for their mental health problems in a language they can understand.

EU Member States should ensure that all those working with asylum applicants and status holders, such as police officers, immigration officials or guardians and social workers, are appropriately trained to detect signs of potential mental health problems and refer them to medical authorities.

EU Member States should strengthen national and local capacity to respond to mental health needs and ensure that mental health workers are trained to work specifically with migrants and refugees. They should provide interpretation services free of charge, including by exploring options for video interpretation. The quality of healthcare services provided to migrants should be closely monitored.

Education for children

Under EU law, children who seek asylum or have obtained international protection have the same access to education under the same conditions as nationals, or similar conditions. Whereas access to compulsory schooling is generally guaranteed, FRA's findings show that, because of practical barriers, access to post-compulsory education might be only on paper, especially for students who arrived after compulsory school age. In some EU Member States, asylum-seeking children initially attend classes in reception facilities, which isolates them and might increase stigmatisation.

Article 14 (2) of Directive 2013/33/EU requires that asylum-seeking children entering an EU Member State be included in education within three months. However, multiple transfers of accommodation, time lag in finding

a school place and other administrative barriers mean that it sometimes took one year or more for children of compulsory school age to be enrolled in school, FRA's research shows. Some EU Member States have successful measures to help integrate newly arrived students into education, such as early individual assessment of knowledge and skills and preparatory classes. In practice, EU Member States face a number of common challenges in integrating a large number of young people into the education system, such as lack of school places and teachers, especially language teachers, FRA's research shows.

It would make life easier for children and school administrators if new arrivals were integrated into the mainstream education system early, measures helping them return to school were boosted, and the education system were better prepared for future similar situations.

FRA opinion 6

In accordance with Article 14 (2) of Directive 2013/33/EU, Member States must ensure that children entering a Member State are included in (compulsory) education within three months.

To improve effective enrolment of persons in need of international protection into education, EU Member States should increase their efforts to facilitate access to post-compulsory education, notably secondary education.

EU Member States should try to integrate children in mainstream education systems as early as possible. They should consider strengthening measures to facilitate the integration of newly arrived students into national school settings, such as through early individual assessment of knowledge and skills and preparatory classes. Schooling in reception centres should be only a temporary emergency measure.

EU Member States should enhance support to mainstream schools hosting refugee children, with additional resources and training for teachers, especially in areas where the arrival of refugees is a new phenomenon or where there is a high concentration of refugees.

EU Member States should establish contingency plans for the quick integration of refugee children into schools in order to be able to quickly and adequately respond to future arrivals of asylum-seeking children.

EU Member States should increase efforts to address school disruption of children in need of international protection turning 18. To this end, for children who are close to completing their studies when they turn 18, transfer to adult facilities could be postponed until completion of their education cycle. They should receive support for their transition to adulthood, including sufficient income to avoid having to drop out of school to work.

Adult education and vocational training

As part of their duty under the Qualification Directive (2011/95/EU) to facilitate the integration of international protection beneficiaries into society, Member States should also provide language training. Four of the six EU Member States reviewed have introduced mandatory integration programmes for people granted asylum, which also include language acquisition. In recent years, Austria and Germany have also extended language programmes to asylum applicants with good prospects of acquiring a protection status. An early start to language acquisition facilitates inclusion in society.

Providing persons in need of international protection with access to the labour market, including vocational training, prevents their skills from becoming obsolete. Furthermore, vocational training can help in validating previously acquired skills. This helps them to achieve economic self-reliance, thus promoting integration and helping to fill the shortage of skilled workers in the EU. Four out of the six EU Member States either do not allow asylum applicants to access vocational training or restrict such access. For many of those who do have access, either as applicants or as status holders, practical obstacles, such as lack of information and financial resources, make such access illusory in practice.

Although many newly arrived international protection beneficiaries would like to enrol in higher education, in practice the pressure to earn money and become economically self-reliant makes this difficult.

FRA opinion 7

As FRA pointed out in 2015 regarding migrants more generally, to improve their participation in the labour market and their overall social integration, EU Member States should provide general and specific job-related language courses free of charge also to asylum applicants. If limitations are implemented, these should only concern those applicants who are very unlikely to stay.

EU Member States should consider granting asylum applicants access to vocational training as early as possible. Access restrictions, if implemented, should only concern those applicants who are very unlikely to stay.

EU Member States should take steps to help asylum applicants and status holders overcome practical obstacles to accessing vocational training. This would mean providing effective counselling, offering opportunities to validate prior skills and creating other incentives that promote broad use of vocational training. In this regard, EU Member States should make full use of EU funds.

In line with Article 28 (2) of the Qualification Directive, which requires Member States to facilitate the appropriate assessment, validation and accreditation of the prior learning of beneficiaries of international protection who cannot provide documentary evidence of their qualifications, EU Member States should increase efforts to improve the efficiency of their procedures to recognise previous educational attainment, including in the absence of documentary evidence. Such procedures should be simple and free of charge.

In order to facilitate access to higher education institutions, EU Member States should consider boosting measures to facilitate linguistic and financial support.

Vulnerability to crime

Involvement in crime, as either a victim or a perpetrator, is based on a complex combination of interconnected, often highly individual, factors. This underlines the need to avoid drawing generalised conclusions about factors that may affect the involvement of asylum applicants and international protection beneficiaries in crime. Furthermore, whereas the public and policy discussions largely focus on the risk of this group's involvement in crime as perpetrators, the findings of this research indicate the need to pay at least equal attention to the risk of their victimisation.

Factors that foster successful and rapid integration also play a considerable role in preventing crime. Insecure or unsafe housing, lack of access to employment and education, and the absence of family members may, together with individual factors, such as those related to age, mental health or gender, make young people more prone to becoming victims of violence, labour exploitation, theft, fraud or hate crime. Women and girls in particular may be affected by sexual and gender-based violence, although boys and young men can also become victims. Not all asylum applicants and international protection beneficiaries feel that the police treat them fairly. Underreporting appears to be widespread, especially for those types of crime that particularly affect women.

The factors that expose new arrivals to victimisation, together with the protracted uncertainty of the outcome of the proceedings, contribute to an overall sense of precariousness and a lack of prospects. This hampers effective integration and makes persons more likely to become dependent on informal networks, sometimes of a criminal nature. They may enter a cycle of exploitation and crime, blurring the line between victimisation and becoming a perpetrator. Concerning

radicalisation, EU Member States take very seriously the risk of new arrivals being approached by extremist and radicalised networks, and instances of radicalisation are rare, according to FRA's research. Moreover, some experts conclude that people who have experienced extremism in conflict zones may be particularly resilient to radical ideologies.

Proactive policies can help address these risk factors at an early stage by making people's legal status and social condition less precarious, by providing them from the outset with access to core services, safe housing, employment, education opportunities and support from relevant professionals.

FRA opinion 8

EU Member States should ensure that support of relevant professionals, including social workers, guardians and youth welfare authorities, but also teachers and staff of reception facilities, is available to young asylum applicants and beneficiaries of international protection. Such support may play a key role in addressing risk factors that make them vulnerable to crime.

To give effect to their rights under Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, EU Member States should take effective measures to facilitate reporting of crime by asylum applicants and international protection beneficiaries who have been victims of crime. Such measures should address the specific obstacles that may discourage these persons from reporting crimes committed against them.

EU Member States should raise awareness among police forces of the standards applicable to police stops and the damaging effect of discriminatory profiling practices on community relations and trust in law enforcement.



Introduction

Whom and what does the report cover?

This report explores the challenges of young people between the ages of 16 and 24 years who fled armed conflict or persecution and arrived in the European Union (EU) in 2015 and 2016. Although many of the challenges they face are common to asylum seekers and refugees of all ages, the report focuses in particular on the experiences of children and young people. Over 50 % of asylum applicants in 2015–16 were between 18 and 34 years of age and an additional 9 % were between 14 and 17 years old (see Figure 3). Taking these two groups together, about four in five are male and one in five female.

The report covers people with different legal statuses, including asylum applicants (meaning persons who requested international protection in an EU Member State and are awaiting a decision) and persons who have been granted international protection or an authorisation to stay for humanitarian reasons. Persons granted international protection include:

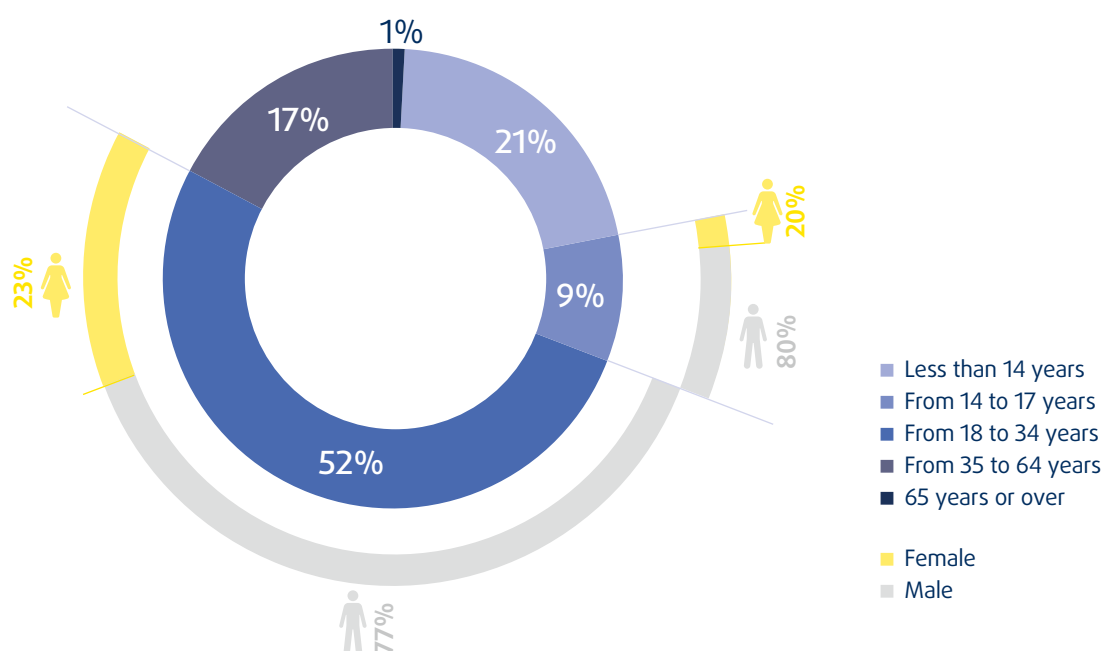
- refugees, who are persons fleeing individualised persecution;
- subsidiary protection status holders, who have fled armed conflict or other serious harm.

On FRA's research approach

The report uses a qualitative case study approach. It is based on semi-structured interviews conducted with experts as well as people in need of international protection, in 15 locations spread among six EU Member States. The purpose of the case studies is not empirical generalisation in the statistical sense but to provide a description and in-depth understanding of a complex social issue, distilling drivers of and obstacles to the integration of young refugees. The use of multiple sources of evidence, i.e. interviews and focus groups with experts as well as international protection holders, guarantees the internal validity of the research findings.

The research covered the five EU Member States with the highest numbers of arrivals, calculated on the basis of asylum application statistics: Austria, France, Germany, Italy and Sweden. The report does not cover Hungary, as most asylum applicants only passed through it. In addition, the report covers Greece, given the particular challenges it faces as a first EU Member State of arrival. Figure 4 shows the top 10 EU Member States by total number of asylum applications in 2015 and 2016.

Figure 3: Asylum applications in 2015 and 2016, age and gender breakdown, 28 EU Member States



Source: Eurostat, *Asylum and first time asylum applicants by citizenship, age and sex annual aggregated data* extracted on 24 June 2019

Thematically, the report covers eight policy fields: length of asylum procedures; family reunification; housing; social welfare; mental health; education for children; adult education and vocational training; and vulnerability to crime. It describes experiences during the transition from studying to work but does not analyse access to work; that is because extensive literature already shows that accelerating labour market access, particularly for asylum applicants likely to get international protection, has helped speed up their integration. The report assesses in detail specific integration measures related to employment and vocational training.³

Why this report?

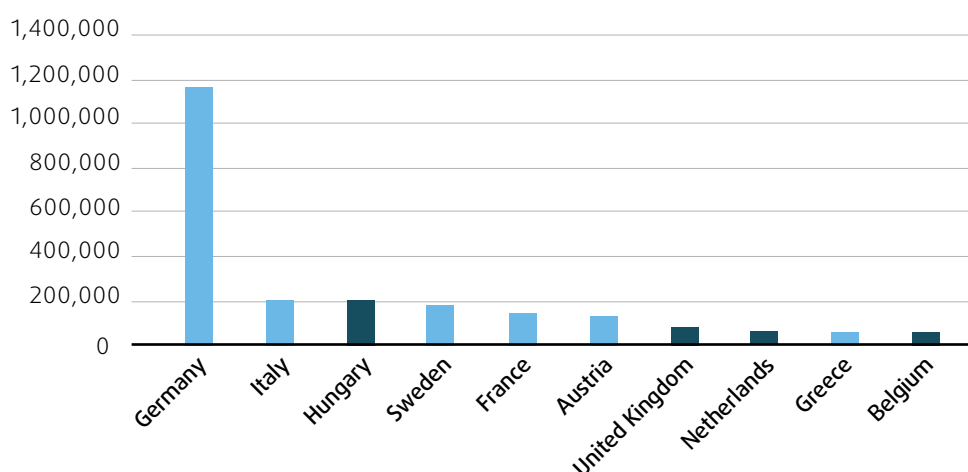
Hundreds of thousands of young people arrived in the EU in 2015–16. EU Member States were not prepared to receive them and provide them with the necessary assistance. The reality on the ground, with thousands of people staying in overcrowded centres and makeshift camps, required action.

The policies and measures adopted at national or EU level to respond to the situation in 2015–16 affected and continue to affect the lives and well-being of many asylum applicants, international protection beneficiaries

and more generally third-country nationals across the EU. Their number is significant. From 2015 to 2018, over 1.9 million people received international protection in the 28 EU Member States. This includes over 1 million refugees and some 600,000 subsidiary protection status holders. The rest received humanitarian protection.⁴ However, little is known about the actual impact of these policy measures. The objective of this report is to use the outcomes of the fieldwork research to explore the actual experiences of the beneficiaries of these policies, especially children and young adults.

EU law defines in detail the rights and obligations of asylum applicants and international protection beneficiaries, whereas beneficiaries of humanitarian protection are generally covered by national law. If these rights are not respected, protected and fulfilled, people will face problems in successfully integrating in EU societies once they are allowed to stay and settle. Identifying challenges and gaps, but also opportunities and promising practices, provides the evidence that is necessary for the EU and its Member States to adjust their policies and actions. The young age of many newly arrived persons and their backgrounds of conflict and persecution require smart investments for successful integration. This report aims to contribute to reflection on how to achieve this, thus making sure that a whole generation will not be lost.

Figure 4: Asylum applications in 2015 and 2016, top 10 EU Member States



Note: The report covers the EU Member States in light blue.

Source: Eurostat, *Asylum and first time asylum applicants by citizenship, age and sex annual aggregated data*, extracted on 24 June 2019

3 See, for example, Organisation for Economic Co-operation and Development (OECD) and United Nations High Commissioner for Refugees (UNHCR) (2018); OECD (2019a); NIEM (2019); European Foundation for the Improvement of Living and Working Conditions (Eurofound) (2019); European Spatial Planning Observation Network (ESPON) (2019); Berlin-Institut (2019).

4 Eurostat, migr_asydcfsta and migr_asydcfina, data extracted on 26 June 2019.

EU legal and policy framework

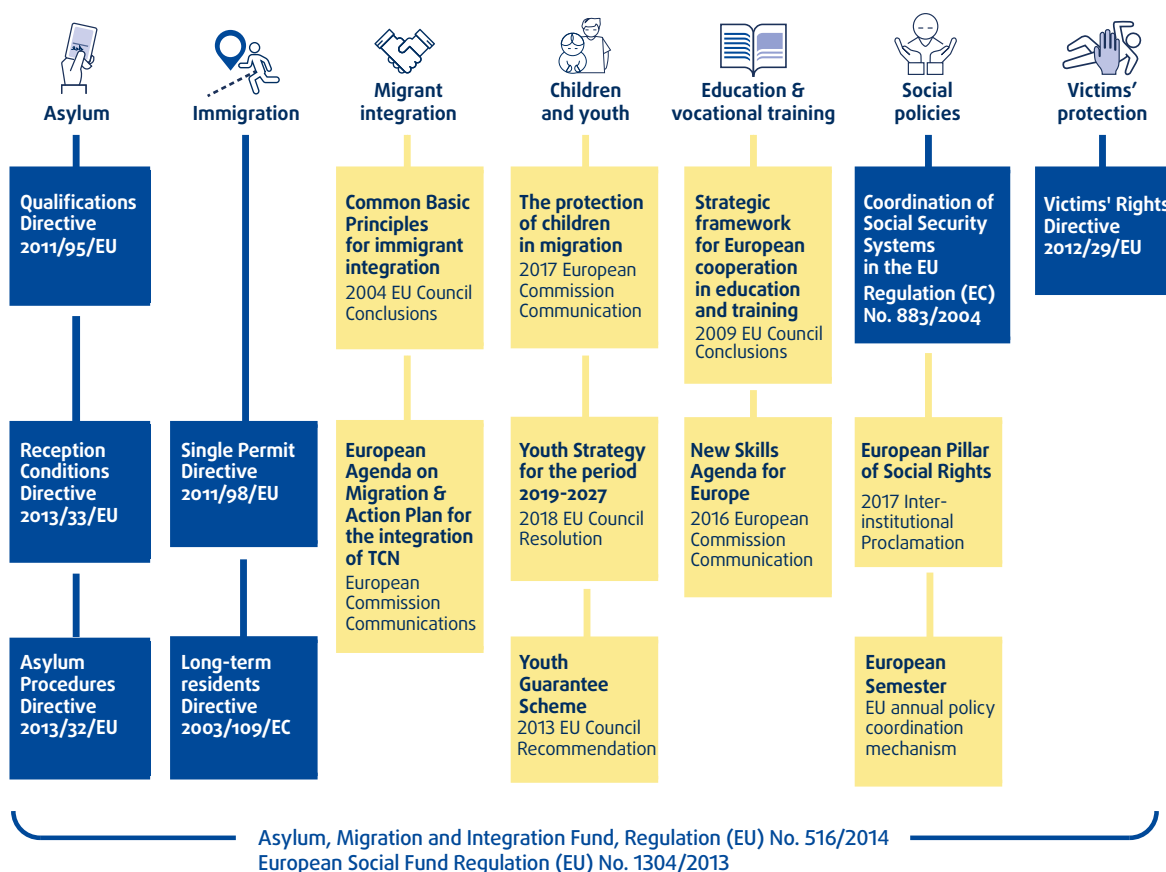
The treatment of young people who arrived in the EU in 2015–16 fleeing armed conflicts and persecution, and the action to promote their successful integration touch upon several EU policy fields, as illustrated in Figure 5.

The Union and its Member States share jurisdiction over asylum and immigration. EU primary law provides for a common European asylum system in compliance with the 1951 Geneva Refugee Convention and its Protocol.⁵ It also provides for a common immigration policy, which should ensure fair treatment of third-country nationals residing legally in EU Member States.⁶ Figure 5 lists the

secondary EU asylum and immigration law instruments that are most relevant to this report.

Social policy falls primarily within the powers of Member States. Shared jurisdiction in this field applies only to certain aspects defined in the Treaty on the Functioning of the EU (TFEU), for example in the area of employment.⁷ In areas of significant importance for this report, such as social protection and combating social exclusion, the EU's role is mainly to provide support and to complement the action of Member States. The European Semester economic policy coordination mechanism, which also addresses social policy issues, including issues

Figure 5: Relevant EU legal and policy framework



Note: Instruments on dark blue backgrounds are legally binding.

Source: FRA, 2019

⁵ Treaty on the Functioning of the European Union (TFEU), OJ C 326, p. 47–390, Art. 78.

⁶ *Ibid.*, Art. 79.

⁷ *Ibid.*, Art. 4 and Art. 153.

relevant to migrant inclusion,⁸ and the European Pillar of Social Rights,⁹ a legally non-binding list of rights and principles, are two important tools of the EU for this. Country-specific recommendations, which are the main outputs of the European Semester process, often include references to migrant integration, such as access to the labour market, the risk of poverty or social exclusion. In its 2016 European Semester assessment report, the European Commission underlined:¹⁰ “economic and social policies will also need to cater for the recent inflow of migrants and refugees, in particular to provide for their immediate needs and integration in the labour market”.

The EU exercises powers to support, coordinate and supplement the actions of Member States in other relevant policy fields too, namely education, vocational training and youth.¹¹ In these policy areas, EU documents are typically non-binding, as Figure 5 shows. They are, however, very relevant. For example, one of the goals of the EU’s youth strategy, focusing on inclusive societies, highlights that “[n]ew migratory phenomena brought several social and inclusion challenges” and that, therefore, “it is crucial to work towards the fulfilment of the rights of all young people in Europe, including the most marginalised and excluded”.¹² The European Commission highlights the importance of supporting the integration of young migrants and refugees.¹³ The new skills agenda for Europe underlines the need to make better use of third-country nationals’ skills, in a context of an ageing and shrinking EU workforce.¹⁴

The Qualification Directive and other EU law instruments regulate the rights of international protection beneficiaries. Under Article 79 (4) of the TFEU, migrant integration more generally falls primarily within the jurisdiction of Member States. The EU may, however, provide incentives and support for the action of EU Member States.

EU common basic principles for integration

A milestone in EU policy was the adoption of the ‘Common basic principles for immigrant integration policy’ in 2004, which were reaffirmed in 2014. They establish a common policy framework to assist Member States with their integration policies and to help EU institutions to develop further EU-level instruments related to integration.

The document makes it clear that integration policies may target diverse audiences, including international protection beneficiaries. It states that failure to develop and implement a successful integration policy “can undermine the respect of human rights and European’s commitment to fulfilling its international obligations to refugees and others in need of international protection”.

The common principles point out the importance of providing access to public and private goods and services on a basis equal to national citizens and in a non-discriminatory way, and highlight the critical nature of education and the significance of having a basic knowledge of the host society’s language, history and institutions. They define employment as a key part of the integration process.

Source: *EU Common Basic Principles for Immigrant Integration Policy*, Council of the European Union, Justice and Home Affairs Council, Brussels, 19 November 2004

The European Commission set out a European Agenda for the integration of third-country nationals in 2011,¹⁵ and an action plan in 2016. The 2016 action plan invites EU Member States to take care of the needs and the integration of recently arrived migrants and refugees from non-Member States.¹⁶ In 2016 the European Commission underlined that: “Newly-arrived refugees in particular face specific problems, such as vulnerability resulting from traumas suffered, lack of documentation including as regards qualifications, inactivity prior to and during asylum procedure, but also cultural and language barriers and risks of stigmatisation in education and on the labour and the housing market, which are not limited to refugees alone.”¹⁷

The action plan contains a long list of actions, including, for example, tailored education support for refugee children; removal of obstacles to ensure effective access to vocational training and to the labour market for refugees and for asylum applicants with good prospects of acquiring a protection status; promotion of the use of EU funds for reception, education, housing, health and social infrastructures for third-country nationals, including those who are newly arrived; and

8 See the European Commission’s [webpage](#) on the 2019 European Semester: Country Specific Recommendations, for example Austria, France, Germany, Greece, Italy and Sweden.

9 See the European Commission’s [webpage](#) on the European Pillar of Social Rights.

10 European Commission (2017a).

11 TFEU, OJ C 326, p. 47-390, Art. 6, Art. 165 and Art. 166.

12 Council of the European Union (2018).

13 European Commission (2018a).

14 European Commission (2016a).

15 European Commission (2011).

16 European Commission (2016b).

17 *Ibid.*, p. 4.



the creation of networks of health experts, particularly on mental health. To implement such actions, Member States may tap into EU funds. The integration of third-country nationals is one of the objectives of the Asylum, Migration and Integration Fund, which has a total amount of € 765 million earmarked by Member States for integration projects for 2014–2020.¹⁸ The Commission has proposed that for 2021–2027 the future Asylum and Migration Fund should focus on early integration measures, while structural funds and Erasmus+ will focus on long-term integration.¹⁹ Other EU funds, particularly the European Social Fund, can also be used to support integration efforts.²⁰

When EU institutions are designing and applying policies, and when Member States act within the scope of EU law, they are bound to respect and apply the EU Charter of Fundamental Rights (Article 51 of the Charter). The provisions of the Charter reflect the founding values of the EU, as laid down in EU treaties. The Charter rights most relevant to this report are:

- human dignity (Article 1)
- right to liberty and security (Article 6)
- respect for private and family life (Article 7)
- right to education (Article 14)
- right to asylum (Article 18)
- protection in the event of removal, expulsion or extradition (Article 19)
- non-discrimination (Article 21)
- rights of the child (Article 24)
- integration of persons with disabilities (Article 26)
- family and professional life (Article 33)
- social security and social assistance (Article 34)
- health care (Article 35)
- freedom of movement and of residence (Article 45).

Pursuant to Article 52 (3) of the Charter, whenever the rights contained therein correspond to rights guaranteed by the European Convention on Human Rights (ECHR),

their meaning and scope must be the same as those laid down in the ECHR.

The rights enshrined in the EU Charter reflect those in several other international human rights and refugee law instruments. Therefore, even when Member States act on matters that are outside the scope of EU law, they have to comply with international law obligations applicable to them. At the beginning of each chapter, this report lists the most relevant human rights and refugee law provisions applicable to the specific policy field.

Evidence base: who was interviewed?

In cooperation with its research network, Franet, FRA consulted 426 experts working with young refugees as well as 163 young asylum applicants and status holders in 15 geographical locations (see Figure 6). These locations are in six Member States: Austria, France, Germany, Greece, Italy and Sweden. Within each Member State, the research covered two or three regions or cities, depending on the size of the country. The selected locations include bigger cities and smaller towns or villages in economically richer and poorer areas of the Member State. The selection also took into account regional policy differences. All fieldwork was carried out between October 2017 and June 2018. Experts and young people who arrived in 2015–16 were asked to report about their experiences and to reflect on the impact of policy changes up to the date of the interview. Desk research covering legislative and policy changes at international, EU and national levels extended until July 2019. More information on the methodology can be found in the Annex (available on FRA's website).

FRA collected experts' experience through:

- 190 face-to-face interviews at local and national levels
- 29 local and seven national focus groups, involving 236 experts.

As shown in **Table 1**, experts included professionals working with the asylum and immigration authorities and with local authorities for housing, education, child protection and social welfare, guardians, teachers, employment agents, law enforcement experts, lawyers, members of focal points for integration, and representatives of non-governmental organisations (NGOs) and international organisations.

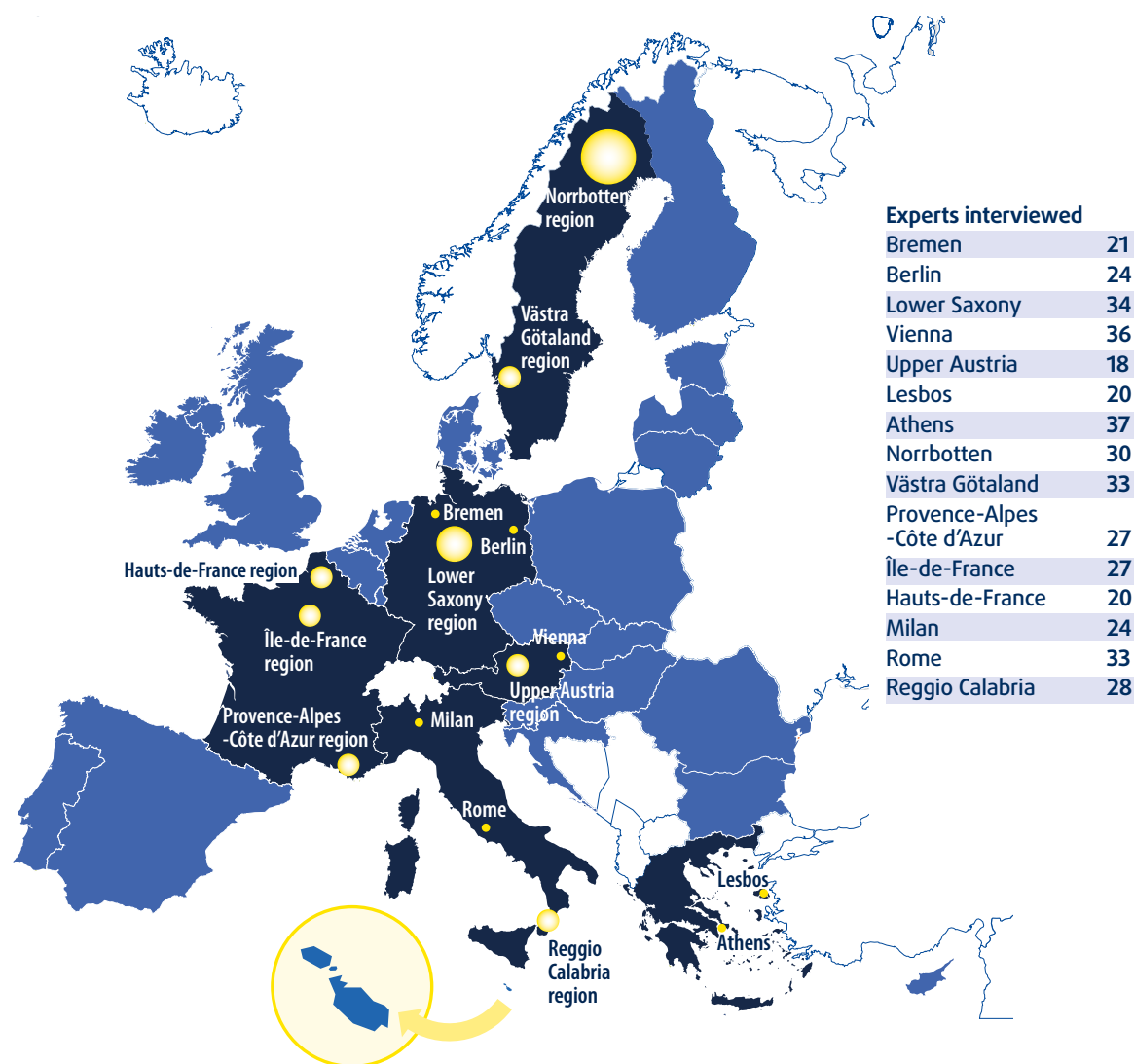
Experts were asked about their experience with beneficiaries of international protection and asylum applicants likely to stay in the EU for the long term. They were asked to focus on people who are 16 to 24

¹⁸ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC, OJ L 150, 20.5.2014, pp. 168–194.

¹⁹ European Commission (2018b), *Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund*, COM/2018/471 final, Strasbourg, 12 June 2018.

²⁰ Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006; see recitals 4 and 16, Art. 2 (3) and Annex I (1).

Figure 6: Number of local-level expert interviews



Note: The numbers of experts include those interviewed individually and those participating in focus groups. Additional experts were interviewed at national level.

Source: FRA, 2019

years old. Experts were asked to reflect on the impact of policies covering their areas of expertise. This made it possible to compare and consolidate the findings from different professional angles and to assess the links between policy areas. Although the majority of interviews took place at local level, approximately 40 experts shared national-level experiences; they were mainly from authorities responsible for asylum, immigration law enforcement and justice, as well as some NGOs.

Focus groups complemented the individual interviews, allowing a more in-depth and multidisciplinary discussion of recurrent issues. In all six EU Member States, following an initial national focus group covering all thematic areas, local focus groups covered housing and education. In five Member States, the local focus

groups also covered vulnerability to crime. The other focus group themes reflected issues that were of particular relevance in the specific location. [Table 2](#) provides an overview of the 29 focus group discussions.

FRA also interviewed 163 young asylum applicants and beneficiaries of international protection on questions corresponding to those asked to experts. Most of them had arrived in 2015–16.²¹

They included refugees, subsidiary protection status holders, humanitarian protection status holders and applicants for international protection. The only exceptions are unaccompanied children in France who

²¹ Of the 163 interviewed, 156 arrived in 2015 or 2016, four in the second half of 2014 and three in 2017.

Table 1: Experts' professional profiles (including focus groups), by EU Member State

Category	AT	DE	EL	FR	IT	SE	Total
Asylum and/or immigration authorities	2	0	10	2	8	3	25
Local housing authorities	6	7	4	3	3	8	31
Local education authorities	2	4	0	3	6	3	18
Local child protection authorities	0	5	1	3	3	4	16
Local social welfare authorities (in some cases also responsible for children and youth)	2	1	1	2	2	6	14
Housing professionals, e.g. managers of housing facilities							
Guardians	4	6	3	2	4	2	21
Education professionals, e.g. teachers	4	11	4	8	7	10	44
Employment agents	2	3	1	3	3	2	14
Law enforcement experts	7	7	11	7	5	6	43
Lawyers	6	3	5	9	6	2	31
Focal points for integration	2	1	2	1	1	6	13
NGOs and international organisations (including professionals counselling on legal, housing, education and employment issues, e.g. social workers assigned to a housing facility or school)	14	27	20	27	38	13	139
Total	55	81	64	75	86	65	426

Note: Some experts had more than one profile. In the table they are listed according to their main profile.

Source: FRA, 2019

Table 2: Topics of local focus-group discussions at the 15 locations

Topic	Locations
Education	Vienna (Austria); Berlin and Lower Saxony (Germany); Provence-Alpes-Côte d'Azur and Hauts-de-France (France); Milan and Reggio Calabria (Italy); Norrbotten and Västra Götaland (Sweden); Athens and Lesbos (Greece)
Housing	Upper Austria (Austria); Berlin and Bremen (Germany); Provence-Alpes-Côte d'Azur, Hauts-de-France and Île-de-France (France); Reggio Calabria and Rome (Italy); Norrbotten (Sweden); Lesbos (Greece)
Vulnerability to crime	Vienna (Austria); Lower Saxony (Germany); Milan (Italy); Västra Götaland (Sweden); Athens (Greece)
Social assistance	Upper Austria (Austria)
Asylum procedures	Rome (Italy)
Access to employment	Bremen (Germany)

Source: FRA, 2019

were covered by the law on child welfare and did not apply for asylum, as they are not required to hold a residence permit until they reach 18 years of age. The criteria used to identify the sample were legal status, age, gender, country of origin and location. Among children, quotas were established for unaccompanied as well as unaccompanied children. The project focused on persons who are likely to stay long-term. In relation to asylum applicants, the research included individuals from nationalities who are most likely to be granted international protection. Therefore, every effort was made to select asylum applicants from countries of origin that, in the EU Member State concerned as well

as at EU level, had a recognition rate²² of at least 51 % in 2015 or 2016. In a few cases, asylum applicants from other countries were included to explore specific risks that emerged during the fieldwork, for example Nigerian women in Italy. Interviews with experts as well as with people in need of international protection were based on a semi-structured topic guide available in the Annex (available on FRA's website).

²² The (asylum) recognition rate is the share of positive decisions in the total number of asylum decisions for each stage of the asylum procedure (i.e. first instance and final on appeal).

Table 3: Residence status of people in need of international protection interviewed

Member State	Asylum applicant	Beneficiary of international protection			Other*	Total
		Refugee	Subsidiary protection	Humanitarian status		
Austria	7	6	7	0	0	20
France	5	14	6	0	7	32
Germany	3	15	9	3	0	30
Greece	10	10	0	0	0	20
Italy	7	9	11	9	0	36
Sweden	7	8	10	0	0	25
Total	39	62	43	12	7	163

Note: * The category 'Other' refers to interviewees who arrived in France as unaccompanied children. Unaccompanied children are covered by the law on child welfare and are not required to hold a residence permit.

Source: FRA, 2019

Of the interviewees, 72 % (117) had received an international protection status at the time of the interview in 2018; 59 % (96) had arrived as children in 2015–16, most of them unaccompanied. Interviews were evenly distributed among locations.

The majority of the interviewees (93 %) were aged between 16 and 24 years at the time of the interviews, which made it possible to focus on the transitions from childhood to adulthood and from education to vocational training and work. The interview process included protective measures for interviewed children, including a possible follow-up in case of psychological strain after the interview. The research did not look at migrants in an irregular situation.

Of the 163 asylum applicants and beneficiaries of international protection interviewed, 65 % (106)

were male and 35 % (57) were female. The sample included persons from 23 countries, with Syria (26 %, 43), Afghanistan (25 %, 35), Eritrea (7 %, 11) Somalia (6 %, 10) and Iran (5 %, 8) as top countries of origin. Table 4 shows the main countries of origin of people interviewed in the six EU Member States covered.

The main challenges during the research related to difficulties in identifying persons who had arrived in France and Italy and applied for asylum as children, as they were given residence permits as children; difficulties in identifying persons who had arrived as children at all in Greece; the need to interrupt or abort interviews with refugees because of psychological strain and past traumatic experiences; and difficulties for interviewees to address questions relating to vulnerability to crime. The Austrian and German authorities in charge of asylum did not agree to be interviewed.

Table 4: Main countries of origin of people in need of international protection interviewed, in order of predominance, by EU Member State (N = 163)

Member State	Main countries of origin
Austria	Afghanistan (25 %), Syria (25 %), Somalia/Iran (20 %)
France	Afghanistan (25 %), Syria (25 %), Nigeria/Sudan (9 %)
Germany	Syria (50 %), Afghanistan (23%), Eritrea (13 %)
Greece	Syria (35 %), Afghanistan (25 %), Iran (15 %)
Italy	Gambian (17 %), Nigerian (14 %), Guinea/Ivory Coast/Mali (14 %)
Sweden	Afghanistan (36 %), Syria (32 %), Eritrea (16 %)

Source: FRA, 2019



1

Length of asylum procedures



EU Charter of Fundamental Rights, Article 18

Right to asylum

The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and the Treaty on the Functioning of the European Union.

Time plays a key role in asylum proceedings. Fundamental rights can be at risk when procedures are either too short or too long. Excessively speedy decisions might not leave sufficient time for preparation and to seek legal assistance. They thus undermine one's right of access to asylum, reflected in Articles 18 and 19 of the EU Charter of Fundamental Rights and, in appeal proceedings, the right to an effective remedy, enshrined in Article 47 of the Charter.

Lengthy proceedings that leave an asylum applicant in a state of insecurity and legal limbo can compromise the right to good administration, which is a general principle of EU law binding upon EU Member States.²³ In addition, practical obstacles may negatively affect the effective enjoyment of a wide range of rights that are important for successful integration, as shown in Chapters 2–8. As an illustration, some employers in different Member States noted that they avoid hiring asylum applicants because of complicated procedures or doubts about their right to work or simply because they may not be available if their application for asylum

is rejected. Lengthy procedures often affect the mental health of the individual. The longer asylum applicants have limited rights and access to services, the harder it becomes for them to integrate once they have received international protection.

This chapter analyses the reality of delays in the six EU Member States surveyed. [Section 1.1](#) assesses to what extent procedures were longer than legally required. [Section 1.2](#) analyses different factors influencing the length of procedures. Some 225 experts, including lawyers, professionals working with child welfare authorities and immigration authorities, members of focal points for integration, representatives of NGOs and guardians, were asked more specific questions regarding the right to stay. This includes the participants in a local focus group in Rome that discussed the impact of asylum procedures. Experts in other professional categories were consulted depending on their experience. The experiences of asylum applicants and beneficiaries of international protection concerning the impact of lengthy asylum procedures are reflected primarily in the subsequent chapters.

EU asylum law

The Asylum Procedures Directive (Directive 2013/32/EU)²⁴ sets clear timelines for the asylum procedure. For the regular procedure, when a person “makes an application”, Article 6 (1) sets a time limit for “registering” such an application of three to six days, or in case of large numbers of arrivals 10 working days (Article 6 (5)). Article 31 (3) obliges EU Member States to “ensure that the examination procedure is concluded

²³ See Court of Justice of the European Union (CJEU), C604/12, *H. N.*, 8 May 2014, para. 49; Joined cases C141/12 and C372/12, *YS and Others*, 17 July 2014, para. 68; C166/13, *Mukarubega*, 5 November 2014, paras. 43–45.

²⁴ [Directive 2013/32/EU](#) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, OJ L 180, p. 60–95.

within six months of the lodging of the application” or within up to 21 months in certain specific situations (Article 31 (5)). Under certain conditions, Article 31 (8) of the directive allows EU Member States to accelerate procedures and/or conduct these at the border or in transit zones, provided such procedures respect basic procedural standards and guarantees.

The directive uses the following terminology:

- “making” an application, which is the oral or written expression of the intention to seek asylum before a public authority;²⁵
- “registering” an application, which means the recording of a person’s wish to apply for protection, which in some Member States may include a pre-registration;²⁶
- “lodging” an application, which is the act of formalising the application for international protection with the determining authority.²⁷

Whereas some EU Member States understand all three concepts as one procedural step of the asylum procedure, others envisage two or three distinct steps. In practical terms, the entire asylum procedure, depending on the Member State concerned, can have up to eight administrative steps from the moment an individual “makes” an application to the moment an individual receives a residence permit. Figure 7 illustrates these steps.

1.1. Extent of lengthy procedures

Applicants who arrived in 2015 and 2016 brought up issues about excessively fast procedures occasionally during the research.²⁸ However, disproportionately long asylum procedures are a key concern affecting their integration prospects. The manager of a reception centre in France illustrated this as follows:

“It is a system that is extremely perverse: meaning that people are asked to integrate, but they are not given the opportunity to do so. [...] There is the phase where everything is blocked, when they have requested asylum, as if it was an illness, and the phase after, when anything is possible. But you have got too far behind. When you have waited two years and done nothing during these two years, you have not given the person the ability to do something.” (Reception centre manager, France)

Delays occurred mainly at four different steps: registration and lodging of the asylum claim; the first instance decision; appeals; and issuance of residence permits.

The example of a humanitarian protection status holder from West Africa is illustrative. He could apply for asylum only three months after his arrival in Italy, when he was transferred from Sicily to Milan. He then waited one month for a temporary residence permit as asylum applicant, an additional 19 months to be summoned before the Territorial Commission for the hearing and two months to have the asylum decision. Afterwards, he waited for two months to obtain his official residence permit as protection status holder. In total, he waited more than two years to conclude the asylum procedure and receive a residence permit.

Figure 7: Steps of the asylum procedure and timespans required by EU law



Source: FRA, 2019

²⁵ EASO (2016a), p. 4.

²⁶ *Ibid.*

²⁷ *Ibid.*; Glossary on European Migration Network website.

²⁸ For guidance on international standards and good practices relating to accelerated procedures, see UNHCR (2018a).

1.1.1. Registration of asylum claims

Even before and during the large-scale arrivals in 2015–16, EU Member States took measures intended to avoid delays in the registration of asylum claims. France, Germany, Greece and Italy introduced pre-registration systems. In Austria, since July 2015, police stations have registered asylum applications (before that, this occurred exclusively in the two initial reception centres).²⁹ In Sweden, there is no pre-registration procedure.³⁰

In 2015 and 2016, in five of the six EU Member States surveyed (all but Sweden), the time between the moment when an asylum applicant first expresses their wish to apply for asylum (making a claim) and the registration of that wish took much longer than the time limit of three to 10 days set out in EU law. Only in Sweden were there no significant delays at the registration stage.

In Austria the registration of the asylum claim at the police was relatively swift, but then there were delays of several months to get an appointment for a first interview with the asylum authority to collect all registration-related data, noted the Asylum Information Database (AIDA), a database managed by the European Council on Refugees and Exiles (ECRE).³¹ In France, one needs an appointment with the reception service for asylum applicants (*Plateforme d'Accueil des Demandeurs d'Asile* – PADA) before one can make an appointment at the registration office, called GUDA (*Guichet Unique de Demande d'Asile*), at the prefecture. In 2016, the average delay for an appointment at the GUDA exceeded one month in Paris,³² although the law sets a limit of three days (10 days in cases of high demand).³³ In Italy, the formal lodging of the application (*verbalizzazione*) uses form C₃ (*Modello C₃*). The time between when the police registered the intention to apply for asylum and when the asylum application was lodged (*verbalizzazione*) took two months in Milan and Rome.³⁴ In Germany, in 2015, asylum applicants were usually registered immediately after entering the first reception facility.³⁵ In Greece, in July 2016, the Asylum Service, assisted by the United Nations High Commissioner for Refugees (UNHCR) and the European Asylum Support Office (EASO), conducted a pre-registration exercise for potential asylum applicants living on the mainland.³⁶ The authorities estimated the period between such pre-registration and full

registration as several months.³⁷ Applicants who were not pre-registered had to schedule an appointment for registration through Skype, which created further challenges.³⁸ Experts whom FRA interviewed confirmed the existence of delays in registering asylum applications, and noted the negative impact on people affected. A young Syrian who had arrived as a child in Germany commented:

“This is not an experience, it is suffering [...] a struggle because you need to wait between 30 and 40 days to register, they give you a number and this number needs to be shown on the screen. The screen works every day from 8.00 until 18.00. I remained 35 days like this [...] waiting for the number to show up.” (Refugee from Syria, male, Germany)

Delays in registration entail a delay in issuing asylum applicant cards too, which are often a precondition to access rights in practice, as subsequent chapters will show. After the formal registration of the applications, asylum applicants receive papers entitling them to stay in the Member State.³⁹ For example, the French prefectures issue a receipt (*récépissé*) and the Italian authorities issue a temporary residence permit (*cedolino*), both of which are valid for six months and renewable. The format and validity of such documents differ between Member States. Austria and Sweden issue plastic cards, whereas the other four EU Member States use paper documents.⁴⁰ The format affects how much people trust in the document, particularly in the private sector, such as landlords or employers, as emerged from France and Italy.

1.1.2. First instance procedure

During 2015–16, in practice, in all six EU Member States surveyed, reaching a first instance decision on asylum took between six months and two years. For example, in Austria, the average duration of first instance proceedings was 3.3 months in December 2014, rising to 5.3 months in September 2015⁴¹ and to 9.1 months throughout 2016.⁴² In Germany, the average length of asylum procedures in the selected locations was between one and two years in 2015 and 2016 according to most of the NGOs, lawyers and guardians

29 Austria, Asylum Law (*AsylG*), Section 17 (1).

30 AIDA (2018a), p. 19.

31 AIDA (2016), p. 3.

32 AIDA (2017a), p. 24.

33 France, *Code de l'entrée et du séjour des étrangers et du droit d'asile* (CESEDA), 22 February 2005, Art. L741-1.

34 AIDA (2017b), p. 24.

35 Germany, Federal Government (2015a), p. 2-3.

36 Greece, Asylum Service (2016). For a discussion, see ECRE and AIRE Centre (2016), p. 14.

37 Greece, Asylum Service (n.d.); Asylum Service Director's Decision No. 8097/2016, *Official Gazette* 1542/B-31-5-2016, recital 7.

38 Greek Ombudsman (2017), p. 32.

39 Austria, Asylum Law (*Asylgesetz*), Section 50; France, CESEDA, 22 February 2005, Art. L 741-2; Germany, Asylum Act (*AsylG*), *Federal Law Gazette I*, 2 September 2008, p. 1798, Section 63; Greece, *Law 4375/2016*, Art. 41 (1) (d); Italy, Legislative Decree No. 142/2015, Art. 4; Sweden, Swedish Migration Agency webpage at Private individuals/Protection and asylum in Sweden/While you are waiting for a decision/LMA card.

40 See ECRE (2018).

41 Austria, Parliament (2015), p. 2.

42 Austria, Parliament (2017).

interviewed; around one third of the 14 experts who comment on this point stress that the duration varies greatly between individuals. In Greece, the average time from lodging the application until the issuing of the first instance decision amounted to around six months in 2017.⁴³ In Sweden, at the end of 2016, the average processing time for an asylum case was 328 days from application to the first decision, and it increased considerably in the following years.⁴⁴

1.1.3. Second instance decisions

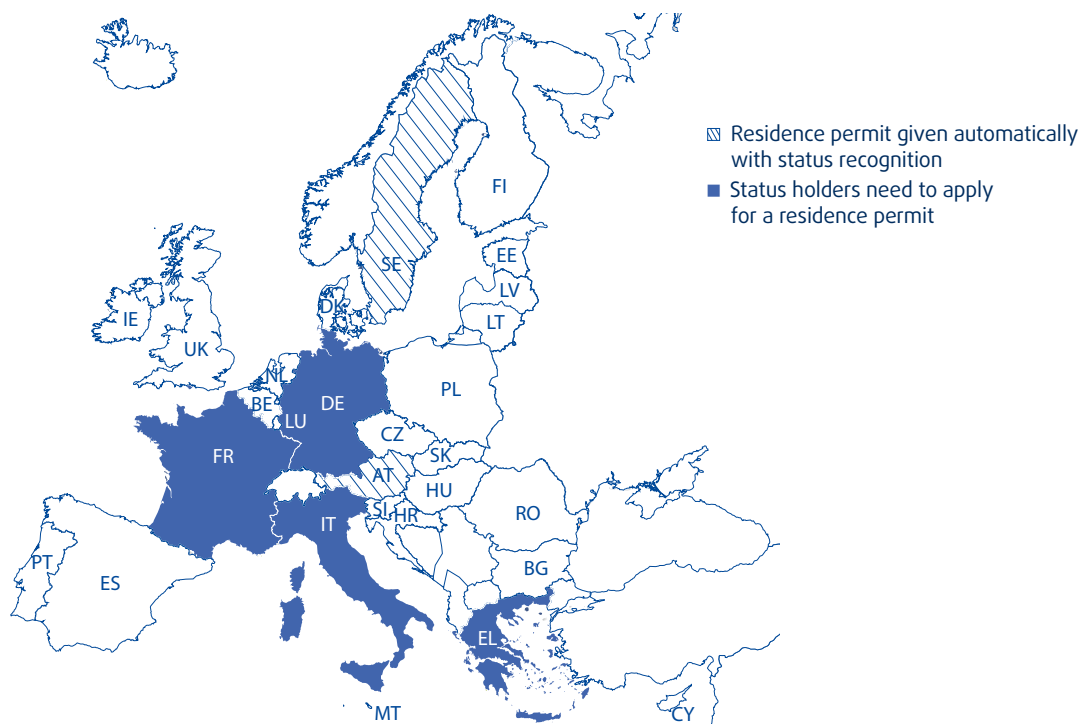
Waiting times significantly increase when applicants appeal against the administration's decision to refuse them asylum or grant them only subsidiary protection. Although FRA did not collect data on the length of appeal procedures, it can take several months and sometimes years, existing literature and replies by lawyers and other professionals indicate. For example, in the experience of a lawyer interviewed in Austria, the entire asylum procedure takes between one to three years or more, including all instances. Another Austrian lawyer said at the time of the interview, in early 2018, that some of his clients who arrived in 2015 had only

had their asylum interview by then. In France, the average time for the asylum court (*Cour nationale du droit d'asile*) to take a decision increased to 6.5 months in 2018 compared with 5 months and 6 days in 2017, according to AIDA.⁴⁵ The average duration of appeal procedures in Germany increased significantly because of the increase in the number of appeals filed in 2016 and 2017: in 2018, the average processing period for appeals was 12.5 months, compared with 7.8 months in 2017.⁴⁶ In Italy, the average duration of the procedure for appeals examined after 2017 was 4.8 months in Milan and 6.6 months in Rome, according to AIDA.⁴⁷ At the migration court in Gothenburg, Sweden, the waiting time for a second asylum decision amounted to approximately 18 to 22 months.⁴⁸

1.1.4. Issuance of residence permits

Article 24 of the Qualification Directive stipulates that, as soon as possible after refugee or subsidiary protection status has been granted, Member States should provide beneficiaries of international protection with residence permits. Whereas in Austria and Sweden such permits are automatically granted together with

Figure 8: Overview of EU Member States that provide residence permits automatically with status recognition



Source: FRA, 2019

43 AIDA (2018b), p. 37.

44 Sweden, Swedish Migration Agency (*Migrationsverket*) (2016), *Avgjorda asylärenden 2016*; *Avgjorda asylärenden 2017*; *Avgjorda asylärenden 2018*.

45 AIDA (2019).

46 Germany, Federal Government (2019a), p. 48; (2018), p. 42.

47 AIDA (2019).

48 Sweden, Gothenburg Migration Court, *Approximate processing time*.

the protection status, in France, Germany, Greece and Italy, once granted international protection, the persons concerned also need to obtain a residence permit to enjoy some of their rights (Figure 8). This can cause further delays, for example up to six months in Greece.⁴⁹

Under Article 24 of the Qualification Directive, residence permits must be valid for no less than three years for refugees and at least for one year for beneficiaries of subsidiary protection. Before the large number of arrivals in 2015, many Member States went beyond the requirements of the Qualification Directive. Since then, however, Austria and Sweden have changed their laws to meet only the minimum requirements of EU law. Figures 9 and 10 provide an overview of how the lengths of residence permits changed from 2015 to 2018.

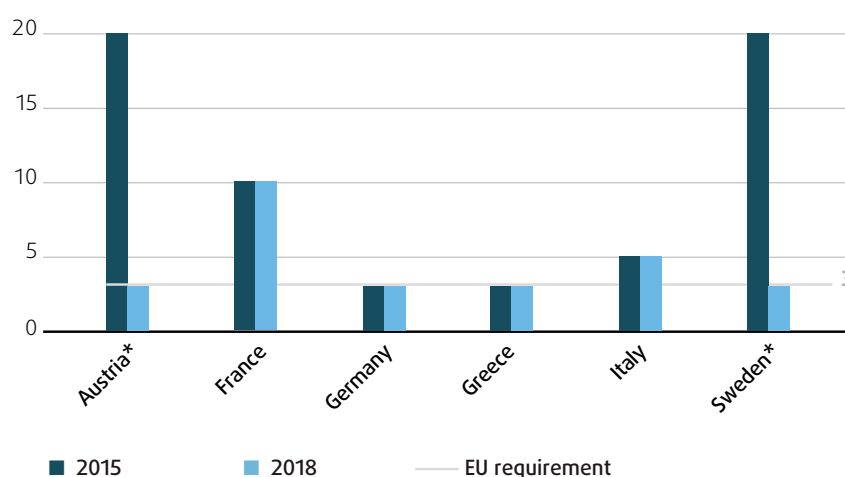
The average length of the procedure to grant the residence permit varied greatly across all EU Member States, in 2015, ranging from two weeks to six months.⁵⁰

The time when a person receives their residence permit, as well as the length of the residence permit and thus the prospect of how long one is allowed to stay, can have various effects on integration. Recital 40 of the Qualification Directive allows EU Member States, within

the limits set out by international obligations, to make access to employment, social welfare, healthcare and access to integration facilities dependent on the prior issue of a residence permit. The Commission's proposal for a Qualification Regulation introduced that recital into the proposed Article 22 (3).⁵¹

The legal status of a person thus affects their right to work and to access education, training and social benefits, which can, consequently, affect their mental health. Precarious legal status has a particularly strong effect on integration during the transition from childhood to adulthood, which is when the support of competent professionals, such as social workers, guardians or lawyers, is most needed. Certain rights, in particular free movement within the EU, materialise only later, if and when international protection beneficiaries receive long-term residence permits. Under Article 4 of the Long-Term Residents Directive (2003/109/EC), EU Member States must grant long-term resident status to third-country nationals who have resided legally and continuously within their territory for five years immediately prior to the submission of the relevant application, provided they fulfil a number of other conditions.⁵² For international protection beneficiaries, the calculation of the five years must take into account at least half of the period between the lodging of the

Figure 9: Length of residence permits for refugees, 2015 and 2018, six EU Member States



Notes: Permanent residence permits are shown as 20 years.

* Residence permits are granted automatically upon status determination.

Source: FRA, 2019

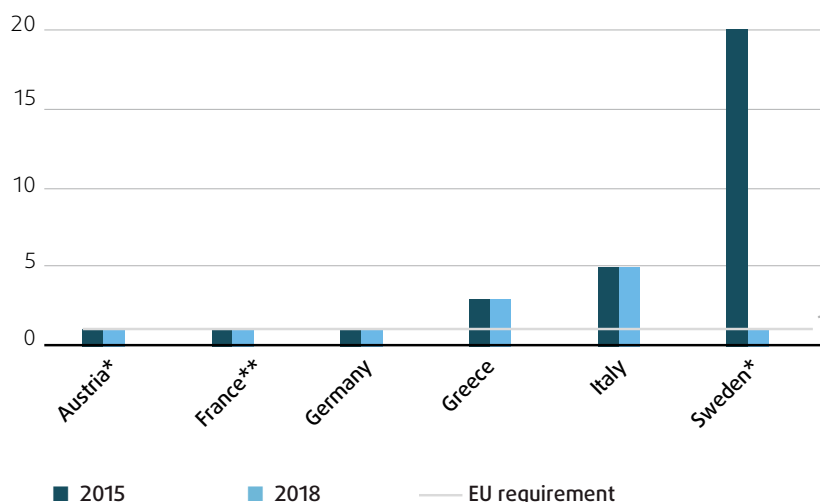
⁴⁹ AIDA (2018b), p. 168.

⁵⁰ European Commission (2019a), p. 184.

⁵¹ European Commission, *Proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU*, COM/2016/0467 final, Brussels, 13 July 2016.

⁵² *Council Directive 2003/109/EC* of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L 16, p. 44–53 (Long-Term Residents Directive).

Figure 10: Length of residence permits for beneficiaries of subsidiary protection, 2015 and 2018, six EU Member States



Notes: 20 years = permanent.

* Residence permits are granted automatically upon status determination.

** Since 1 March 2019, subsidiary protection status holders are granted a four-year residence permit renewable for 10 years.

Source: FRA, 2019

asylum application and the granting of protection, or the full period if the asylum procedure exceeded 18 months.⁵³ This is the case in Greece⁵⁴ and Austria.⁵⁵ In Germany, the whole duration of the asylum procedure is included within the five-year period.⁵⁶ In Italy,⁵⁷ France⁵⁸ and Sweden⁵⁹ the five-year period is calculated from the moment the asylum applicant submits the application for international protection.

1.2. Factors affecting the length of asylum procedures

Numerous factors contributed to the delays in processing asylum applications. The aims of this section are to shed light on the different reasons why asylum procedures

ended up being excessively long and to analyse how best to address them.

1.2.1. High number of applications paired with lack of capacity to process claims

The main reason for delays was insufficient human and financial resources to process the sudden increase in applications in 2015, at both first and second instances, as all interviewed stakeholders stated. Interviewed experts highlighted five specific issues (see Figure 11).

- There was a sudden increase in asylum applications.
- The high number of asylum applications led in Austria, Germany and Sweden to the asylum authority of first instance and the administrative courts using less-qualified personnel. For example, following the privatisation of the Federal Post Office in 2014, the Austrian Federal Office for Immigration and Asylum had hired several former postal workers as asylum case handlers although they did not have any experience in processing asylum claims.⁶⁰ Before working as case handlers they had to train for four months.⁶¹
- Overburdened and underqualified case handlers led to an increased number of poor-quality first instance asylum decisions.

53 Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection, OJ L 132, p. 1–4.

54 Greece, Law No. 4251/2014, Immigration and Social Integration Code and other provisions, Government Gazette 80/A/01.04.2014, Art. 89, para. 2.

55 Austria, Settlement and Residence Act (*Niederlassungs- und Aufenthaltsgesetz*), BGBl. I Nr. 100/2005, Art. 45 (12).

56 Germany, Residence Act (*Aufenthaltsgesetz*), BGBl. I S. 162, 25 February 2008, Art. 26 (3) (1).

57 Italy, Consolidated Immigration Act (*Testo unico sull'immigrazione*), (28 July 1998) Art. 9 (5bis).

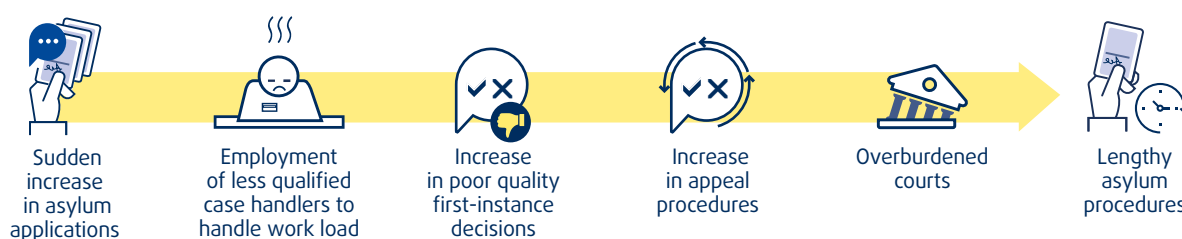
58 France, CESEDA, 22 February 2005, Art. L122-3 and Art. R. 314-1-1.(1), and Decree No. 2016-1456, 28 October 2016, modifications to Art. R. 314-1-1.

59 Sweden, *Utlänningslag* (2005:716), 29 September 2005, Chapter 5a, Section 1.

60 *Der Standard* (2014).

61 Austria, Parliament (2019), p. 8.

Figure 11: Factors leading to lengthy asylum procedures in 2015/2016



Source: FRA, 2019

- Poor-quality first instance decisions and a high number of negative decisions led to a higher number of appeals.
- High numbers of appeals shifted the bottleneck from the asylum authorities to the courts. For example, an asylum lawyer in Germany stressed that all chambers of the local administrative court had all of a sudden to deal with asylum-related matters, but many of the judges did not have the necessary experience to deal with asylum cases. Limited capacities of the courts as well as organisational shortcomings, such as the lack of available interpreters for certain – previously less demanded – languages, have likewise increased waiting times.

1.2.2. Insufficient information

Insufficient information, including the lack of child-friendly material, about the different steps of the asylum procedures, together with the lack of interpreters, emerged as an important cause of delays. This was especially the case in France. About one third (four out of 14) of the asylum applicants interviewed in the three locations in France reported delays caused by the agents of the prefecture providing them with incorrect or too little information. For example, a Syrian refugee who had arrived as an accompanied child had to return to the prefecture in Marseilles seven times, because at each appointment she was told there were additional documents to provide.

“Every time, if we wanted to do the residence permit, it goes on for a long time because they ask for a lot of paperwork and there is always something still missing. In fact, I was, I do not know, I was a little shocked because they do not ask you for everything at the same time, every time you have to go, and they ask you for something else.” (Refugee from Syria, female, France)

Although stakeholders in other EU Member States also indicated the lack of information as a general problem in the asylum procedure, they did not specifically identify this as a cause for delays. They noted some promising practices.

Promising practice

Informing applicants on a mobile app

The app is an information portal run by people who have fled to **Germany**. It is financed by the government and private companies. The app provides replies to questions about life in Germany by means of short videos and articles, on the topics of asylum, housing, health, employment, vocational training, childcare or university studies, among others. A search engine assists with finding services and offers in the immediate surroundings. The app is available in seven languages.

For more information, see Handbook Germany, ‘Germany from A to Z’.

The applicant’s educational and professional background can affect the length of the asylum procedure. The ability to understand the procedure, to know which documents to provide and to present one’s case eloquently and convincingly can speed the procedure up. For example, an asylum lawyer in Germany reported cases of journalists who received positive decisions on their asylum applications only two weeks after their hearing.

1.2.3. Physical accessibility

Asylum applicants in France, Greece and Italy experienced delays in their asylum procedures because of difficulties in physically accessing the relevant authorities.

In France, local and national authorities and civil society representatives highlighted the problem of long queues of people waiting to submit their claim, including people sleeping in front of the association responsible for pre-reception (PADA). Local and national authorities as well as NGOs and lawyers in France noted that waiting time varies significantly depending on the prefecture and the number of appointments available. A Somali asylum applicant in Paris explains that he had to queue for several days to pre-register:

“It was really very very difficult. So, everyone ... in fact people were fighting for a place. So, for example, when there are 200 people, they only take 40 [a day], 20-odd or 40-odd. So you had to be in the first 40 or the first 20. You had to come [...] four days or six days before the day of the appointment.” (Asylum applicant from Somalia, male, France)

Applicants in Italy reported that they had to wait for two days before being given access to the police headquarters to lodge the asylum application by completing form C3. The police allowed only a limited number of applications each day. An NGO professional described this critical situation:

“There is another problem that concerns the police headquarters [...] an extremely serious barrier [...] an applicant might have to wait months before being able to be among the 20 people allowed in to fill in the form [C3].” (NGO legal assistant, Italy)

1.2.4. Asylum policies or practices

Some EU Member States implement prioritisation policies based on the country of origin. These may help avoid delays, provided that sufficient resources remain available to process non-priorities applications. For example, Greece introduced a fast-track policy for Syrians in 2014.⁶² In Germany, as of autumn 2014, asylum applications submitted by persons from Syria, Iraq and Eritrea were processed using an expedited procedure, based on a written questionnaire rather than a fully fledged individual interview.⁶³ Several NGOs in Germany pointed out that applicants either from so-called safe countries of origin or from countries with high protection rates receive the decisions on their asylum applications faster than those whose applications are perceived to be more complex to examine, such as applicants from Afghanistan and Sudan. In Sweden, an asylum authority expert noted:

“There are cases that are more complicated and require more investigation and then there are some cases that are easier. What I note is that there are major differences between different nationalities. This is first and foremost what the statistics show. Asylum applicants who come from countries where there usually are no needs for protection often have a relatively quick process. [...] And the process is also relatively short for groups who in most cases are granted protection. Syrians for example also have a shorter process than Afghans or Somalis, so there are probably significant differences between different nationalities.” (Asylum authority expert, national level, Sweden)

⁶² AIDA (2015), p. 73.

⁶³ Germany, Asylum Act (AsylG), *Federal Law Gazette I*, p. 1798, 2 September 2008, Section 24 (1) sentence 2. See also Germany, Federal Government (2016), which concerns applicants who arrived in Germany before 1 January 2016 and submitted their applications before 17 March 2016.

Policies on how to interpret the Qualification Directive also affect the overall length of procedures. According to an evaluation of the recast Qualification Directive, national authorities in Austria and in Greece indicated a tendency in 2015 to grant refugee status rather than subsidiary protection to Syrians. For example, in 2015, among Syrians who received international protection in Austria, 96 % were granted refugee status and 4 % were granted subsidiary protection.⁶⁴ This trend continued in the following years.⁶⁵ According to the evaluation, this was related to Austria’s long-standing experience with the Geneva Convention but also motivated by the wish to reduce the number of appeals (refugee statuses are not appealed, as opposed to subsidiary protection), which shortened the length of procedures significantly.⁶⁶

1.2.5. Type, existence and quality of evidence to substantiate claims

The quality, type and amount of evidence asylum applicants can provide to substantiate their asylum claims can differ for a variety of reasons. The complexity of the claim, the quality of the documentary evidence produced or the changing situation in the country of origin can affect the time needed to process a claim. For example, several asylum applicants in Germany and Italy spoke about challenges linked to the documents required to substantiate an asylum application and their inability to provide what the authorities requested. Several refugees in Germany had lost their documents on their journeys, and in Italy an asylum applicant reported that he was asked to provide documents to prove the situation in his country of origin but he did not have them.

1.2.6. Applications by unaccompanied children

The age of an applicant can be important for the duration of the procedure. For example, in Italy, unaccompanied children’s applications are processed as a priority, in line with the best interests of the child. In Austria, Germany and Sweden their processing time can be longer than for adults. This can be either because it takes a long time to appoint a legal guardian, who submits the application on behalf of the child, or because of lengthy age assessment procedures.⁶⁷

⁶⁴ European Commission (2019a), p. 330.

⁶⁵ In 2016, for applicants originating from Syria, Austria granted in second instance decisions, 15,528 refugee status and 585 subsidiary protection, Austria, Federal Ministry of the Interior (2016), p. 37; in 2017, 11,827 were refugee status and 1,194 subsidiary protection, Austria, Federal Ministry of the Interior (2017), p. 35; in 2018, 4,951 were refugee status and 414 subsidiary protection; Austria, Federal Ministry of the Interior (2018), p. 33.

⁶⁶ European Commission (2019a), p. 330.

⁶⁷ For recommendations and good practices about asylum procedures for unaccompanied children, see UNHCR (2017a).



FRA ACTIVITY

Strengthening guardianship systems

FRA and the European Commission have published a handbook to strengthen national guardianship systems for unaccompanied children. The handbook provides guidance and recommendations to EU Member States, setting forth the core principles, design and management of guardianship systems. It is available in all EU languages.



See FRA (2015), *Guardianship for children deprived of parental care in the EU – with a particular focus on their role in responding to child trafficking*, Publications Office, Luxembourg.

The guardian's qualifications, personal commitment and workload and the number of children they are supporting may affect the quality of the support the guardian can provide and thus also the duration of asylum procedures. Qualified case workers who are specifically trained to interview children may increase the likelihood that a child will be recognised as a refugee. The provision of age-sensitive information and prompt referral to appropriate services also increase the protection of children within the asylum process.

Guardians, NGOs and local authorities interviewed in different locations in Germany mentioned the improvements to the Asylum Act in October 2015 whereby children above the age of 16 too must be represented by a guardian.⁶⁸ They note that, although in principle a positive step, it is not always accompanied by sufficient resources to make enough guardians available, leading to further delays. Age assessments may take months in some cases, according to an Austrian guardian.

Promising practice

Speeding up procedures for unaccompanied children in Milan

The police headquarters of Milan, **Italy**, dedicates one day a week to asylum claims lodged by children. All different administrative steps, which adults have to do separately, can be done in one day, including photo identification, database verification to avoid duplication of the request, and filling in form C3. This preferential treatment is also applied to renewing a residence permit.

Source: Local child protection authority, Milan

Conclusions and FRA opinions

Lengthy asylum procedures have various impacts on applicants' daily lives. Their legal status grants them limited rights and access to services compared with status holders. These limitations, coupled with uncertainty about the outcome of proceedings, the fear of return and the absence of family and friends, can affect integration prospects and mental health, and make some vulnerable to becoming victims or perpetrators of crime. The longer a person does not have full access to rights and benefits, in particular those linked to vocational training and employment, the harder it is to catch up with the integration process once a status is granted. At the same time, it is crucial that the asylum procedure allow sufficient time for the applicant to prepare for the interview, seek legal, medical and psychological assistance, and collect evidence to substantiate a claim.

In the six EU Member States reviewed, asylum procedures lasted longer than the time limits set out by EU law. Numerous factors contribute to the delays in processing asylum applications. Some are within the remit of the authorities, such as insufficient human and financial resources to deal with a high number of applications, delays in appointing a guardian or inadequate information for asylum applicants. Other factors are linked to the person in search of international protection.

FRA opinion 1

EU Member States should examine asylum claims within a reasonable time period, allowing sufficient time to prepare a case and to seek legal and other assistance, including in times of large numbers of arrivals. To do so, they should ensure that sufficient financial and human resources, using qualified professionals, can be made available at short notice so as not to exceed the time limits set out in EU law.

Factors contributing to lengthy proceedings should be minimised, in particular if the factor lies within the remit of the authority and if the applicant is a child. Appropriate resources to quickly appoint competent guardians should be ensured. The guardianship system should be an integral part of the national child protection system, and must operate within the national legal child protection framework. EU Member States should ensure that applicants with good prospects of receiving protection can already start their integration process during the asylum procedure to make the transition from being an applicant to being a status holder as easy as possible. This should include participation in language classes and effective access to education, healthcare, vocational training and the labour market as early as possible.

⁶⁸ Germany, Asylum Act (AsylG), *Federal Law Gazette I*, p. 1798, 2 September 2008, Section 12.

2

Family reunification



EU Charter of Fundamental Rights, Article 7

Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

The family is the natural and fundamental unit of human society. Being together with family members helps to bring stability and security in life, facilitating integration.⁶⁹ Nevertheless, many EU Member States have introduced and implemented increasingly restrictive family reunification laws and policies, amid concerns that generous family reunification rules may serve as a pull factor for migrants. At the same time, family reunification remains one of the primary grounds for admission into the EU, amounting to some 26 % of all first residence permits issued in the 28 EU Member States to third-country nationals in 2017.⁷⁰ Family reunification constitutes a safe and legal way to enter the EU as a third-country national, avoiding deadly routes and exploitative smuggling networks.

Status holders responding to the research in all six EU Member States stressed that not being able to reunite with their families had a negative impact on them. It affected their ability to engage in education and employment. It impaired their physical and emotional health. A refugee in Greece describes how family reunification will influence his integration:

“I will be psychologically calm, I will have no anxiety that my parents are in Syria and something can happen to them, because the situation over there and around them is very difficult [...] There is a slight chance that I will be able to integrate.” (Refugee from Syria, male, Greece)

69 UNHCR (2017b).

70 Eurostat, *migr_resfirst*, data extracted on 11 October 2019.

This chapter illustrates the legal and practical challenges that young international protection beneficiaries wishing to reunify with their family members face in the six EU Member States surveyed. The data are based on interviews with professionals as well as refugees and asylum applicants in the six Member States, complemented with desk research. FRA consulted 225 experts on family reunification procedures, including lawyers, officials of child welfare, asylum and immigration authorities, members of focal points for integration, representatives of NGOs and guardians. Out of the 117 interviewed beneficiaries of international protection, 20 had experiences relating to family reunification. However, interviewers had to abort several interviews because the interviewees were unable to speak about the topic.

Human rights law

All persons, including asylum applicants and international protection beneficiaries, have a right to respect for family life. This right is set out in several human rights instruments, as shown in Table 5. Although not expressly covered in the 1951 Refugee Convention, family unity and the protection of the refugee’s family feature prominently in the final act of the diplomatic conference that adopted the Convention.⁷¹ For international protection beneficiaries, reuniting with their family members in the country of origin where they would face persecution or the risks attached to armed conflicts is not an option. Therefore, realising the right to respect for family life normally means that

71 United Nations General Assembly, Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, 25 July 1951, Recommendation B.

Table 5: Right to family life in international law, selected instruments

Instrument	Main provisions	Applicability
Universal Declaration of Human Rights, Article 16 (3)	"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."	Refugees and asylum applicants
International Covenant on Civil and Political Rights, Article 23 (1)	"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."	Refugees and asylum applicants
International Covenant on Economic, Social and Cultural Rights, Article 10 (1)	"The widest possible protection and assistance should be accorded to the family."	Refugees and asylum applicants
ECHR, Article 8	"1. Everyone has the right to respect for his or her private and family life, home and communications."	Refugees and asylum applicants
Convention on the Rights of the Child, Article 8	"1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference."	Refugees and asylum applicants
Convention on the Rights of the Child, Article 10	"1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family."	Refugees and asylum applicants

Note: Under 'applicability', 'refugee' is used in a broad sense, also including subsidiary protection status holders.

Source: FRA, 2019

countries of asylum should facilitate the entry of family members to join international protection beneficiaries.⁷²

EU law

The Charter protects family life and family unity as a fundamental right in Articles 7, 9 and 33.

Secondary EU law provides further specifics on the right. The Family Reunification Directive (2003/86/EC) lays down the right for third-country nationals legally residing in an EU Member State (sponsors) to be joined by their family members staying outside the EU. The directive also applies to refugees. It does not apply to asylum applicants or to subsidiary protection beneficiaries.

In the light of refugees' special circumstances, the directive sets forth more favourable conditions for refugees' family reunification than are available to other third-country nationals.⁷³

The Qualification Directive regulates the situation of family members who are already in the EU.⁷⁴ According to its Article 23 (2), family members of beneficiaries of international protection who do not individually qualify for protection are entitled to almost the same benefits as the status holder. The only difference between the entitlements of refugees and of their family members concerns the length of their residence permit: according to Article 24 (1), the residence permit to be issued to the family members of the beneficiaries of refugee status may be valid for less than three years and renewable.

There is no right to family reunification in the EU before the protection status is determined. During the asylum application procedure, the Dublin Regulation serves as a basis for family reunification of family members already in the EU but living separated in different Member States.⁷⁵ Family reunification under the Dublin Regulation is outside the scope of this study.

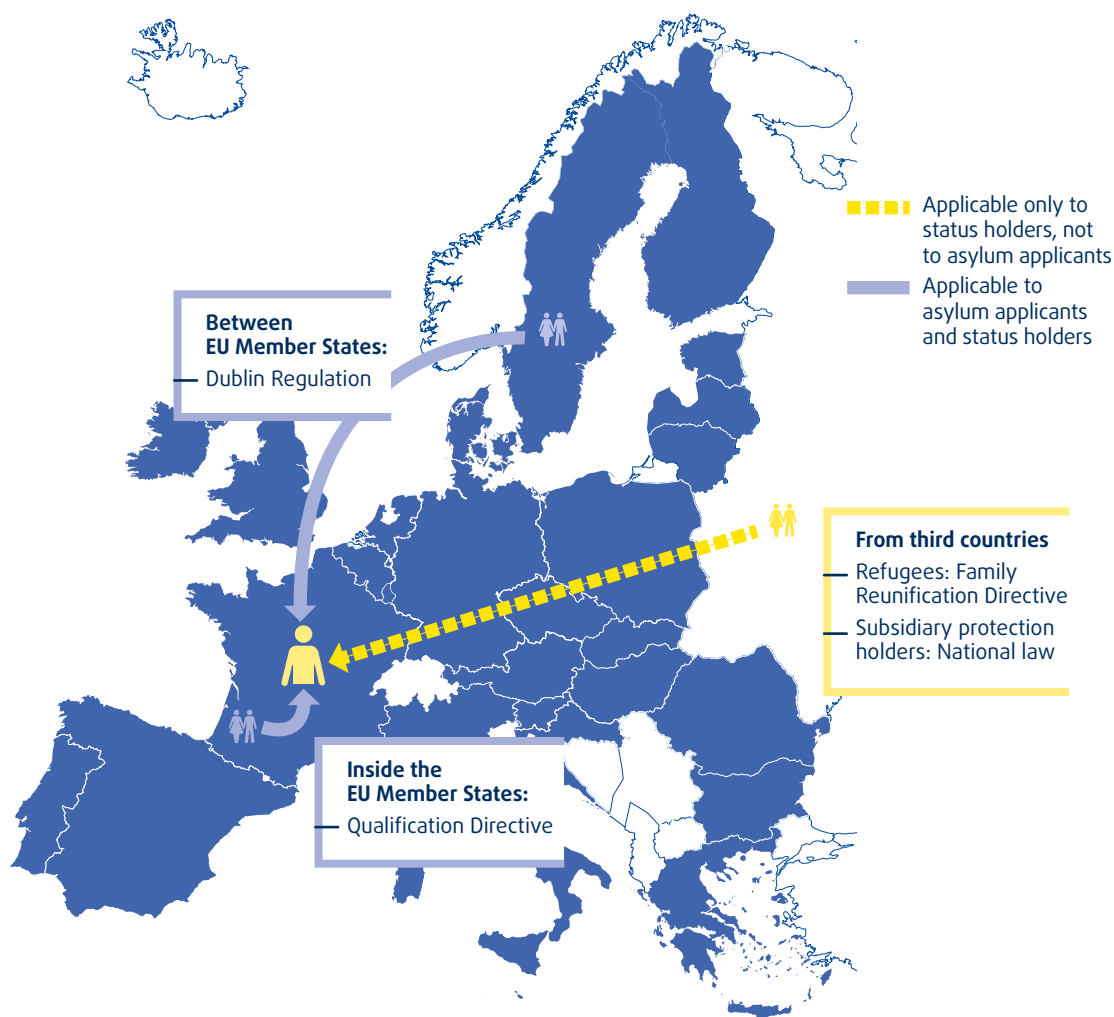
72 In this context see also UNHCR Executive Committee (1979, 1981, 1998, 1999).

73 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251, p. 12–18 (Family Reunification Directive), Art. 3 (2) and recital 8.

74 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337, p. 9–26 (Qualification Directive), Art. 23 (1); see also Family Reunification Directive, recital 2.

75 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, p. 31–59 (Dublin Regulation); recitals 15 and 16 and Art. 8 apply to children.

Figure 12: EU law sources regulating family unity and family reunification



Source: FRA, 2019

Figure 12 illustrates how secondary EU law provides further specifics on the right to family reunification.

2.1. Legal obstacles

The implementation of the EU legal framework regarding family reunification varies between the six EU Member States surveyed. Since 2015, Austria, Germany and Sweden have introduced legal changes restricting the possibilities of family reunification for beneficiaries of international protection.

2.1.1. Personal scope

Article 4 of the Family Reunification Directive obliges EU Member States to authorise the entry and residence of the sponsor's spouse and the minor children of the sponsor and of their spouse. The directive gives EU Member States the discretion to also allow family reunification to first-degree relatives in the direct

ascending line of the sponsor or spouse, where they are dependent on the sponsor and/or spouse and do not enjoy proper family support in the country of origin; and the adult unmarried children of the sponsor or his or her spouse. Implementation in the six surveyed EU Member States varies, as Table 6 illustrates.

During the interviews, several respondents, especially in Austria and France, noted that the family members they wished to reunify with did not qualify as family members according to EU or national laws. Several interviewees wished they could bring their parents and siblings. However, as Table 6 demonstrates, once a person is over 18 years old, their parents are, in four out of six EU Member States, not eligible. That young adults are separated from their parents deeply affects them. For example, a 19-year-old Eritrean, who cannot bring his parents or siblings, says that having his family near matters the most for his well-being:

Table 6: Personal scope of family reunification rules

Member State	Spouse	Unmarried long-term/registered partner	Minor unmarried child	Dependent unmarried adult child	Parents of minor child	Parents of adult (if dependent)	Sibling of minor
EU law “shall” or “may” provision	shall	may	shall	may	shall	may	may
Austria	✓	✓*	✓		✓		
France	✓	✓	✓		✓		✓**
Germany	✓	✓	✓		✓		
Greece	✓	✓	✓	✓	✓	✓	
Italy	✓	✓	✓	✓	✓	✓	
Sweden	✓	✓	✓		✓		

Notes: Member States may allow, at their discretion, the reunification of other family members, for example to avoid hardship. For instance, in Germany, the Residence Act (AufenthG), Section 36 (2), applies to reunification rules for adult children and parents of adults.

* Family reunification is possible for registered partners as well as spouses. However, family reunification for unmarried long-term partners is possible only for Austrians or EEA and Swiss citizens.

** Since 2019.

Sources: Austria, Federal law on settlement and residence (Bundesgesetz über die Niederlassung und den Aufenthalt in Österreich (Niederlassungs- und Aufenthaltsgesetz) StF: BGBl. I Nr. 100/2005, and Federal law on granting asylum (Bundesgesetz über die Gewährung von Asyl – Asylgesetz 2005 – AsylG 2005), BGBl. I Nr. 100/2005 as amended by BGBl. I Nr. 56/2018; France, Code for entry and residence of foreigners in France and the right of asylum (Code de l’entrée et du séjour des étrangers et du droit d’asile – CESEDA), 22 February 2005, Articles L 752-1, L 812-5, R 752-1 to R 752-3 and R 812-4; Germany, Residence Act (AufenthG), Sections 27, 29, 30, 32, 36; Greece, Presidential Decree 131/2006 as amended by Presidential Decrees 167/2008 and 113/2013, Articles 4 (1) and 13, and maintained in force by Article 139 of Law 4251/2014 and Presidential Decree 141/2013, Article 2 and Article 23, as amended by Law 4375/2016 (Ελλάδα, Προεδρικό Διάταγμα 131/2006, όπως τροποποιήθηκε με τα Προεδρικά Διατάγματα 167/2008 και 113/2013 και διατηρήθηκε σε ισχύ με το άρθρο 139 του Νόμου 4251/2014, Άρθρα 4 παρ.1 και 13, καθώς επίσης και Προεδρικό Διάταγμα 141/2013, όπως τροποποιήθηκε με το Νόμο 4375/2016, Άρθρα 2 και 23); Italy, Legislative Decree (decreto legislativo) No. 286/1998, Articles 29 and 29a and (for unmarried partners) Law No. 76 of 20 May 2016 (Legge 20 maggio 2016, n. 76), as clarified by the Ministry of the Interior in its circular letter of 5 August 2015; Sweden, Act temporarily restricting the possibility of obtaining residence permits in Sweden (Lag [2016:752] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige), 20 July 2016

“Family, always. No matter if you have found a job, if you’re well settled in France, if you have friends and all that ...” (Refugee from Eritrea, male, France)

Many of the interviewed status holders expressed that their transition to adulthood had seriously detrimental effects, as they were no longer able to apply for family reunification with their parents. In 2018, the Court of Justice of the European Union (CJEU) ruled that a third-country national “who is below the age of 18 at the time of his or her entry into the territory of a Member State and of the introduction of his or her asylum application in that State, but who, in the course of the asylum procedure, attains the age of majority and is, thereafter, granted refugee status must be regarded as a ‘minor’ in the family reunification procedure”.⁷⁶ This clarification came during the fieldwork research. In Germany, some international protection beneficiaries reported new hopes of reuniting with their family, whereas others, in Austria, Germany and Sweden, continued to believe

they had no possibility of reuniting because of their age. A young Syrian beneficiary of subsidiary protection in Germany recalls that his parents:

“went to Lebanon from Syria. It [the journey] was a torture for them [...]. They finally reached the embassy but turned back to Syria with big disappointment because the child is 18 years old now. [...] [Travelling] to Turkey was extremely dangerous [...] they travelled while Idlib was under intensive bombing, they stayed 11 days there [at the border, not being able to enter Turkey]. I suffered a lot during those 10 days. They tried to cross borders but they could not until we paid smugglers [...] to transfer the family from Idlib to Turkey, two months ago [...] the costs were high but more importantly the journey was not safe [...]” (Subsidiary protection status holder from Syria, male, Germany)

At the beginning of 2019, a German court ruled that the CEU’s judgment had to be respected in Germany too,⁷⁷ opposing the German government’s position. In

76 CJEU, C-550/16, A and S v. Staatssecretaris van Veiligheid en Justitie, 12 April 2018, para. 64.

77 Germany, Administrative Court (Verwaltungsgericht) Berlin, judgment of 1 February 2019, 15 K 936.17 V, *Asylmagazin* 4/2019, p. 119.

January 2019, the government announced that it was reassessing its practice of considering children who turned 18 after applying for asylum to be no longer eligible for family reunification, in view of the CJEU's judgment.⁷⁸ However, this practice had not changed by July 2019, according to Pro Asyl.⁷⁹

2.1.2. Restrictions for refugees

Under the Family Reunification Directive, unlike other third-country nationals, refugees are exempt from providing evidence of their accommodation, sickness insurance and resources when applying for family reunification during the first three months after receiving refugee status.⁸⁰ Member States may extend these favourable conditions beyond three months. Italy and France have done so.⁸¹ In these two EU Member States, third-country nationals with refugee status are entitled to family reunification without specific requirements, such as minimum income or adequate housing.

Austria,⁸² Germany,⁸³ Greece⁸⁴ and Sweden⁸⁵ apply the three-month time limit. Refugees who apply for family reunification after three months from the day they were granted refugee status no longer have access to the more favourable conditions. After this deadline, family reunification is possible only under the standard provisions applicable to all third-country nationals. These standard provisions include housing and maintenance requirements. These pose a major obstacle. In Austria, where the application must be submitted personally or in writing at the embassy, the three-month deadline is often nearly impossible to meet:

“What obviously has changed – that was [the 2016 amendment] – that you can only submit the application within three months after recognition of asylum [...]. Obviously that does have an impact, because people have an immense amount of stress.” (Lawyer, Austria)

Similarly, a legal adviser in Sweden said:

“I can say that the new maintenance requirement that was added with [the introduction of] the temporary law has made investigations on family reunification more complicated. I know that case workers to whom I have talked spend a lot of time looking at evidence on whether persons have sufficient funds, if their incomes are enough to cover the maintenance requirement and so on. So the investigations have probably become more complicated and more difficult in this way.” (NGO legal adviser, national level, Sweden)

2.1.3. Restrictions for beneficiaries of subsidiary protection

Legal restrictions on family reunification primarily affected beneficiaries of subsidiary protection, as the Family Reunification Directive does not explicitly apply to them. In its reports on the implementation of the directive, the European Commission stressed that it should not be interpreted as obliging Member States to deny beneficiaries of temporary or subsidiary protection the right to family reunification.⁸⁶ Many Member States do also apply the directive to beneficiaries of subsidiary protection,⁸⁷ but several of them with restrictions. Out of the six EU Member States surveyed, this is the case in Austria, Germany and Sweden, as Figure 13 shows.

France and Italy apply the same rules on family reunification to both refugees and subsidiary protection status holders.⁸⁸

In Greece, only recognised refugees have the right to apply for reunification with non-EU family members.⁸⁹

Germany and Sweden suspended family reunification for beneficiaries of subsidiary protection and Austria introduced a waiting time for them. In Germany, family reunification for beneficiaries of subsidiary protection was not possible between March 2016 and July 2018.⁹⁰ Since August 2018, every month a maximum of 1,000 visas can be issued for family members of sponsors who

78 Germany, Federal Government (2019b), p. 21.

79 Pro Asyl (2019).

80 Family Reunification Directive, Art. 12.

81 France, *Loi no. 2015-925 du 29 juillet 2015 relative à la réforme du droit d'asile*, Arts. L. 411-2 to L. 411-4 and the first paragraph of Art. L. 411-7; Italy, Legislative Decree No. 286/1998, Art. 29.

82 Austria, *Law changing the Asylum Law (Bundesgesetz, mit dem das Asylgesetz 2005, das Fremdenpolizeigesetz 2005 und das BFA-Verfahrensgesetz geändert werden)*, BGBl. I 24/2016, Arts. 35 and 60.

83 Germany, *Residence Act (Aufenthaltsgesetz)*, BGBl. I S. 162, 25 February 2008, Section 29 (2) No. 1, *Official Gazette*, p. 1147.

84 Greece, *Presidential Decree 131/2006* (as amended by *Presidential Decree 167/2008*), Art. 14 (1) and (3).

85 Sweden, *Act on temporary restrictions of the possibility to obtain a residence permits in Sweden (Lag [2016:752] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige)*, 20 July 2016.

86 European Commission (2014, 2019b).

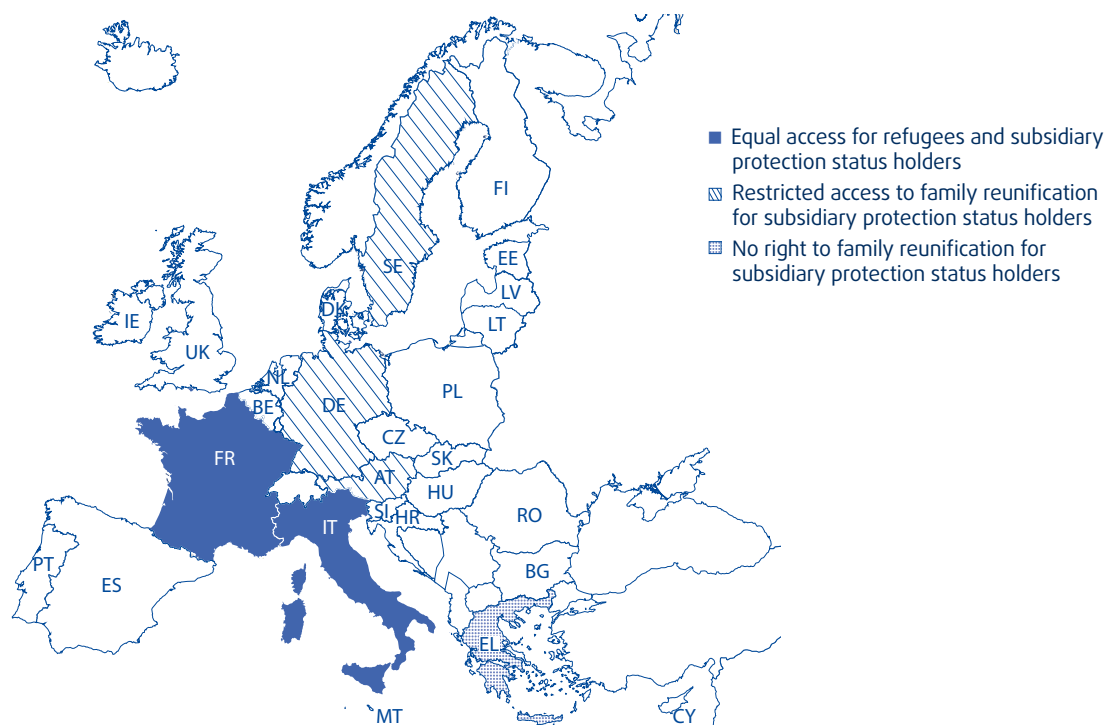
87 European Commission (2008); EMN (2017), p. 6.

88 France, *Loi no. 2015-925 du 29 juillet 2015 relative à la réforme du droit d'asile*, Arts. L. 411-2 to L. 411-4 and the first paragraph of Art. L. 411-7; Italy, Legislative Decree No. 286/1998, Art. 29.

89 Greece, *Presidential Decree No. 167/2008* amended by *Presidential Decree No. 113/2013*.

90 Germany, *Law introducing accelerated asylum procedures (Gesetz zur Einführung beschleunigter Asylverfahren)*, 11 March 2016, Art. 2 (4), amending the *Residence Act*, Section 104(13), 3 February 2016.

Figure 13: Family reunification for subsidiary protection status holders, six EU Member States



Source: FRA, 2019

have subsidiary protection status.⁹¹ Several experts, such as a social worker, a lawyer and a teacher, noted that in individual cases the ban on family reunification in place at the time of the research triggered instability, aggression, drinking problems and difficulties in forming stable relationships. It may also have an effect on motivation to invest in one’s living situation in Germany. One respondent stresses:

“They [young people] have no motivation any more [...] in the beginning, the young people were so motivated. They wanted to attend three courses a day. Learn German as fast as possible [...] if you have waited for too long, for two years, and you are still not sure if you will see your family again, when you will see them again, what motivates you to learn the language? For whom? For your social worker? No.” (NGO integration manager and lawyer, Germany)

In 2016, Sweden adopted temporary measures for three years, limiting, in principle, family reunification for beneficiaries of subsidiary protection.⁹² The Migration

Court of Appeal in Sweden ruled in November 2018 that the denial of family reunification rights to a child benefiting from subsidiary protection was not, in this specific case, a proportionate restriction on the right to family life under Article 8 ECHR and was, in the circumstances of that case, contrary to the best interests of the child.⁹³

In Austria, subsidiary protection status holders have to wait for three years after receiving their decision before they are eligible to apply for reunification.⁹⁴ The sponsor must then prove that they can provide their family members with accommodation, sickness insurance and financial means. This suspension has had particularly negative impacts for the 16- to 17-year-olds, as it deprived them of the possibility of applying for family reunification.

2.2. Practical challenges

In 2017, the European Migration Network identified a number of practical obstacles to accessing family reunification.⁹⁵ Many of these continue to exist, it

91 Germany, Act on the revision of family reunification with subsidiary protection status holders (*Gesetz zur Neuregelung des Familiennachzugs zu subsidiär Schutzberechtigten*) of 12 July 2018, *Federal Law Gazette I*, p. 1147, amending among others the Residence Act and inserting Section 36a (family reunification with subsidiary protection status holders).

92 Sweden, Act temporarily restricting the possibility to obtain residence permits in Sweden (*Lag (2016:752) om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*), 20 July 2016.

93 Sweden, Migration Court of Appeal, Case MIG 2018:20, November 2018.

94 Austria, *Law changing the Asylum Law (Bundesgesetz, mit dem das Asylgesetz 2005, das Fremdenpolizeigesetz 2005 und das BFA-Verfahrensgesetz geändert werden)*, BGBl. I 24/2016.

95 EMN (2017).

emerged from FRA's research. The main practical challenge is the complexity of family reunification procedures, about which status holders have not enough information. Other obstacles include difficulties in accessing embassies, difficulties in producing documents requested, costs and the length of procedures.

2.2.1. Complex procedures and insufficient information

Some international protection beneficiaries mention that the procedure for family reunification is so complex and the chances of success so low that it has not been worth trying to reunite with their family. In all EU Member States, interviewees across the board note that potential sponsors have not received enough information on how to proceed. The lack of information on the procedures emerged especially in Austria, France, Greece, Italy and Sweden. For example, in Italy a respondent who came to Italy as a child expressed a complete lack of awareness about the functioning of the procedure:

"I never asked for information about the procedure, I wouldn't know where to go, where to ask." (Subsidiary protection status holder from Somalia, male, Italy)

2.2.2. Difficulties in accessing embassies

Another major challenge is accessing embassies and the high cost of doing so, as experts as well as international protection beneficiaries noted in all the six EU Member States. A particular challenge emerged from Austria, where it is the family member in the non-EU country who has to initiate the family reunification procedure in the embassy.⁹⁶ To benefit from the simplified family reunification procedure, this has to be done within three months from the recognition of refugee status in Austria. This may be a challenge, particularly if the diplomatic representation is in another country. Experts experienced in family reunification, as well as refugees, in France, Germany, Greece, Italy and Sweden had examples of similar difficulties in accessing embassies in non-EU countries. As an illustration, a refugee interviewed in Italy noted that Italy has no embassy in Somalia, her country of origin; the closest Italian embassies are in Kenya and Ethiopia. The journey to Kenya or to Ethiopia is very expensive. In Germany, civil society representatives listed problems when people have to leave a conflict zone or if they have to travel to a neighbouring country, as in the case of Afghanistan, to access a German diplomatic mission. A social worker in France shared the same concern:

"[F]or example, for seven months the embassy in Kabul has been closed." (Social worker, national level, France)

2.2.3. Lack of required documents

In all six EU Member States reviewed, international protection beneficiaries face major practical challenges in producing the necessary documents. The following examples illustrate various obstacles that may emerge. A child in Sweden applied for family reunification. After authorities interviewed him in Sweden and his parents in Iran, authorities denied his application for family reunification because his family did not have any passports. In Austria, lawyers explain that documents have often been destroyed or lost in the course of the flight or in war. The consequence is that families have incomplete evidence to prove their family relationships.

The experiences of many interviewees demonstrate the difficulty of obtaining evidence that the Member States consider valid. A French lawyer noted that the National Asylum Court views with suspicion the documents issued by many non-EU countries, considering that they are fake. An Austrian lawyer corroborates this:

"The number of times you email and talk on the phone with various embassies [...], those are such stressful procedures, everything is always questioned, every document that someone submits is doubted, [...] that's an extremely straining procedure." (Lawyer, Austria)

Corruption in non-EU countries may also be an obstacle to refugees initiating the procedure. A Somali refugee interviewed in Italy reported that one reason why she has not applied for family reunification for her mother and son yet is that corruption problems in Kenya prevent her from obtaining the necessary documents to apply. According to her, Kenyan soldiers regulate access to the Italian embassy and ask for money in exchange.

2.2.4. High costs

The financial implications of a family reunification application and the costs of supporting the family on their way to Europe or in transit countries were frequently named as a major obstacle experienced during the reunification procedure, for example in Germany. Financial aspects include fees, costs of translating documents required for an application, bribes to ensure a timely appointment at an embassy in transit countries and travelling costs.

2.2.5. Length of procedures

Besides the complexity, the length of family reunification procedures was considered cumbersome and frustrating, as the following examples illustrate. Several experts and international protection beneficiaries in Germany

⁹⁶ Austria, Asylum Law (*Asylgesetz*), Section 35.

note that waiting times to get an appointment are an issue. A lawyer in Germany described it as follows:

"I feel like I can watch them becoming old and grey and skinny. [...] And we know of [...] clients who went back [to Syria] because they said: 'I can no longer bear the separation.'" (Lawyer, Germany)

At the time of the interviews, the very limited number of families whose admission the authorities in Greece had approved had not received entry visas yet.⁹⁷ In August 2018, a joint ministerial decision introduced new ways to prove the family relationship, such as additional interviews or DNA tests.⁹⁸ As an illustration of the practical difficulties, in Sweden, a young woman with subsidiary protection status from Syria said that it was a lot of back and forth before family reunification could happen. Her family had first been on their way to the Swedish embassy in Ankara in Turkey for their interview, while the interviewee was trying to get their appointment rebooked to the Swedish consulate in Istanbul. When she had managed this, she received a phone call from the Swedish embassy saying that the interview had been moved and was to take place in Sudan. Her family, who had travelled with a smuggler to get across the Turkish border, were not able to get their money back. Nevertheless, they had to go back to Syria, and later went to Sudan for their interview.

Conclusions and FRA opinions

Family reunification is recognised as one of the key mechanisms for better integration of migrants and refugees. The absence of family members and worries about their well-being hinder effective participation to language courses, school and training and from finding a job. Evidence shows that the absence of their families makes people more vulnerable to mental health issues and criminality. Allowing swift, efficient and affordable family reunification is not only beneficial for the people concerned, but also a worthwhile investment for the host society in the medium and long runs. It also prevents the use of smugglers and secondary movement.

FRA opinion 2

EU Member States should implement family reunifications in a swift and affordable manner, limiting bureaucracy to a minimum. They should promote equal treatment of beneficiaries of subsidiary protection and refugees.

*EU Member States should implement the Court of Justice of the EU's judgment in *A and S v. Staatssecretaris van Veiligheid en Justitie*, C-550/16, 12 April 2018, and ensure eligibility for family reunification of third-country nationals who are below the age of 18 at the time of the asylum application but who, in the course of the asylum procedure, attain the age of majority.*

⁹⁷ Greek Council for Refugees (2018).

⁹⁸ Greece, *Joint Ministerial Decision No. 47094/2018* on specification of required documentation and procedure for the allowance of a long-stay national visa (D-visa) to third-country nationals or stateless persons in the context of family reunification for refugees (Καθορισμός απαιτούμενων δικαιολογητικών και διαδικασία για τη χορήγηση εθνικής θεώρησης εισόδου μακράς διάρκειας (VISA-τύπου D) σε πολίτες τρίτων χωρών ή ανιθαγενών στο πλαίσιο οικογενειακής επανένωσής τους με πρόσφυγες), *Government Gazette* B 3678/28-08-2018.



3

Housing



EU Charter of Fundamental Rights, Article 1

Human dignity

Human dignity is inviolable. It must be respected and protected.

Housing serves to uphold the right to human dignity guaranteed in Article 1 of the Charter. It is a key dimension of integration and a precondition for the enjoyment of other rights. Location, conditions and size of housing as well as frequent transfers affect the possibilities of attending and performing well at school, accessing employment and gaining social welfare support. Experts and refugees alike considered individual housing, as opposed to shared accommodation, an important step towards integration and self-sufficiency. They also noted that having appropriate housing arrangements during the asylum procedure affects future integration prospects after a person receives an international protection status.

This chapter describes the experiences of finding housing that people had after arriving in Europe as part of the large-scale arrivals in 2015 and 2016. It looks at the impact that housing policies had on integration and fundamental rights. It covers asylum applicants as well as status holders. The chapter is based primarily on interviews with a total of 216 professionals with expertise in housing issues, who were interviewed either individually or as part of focus groups, including employees of local housing authorities, members of integration focal points, guardians, officials from child protection authorities and representatives of NGOs. Other professionals were consulted depending on their experience. Ten local focus groups on housing took place in Norrbotten, Linz, Lesbos, Berlin, Bremen, Lille, Paris, Marseilles, Rome and Reggio Calabria. Interviews with experts are compared with the

experiences of all the asylum applicants and international protection beneficiaries interviewed.

International human rights law

The right to adequate housing is a component of the right to an adequate standard of living, a human right that many international instruments reflect (see Chapter 4, Table 8). In addition, international refugee law and the European Social Charter (ESC) have specific provisions on housing, which are binding on the six EU Member States, with some exceptions; see Table 7.⁹⁹

EU asylum law

Except for unaccompanied children who have a right to accommodation,¹⁰⁰ entitlements differ significantly. EU law grants asylum applicants a right to receive accommodation but does not do so for status holders. The Reception Conditions Directive establishes minimum standards for the material reception conditions of asylum applicants. Under Article 17 of the directive, material reception conditions must provide an adequate standard of living, which guarantees applicants' subsistence and protects their physical and mental health. Article 18 of the directive lists different housing options, sets out guarantees for vulnerable applicants and requires measures to prevent sexual and gender-based violence. Persons working in reception facilities must receive adequate training. The Qualification Directive regulates access to housing for refugees and subsidiary protection status holders in Article 29 on social welfare (which includes housing

99 Germany has not ratified the revised ESC, and Austria has made the reservation that it does not consider itself bound by Art. 31 of the revised ESC.

100 Qualification Directive, Art. 31.

Table 7: Right to housing in international law, selected instruments

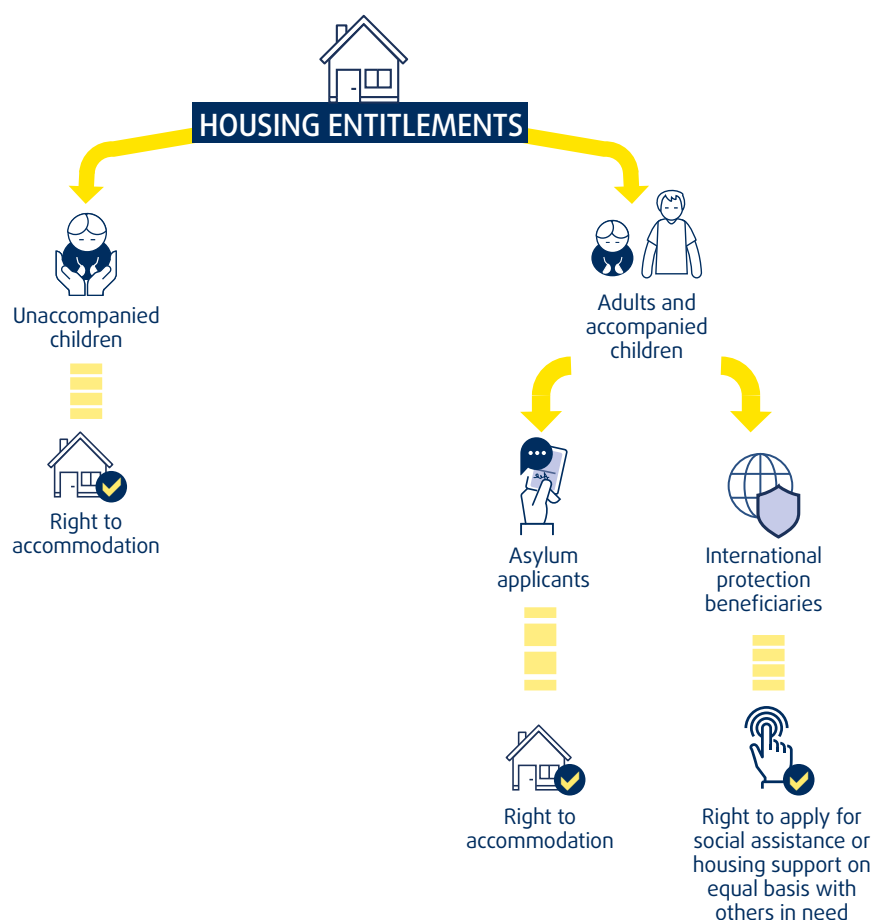
Instrument	Main provisions	Applicability
Geneva Convention, Article 13	“The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.”	Refugees
Geneva Convention, Article 21	“As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.”	Refugees
Revised ESC, Article 31	The right to housing “With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: “1 to promote access to housing of an adequate standard; “2 to prevent and reduce homelessness with a view to its gradual elimination; “3 to make the price of housing accessible to those without adequate resources.”	Refugees and asylum applicants*

Notes: For an overview on the right to an adequate standard of living, see Table 8. Under ‘applicability’, the term ‘refugee’ is used in a broad sense, also including subsidiary protection status holders.

* In principle, the revised ESC applies only to nationals of the Parties to the Charter lawfully resident or working regularly within the territory of the Party concerned. The European Committee on Social Rights clarified in *Conference of European Churches (CEC) v. the Netherlands*, Complaint No. 90/2013, paragraphs 113–118 and 144, that Contracting States must provide emergency shelter to all foreign nationals without exception, regardless of their residence status, to preserve their human dignity. See also, more generally, European Committee of Social Rights, *Statement of interpretation on the rights of refugees under the European Social Charter*, 5 October 2015.

Source: FRA, 2019

Figure 14: Right to housing for asylum applicants and status holders under EU law



Source: FRA, 2019

benefits) and in Article 32 on accommodation. As Figure 14 illustrates, beneficiaries of international protection have only the same entitlement to apply for housing support as other persons in need. Therefore, once a person receives international protection, they may lose their right to be sheltered by the state.

3.1. Accommodation for asylum applicants

Upon arrival, asylum applicants are typically housed in reception facilities run or funded by the public administration. Their quality, size and location significantly affect applicants' access to other rights.

3.1.1. Housing policies

Policies to house asylum applicants differ between the six EU Member States. Some operate initial reception facilities for new arrivals. Some Member States distribute applicants across the country through a quota system. Some restrict the right to liberty guaranteed in Article 6 of the Charter, limiting applicants' freedom of movement to the area in which they are hosted. Most applicants stay in reception facilities, many of which were overcrowded in 2015–16. Private accommodation is rare, although many agree that it can assist integration.

First-line reception facilities

At Greek and Italian landing sites, which apply the hotspots approach, and in Austria and Germany, new arrivals are registered in first-line reception facilities. In Austria, there are two initial reception facilities, in Traiskirchen and in Thalham, in addition to the facility at the Vienna airport.¹⁰¹ In Germany, adults and accompanied children are obliged upon arrival to stay at the nearest reception centre; from there they are allocated to a federal state and, more specifically, to a municipality (generally within six weeks) based on a quota system that is readjusted every year.¹⁰² In Greece and Italy, in 2018, there were in total nine hotspot centres for arrivals by sea: four in Italy and five in Greece. From these hotspots, once registered, many asylum applicants are transferred to other parts of the country. However, in Greece, only some categories of applicants move onwards after registration; those who could be returned to Turkey under the March 2016 EU-Turkey statement remain in the hotspots for the whole asylum procedure. In north-eastern Greece, a facility in Fylakio registers new arrivals who enter Greece by crossing the land border with Turkey.

¹⁰¹ See the Ministry of the Interior's [webpage](#) for more details on Austria's basic care arrangements for asylum applicants.

¹⁰² Germany, Asylum Act (*AsylG*), *Federal Law Gazette I*, p. 1798, 2 September 2008, Arts. 45 and 53 (1). This distribution does not apply to applicants who come from a so-called safe country of origin.

There is no clear distinction between first- and second-line reception facilities in France and Sweden. In France, the Office on Immigration and Integration manages the national reception scheme.¹⁰³ As a rule, asylum applicants are accommodated in reception centres for asylum seekers (*Centre d'accueil pour demandeurs d'asile*, CADAs), but these are not sufficient.¹⁰⁴ Different emergency accommodation, such as the *hébergement d'urgence pour demandeurs d'asile* or the new facilities created since 2015 during the evacuations of the Calais and Paris camps, complements the CADAs.¹⁰⁵ These have mainly been hotels or transit accommodation facilities. In Sweden, asylum applicants are housed in facilities run or contracted by the Swedish Migration Agency – either an accommodation centre or a temporary facility intended for short-term use upon arrival – or may arrange their accommodation privately.

Support by social workers is often essential for accessing various rights in practice. It varies depending on the facility and the organisation managing the facility. Emergency accommodation and facilities created in the context of the 2015 arrivals often offered only limited social support. Examples of the issues raised during interviews include insufficient social workers in a number of centres for asylum applicants (*Centri di Accoglienza Straordinaria* – CAS) in Italy and insufficiently qualified support staff in Swedish rural areas. In France, significant differences between CADAs and other facilities emerged, as a director coordinating different housing centres for a social housing agency noted:

“A CADA is more ideal and moreover it shows in the results. People who are supported in a CADA have a level of access to protection that is much better than those who are not supported or supervised, and who do not have, how would you say it, all the advantages that those who are in a CADA can have, it goes without saying.” (Local housing authority expert, France)

Private housing

Private housing furthers social inclusion. However, accommodating asylum applicants in private housing appears to be the exception rather than the rule, although in principle it is possible in all six EU Member States covered (except for the initial six weeks in Germany). Among the 15 locations where the research took place, large proportions of asylum applicants have stayed in private accommodation only in Vienna and Västra

¹⁰³ France, CESEDA, Art. L.744-2.

¹⁰⁴ France (2017).

¹⁰⁵ France, *Code de l'action sociale et des familles* (CASF), Art. L.345-2-2; France, Île-de-France Prefect (*Préfet de la région Ile-de-France*), *Lodging and support of the migrants in Paris and in Ile de France: Vade mecum of the managers of centres* (*Hebergement at accompagnement des migrants à Paris et en Ile-de-France: Vade-mecum des gestionnaires de centres*), 21 September 2016.

Götaland, where 70 % and nearly 50 % of asylum applicants respectively stayed in privately arranged accommodation in 2017.¹⁰⁶

Promising practice

Individual housing upon admission to the asylum procedure in Vienna

In Vienna, Austria, the city government explicitly promotes and financially supports individual housing for asylum applicants staying in the reception system of the *Land*. It is considered the best housing arrangement to foster integration and does not require alternatives to be found when international protection is granted. In addition, public costs for individual housing are lower than for organised facilities. Some 70 % of asylum applicants in Vienna live in individual housing. Asylum applicants transferred to basic care in Vienna are required to go to a central service point and there they get the information on individual housing.

Sources: Experts from organisation providing basic care in Vienna (Fonds Soziales Wien), webpage on basic care

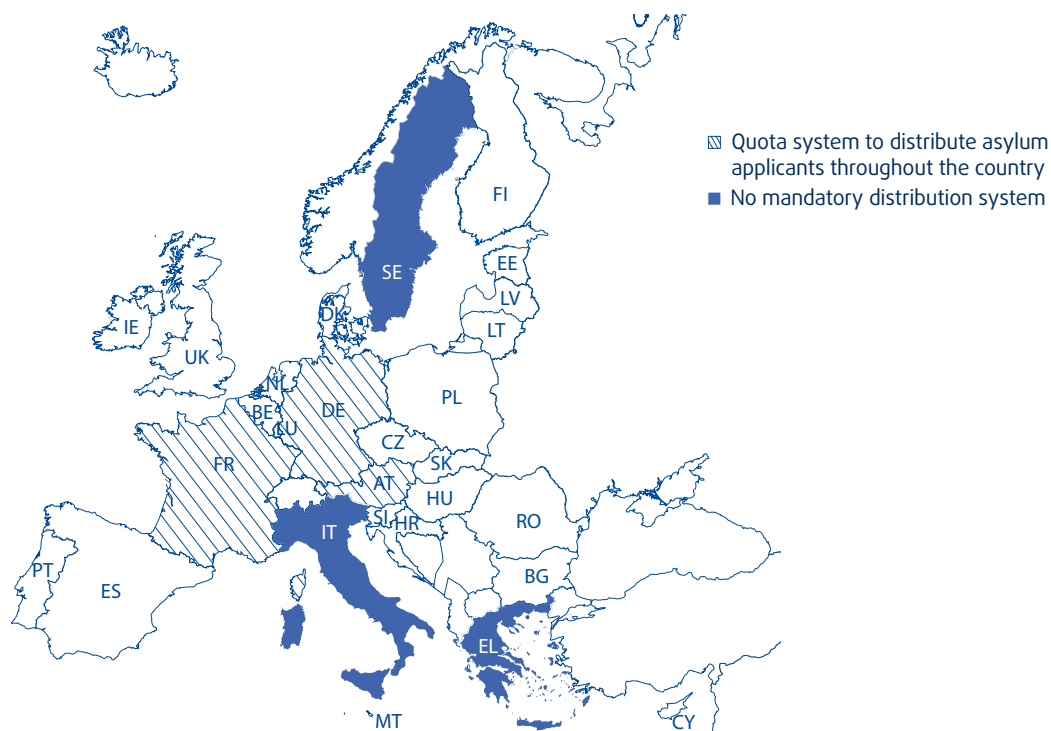
Geographical distribution of asylum applicants

As Figure 15 shows, three out of the six EU Member States studied, namely Austria, France and Germany, implement a quota system (in France as of 2020), whereby asylum applicants are assigned a place to stay in a particular geographical area based on a predefined distribution key.¹⁰⁷ In Greece, Italy and Sweden, asylum applicants are either hosted in the place where they apply for asylum or allocated a reception place elsewhere in the country, if places are available. Special rules may apply to unaccompanied children.

Freedom of movement

According to Article 7 of the Reception Conditions Directive, applicants may move freely within the territory of the host Member State but not within the EU. However, Member States may limit the freedom of movement to an assigned area. The assigned area must not affect the unalienable sphere of private life

Figure 15: Geographical distribution of asylum applicants, six EU Member States



Source: FRA, 2019

106 Austria, interview with Fonds Soziales Wien (organisation providing basic care in Vienna); Sweden, Swedish Migration Agency (*Migrationsverket*) official website, see 'Overview and statistics from previous years' (*Översikter och statistik från tidigare år*).

107 Austria, *Basic Welfare Support Agreement (Grundversorgungsvereinbarung)*, BGBl. I No. 80/2004, Arts. 3 and 4; Germany, *Asylum Act (AsylG)*, *Federal Law Gazette I*, p. 1798, 2 September 2008, Art. 45; France, CESEDA, 22 February 2005, Art. L744-2, and Law no. 2018-778 for controlled immigration, effective asylum and successful integration (*Loi n° 2018-778 pour une immigration maîtrisée, un droit d'asile effectif et une intégration réussie*), 11 September 2018.

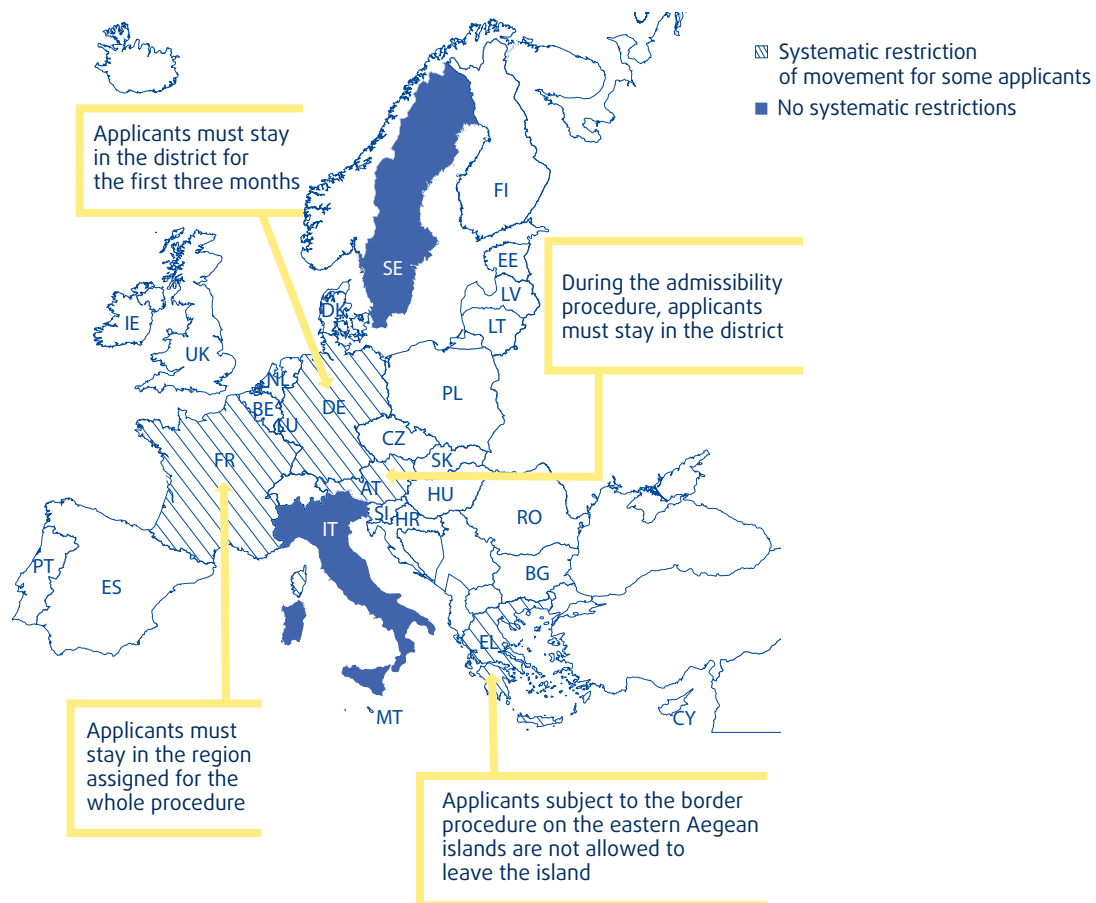
and must allow sufficient scope to guarantee access to all benefits. As Figure 16 shows, four out of the six EU Member States restrict or will restrict the freedom of movement of asylum applicants, at least during the initial period upon arrival. In Austria, France, Germany and the Greek islands in the eastern Aegean, asylum applicants can move only within a relatively limited geographical area, namely the district or island.¹⁰⁸ Restrictions of movement can last for considerable periods of time, particularly for applicants on the Greek islands who are subject to border procedures. In France, once the geographical distribution system is in place in 2020, asylum applicants will have to request authorisation to leave the region they are assigned to. The longer an asylum applicant waits for their decision, the more severe the consequences of such restrictions can be.

Limited reception capacity and its effects

During the large-scale arrivals in 2015–16, reception systems had insufficient capacity to accommodate all asylum applicants. In France, Greece and Italy, shortages already existed before then.¹⁰⁹ Many people, including families, had to sleep in tents at peak times of arrival and some were homeless. Temporary arrangements used or set up at short notice, such as container villages, camps, warehouses, former military structures, sports facilities and hotels, often compromised quality. In addition to homelessness, discussed in Section 3.1.3, this led to several fundamental rights challenges. Figure 17 illustrates the most frequently reported problems.

In all six EU Member States, experts and refugees reported overcrowding. For example, 10–12 persons, including children, shared a room in Austria or Germany. Particularly persons with mental health problems

Figure 16: Policies restricting applicants’ freedom of movement, six EU Member States



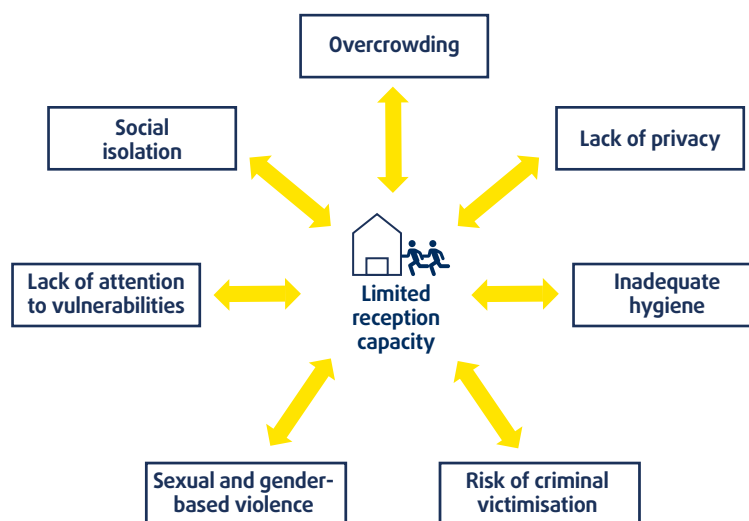
Note: In addition, restrictions may be imposed in other situations based on the individual circumstances of the case.

Source: FRA, 2019

¹⁰⁸ Austria, *Asylum Law*, Section 12 (2); France, *CESEDA*, Article L744-2; Germany, *Asylum Act*, Sections 56, 58 and 59a; Greece, *Decision 8269/2018* (OG B 1366/20.04.2018) and *Decision 18984/2018* (OG B 4427/05.10.2018).

¹⁰⁹ See also ECRE (2019).

Figure 17: Fundamental rights challenges deriving from limited reception capacity



Source: FRA, 2019

found it difficult to live in crowded facilities, as experts in Sweden highlighted.

High noise level, makeshift separation of ‘rooms’ by thin, poorly sound-proofed wooden or plastic partitions, neighbours’ interference in personal matters and lack of opportunity to cook are examples of issues raised during interviews.

Lack of hygiene in reception facilities was an issue in all the researched locations in 2015–16. Half of the asylum applicants and beneficiaries of international protection interviewed in Germany and one third of those interviewed in Austria raised it. Unhygienic conditions in reception facilities in various Member States led to the spread of dermatological diseases and sanitary problems, such as bed bugs and scabies. Inadequate hygiene is associated with sharing sanitary and cooking facilities and, in Greece, the lack of hot water or, in France, lack of water altogether in some makeshift camps in Paris and Calais, hosting persons in need of international protection among other dwellers. At some facilities, 400 to 500 persons had to share a toilet, whereas some preliminary facilities in France and Greece lacked any functioning toilets. Before the closure of the camp of Hellinikon in June 2017:

“The situation in Hellinikon, that was a big issue, with thousands of people living there without tents or toilets (there were five toilets for 2,000 people). I believe there was no planning at all for handling so many people. As a result, these people were crammed into camps where conditions were appalling.” (Social worker, Greece)

In spite of clear rules in Article 18 (4) of the Reception Conditions Directive to prevent assault and gender-based violence, interviewees in Austria and Germany noted that in some facilities rooms and bathrooms could

not be locked, or that bedrooms with big windows lacked curtains. For example, a Syrian refugee who stayed in a temporary refugee shelter in Germany noted that facility personnel frequently entered his room without notice. An unaccompanied girl from Somalia, subsequently granted subsidiary protection status in Austria, reports having to sleep outside alone in the initial reception centre:

“When I arrived in Traiskirchen, I think also 200 others came. Back then I only spoke my mother tongue and didn’t understand German or English. There were only a few Somali translators there. And in the first night, they took all the children and women, quickly and suddenly all the women were gone and I was alone with the men. That night there were only men, and all the women were gone, and I didn’t have anyone who helped me speak in Somali. I didn’t find anyone and I couldn’t ask what was going on. Maybe they said my last name but I didn’t hear it and then I slept outside. And then I found a man who spoke Somali and English and then he went to the office with me and said: ‘it’s a girl and she is 14 years old and she doesn’t have space.’” (Subsidiary protection status holder from Somalia, female, Austria)

An informant from a local housing authority in Rome considered that women are more at risk of human trafficking at large-scale reception facilities, where they can be spotted and recruited by criminal organisations, whereas small reception centres offer suitable support and opportunities to be integrated into the local community.

Identification of vulnerable applicants at first reception was challenging. For example, emergency facilities in Italy (CAS) and in France (called ‘115 facilities’, which is the emergency phone number for people who are homeless) lacked sufficient staff qualified to identify and assist persons with vulnerabilities. On

the Greek hotspot islands, lack of social and medical staff delayed vulnerability assessments. In Sweden, lesbian, gay, bisexual, trans and intersex (LGBTI) asylum applicants have felt unsafe when they were placed together with men from a country where LGBTI persons are not respected. Although Member States have to consider gender and age-specific concerns,¹¹⁰ local authorities and NGO workers in Paris and Marseilles said that this has disadvantaged young men, who are generally considered less vulnerable and thus excluded from placement in special or any accommodation arrangements.

Experts and asylum applicants in Greece and Sweden mentioned the isolated location of facilities as a negative factor. Many facilities in Greece are located in the outermost regions and lack sufficient access to public transport, for example to go and see a doctor. In Norrbotten, because of the specific geographic location, many persons who arrived in 2015 stayed in accommodation centres far away from the main cities of the region, which isolated them from healthcare centres, social services, the migration agency and the police.

EU Member States set up emergency arrangements as temporary solutions. Nevertheless, many persons interviewed, including unaccompanied children, stayed beyond the period initially envisaged. For example, in Bouches-du-Rhône (Provence-Alpes-Côte d'Azur) and Île-de-France in France, some stayed in temporary facilities for years after their arrival. Although throughout Europe decreasing arrivals helped to resolve bottlenecks in capacity, in 2018, reception conditions in many facilities in France, Greece and Italy continued to be below the standards prescribed by the Reception Conditions Directive.¹¹¹

3.1.2. Impact of frequent transfers

According to Article 18 (6) of the Reception Conditions Directive, Member States must ensure that transfers of applicants from one housing facility to another take place only when necessary. Member States must enable applicants to inform their legal advisers or counsellors of the transfer and of their new address.

Transfers between reception facilities have taken place frequently. Asylum applicants and international protection beneficiaries interviewed had to change place on average four times in the six EU Member States since 2016. Although they are not a representative sample, asylum applicants interviewed for this research said

they had stayed on average in seven different places in Italy and in two different facilities in Sweden during their first year after arrival. In France, interviewees staying in hotels moved five or six times per year; interviewees staying with volunteer families (as either asylum applicants or protection status holders) stayed with an average of 10 different families within a year.

Transfers commonly take place when:

- an applicant moves from a first-line to a second-line reception facility;
- reception facilities are closed as a result of decreasing arrivals;
- vulnerabilities are identified, requiring a transfer to a specialised facility;
- an unaccompanied child turning 18 moves to an adult facility;
- an unaccompanied child obtains protection status and the youth welfare authority decides to move them;
- required by individual reasons – these can be related to protection (e.g. to reunite a family) or a consequence of expulsion from a facility (e.g. in cases of aggressive behaviour).

The effects of transfer depend on the reason of the transfer and the conditions at the destination facility. Many asylum applicants interviewed in different locations in Austria, France and Italy did not understand or were not informed of the reasons for the transfer. In various locations in Germany, they described how transfers resulted in interrupting language classes or school.

Unaccompanied children have generally been transferred more frequently than adults. This negatively affects the child's capacity to start a new life. The reasons for their frequent transfers are manifold: decreasing arrival numbers, according to housing experts in Vienna (Austria) and Norrbotten (Sweden); the need to move children from institutions to supervised flats or host families in Bremen, Berlin, Lower Saxony (Germany) and Västra Götaland (Sweden). Some of the unaccompanied children in the area of Norrbotten have had to move three or four times as accommodation facilities closed down.

"They place these people in smaller villages and earn money from housing them for a shorter period. And then they close down the accommodation centre and the Migration Agency decides to move them far away from there. In the worst case, a person can be taken out of school in the middle of the semester [...]. This way of handling these young persons in this country is unprecedented in modern times." (Teacher, Sweden)

¹¹⁰ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (Reception Conditions Directive), OJ L 180, p. 96–116, Art. 18 (3).

¹¹¹ FRA (2018a), p. 10; (2018b), p. 10.

Interviewees in the Greek and Italian locations generally considered the transfers from hotspots and first-line reception facilities a positive change, although the conditions did not always improve. As an illustration, children interviewed at two locations in Italy positively assessed their transfer to SPRAR (Protection System for Refugees and Asylum Seekers) reception facilities, where they started attending schools, language proficiency courses and leisure activities, allowing them to finally settle and get in contact with their Italian peers.¹¹²

3.1.3. Homelessness

Homelessness exposes people to risks, which may be long-lasting. Experts reported cases of homeless asylum applicants in 2015–16 in all six EU Member States, but particularly in the French, German and Greek locations researched. In Italy too, homelessness has been widespread.¹¹³

In France and Greece, reception capacity continued to be insufficient during the fieldwork research in 2018. Despite the overall increase of reception capacity to almost 100,000 places by the end of 2019,¹¹⁴ experts in Paris considered that only 60 % of all asylum applicants have accommodation.¹¹⁵ According to the manager of an NGO accommodation centre, on 1 January 2018 in the Provence-Alpes-Côte d’Azur region 5,800 asylum applicants were waiting for a place in a reception centre for asylum applicants (CADA). Of them, 4,300 had no accommodation; the rest were in hotels or other arrangements. A representative of a local authority illustrated the challenge as follows:

“You have a housing stock that cannot absorb all the flows, with the migration pressure that we have seen. And today we can have situations of people who unfortunately have not been accommodated at all throughout the procedure.” (Local housing authority expert, France)

Most asylum applicants interviewed in France confirmed that they had been homeless. Of the 13 asylum applicants interviewed, 10 managed to find accommodation thanks to the support of social workers after spending up to a year on the streets. Overnight shelters for homeless people do not help close the gap, particularly for single young men, who are generally presumed not to be vulnerable and are therefore excluded from priority access. As an illustration, after having spent more than three weeks sleeping in the

street in front of the reception service for asylum applicants (PADA), an applicant tried to call 115 (the emergency number for homelessness) for a place in a shelter for homeless people, without success:

“On 28 September 2016, I went to the prefecture, I gave my fingerprints, I was given an asylum seeker’s certificate, and during all that time I continued to live on the streets, because there was no accommodation [...]. I also called 115 but they told me that: ‘No, we do not take lone boys, we take families, pregnant women, women with children; so if you’re alone, there really is no place for you.’ So I had no choice, I continued to sleep outdoors, in the underground, here and there. And it was in 2017, in August, that I had this place in the CADA here.” (Refugee from Democratic Republic of the Congo, male, France)

In all three regions of France and in Greece, homelessness has also affected unaccompanied children, owing to lack of spaces in the child and youth welfare system. According to an expert from the child protection authority in France, only half of the people undergoing age assessment in 2017 were sheltered during the procedure. In Greece, in April 2019, there were 3,817 unaccompanied and separated children in the country, of whom 1,065 were reported as living in informal housing conditions, such as living temporarily in flats with others, living in squats, being homeless and moving frequently between different types of accommodation.¹¹⁶ A specific situation emerged from Sweden, where young adults were afraid of moving to adult reception facilities upon turning 18:

“I have contact with a boy on Facebook who has had his age re-registered. There was no possibility for the social services to offer him anything here, so he had to be moved to the asylum accommodation centre. He didn’t want to because he expressed a fear, like other boys, of winding up with adult men, whom they don’t know. [...] They’re afraid of being molested – really, this is what they say. They don’t say it outright, but they say that they are afraid to sleep because someone might do something bad to them, and they don’t have a door to close behind them. So, this boy [...] calls himself homeless, but he does have the possibility of living at the Migration Agency’s [...] centre.” (NGO child expert, Sweden)

3.2. International protection beneficiaries

The Qualification Directive regulates access to housing for refugees and subsidiary protection status holders in Article 29 on social welfare (which includes housing benefits) and in Article 32 on accommodation. Under Article 29, Member States must guarantee international protection beneficiaries the same level of social welfare benefits available to nationals, whereas under the

112 The SPRAR system has been renamed SIPROIMI (System of protection for those with international protection status and unaccompanied foreign minors). In this report, FRA uses SPRAR, which was the official name during the time of the research.

113 See, for example, AIDA (2018c); Medici Senza Frontiere (2018).

114 France, Ministry of the Interior (2019).

115 See also AIDA (2019).

116 Greece, National Centre for Social Solidarity (2019).

housing provision in Article 32 the obligation is to provide access to accommodation under the same conditions as other legally residing third-country nationals. The line between the two provisions depends on the meaning of social welfare and may be difficult to draw. With regard to other pieces of EU law, in *Kamberaj*, the CJEU opted for an extensive interpretation of social assistance encompassing all assistance schemes established by public authorities at national, regional or local level for individuals who do not have resources sufficient to meet their own basic needs and those of their families.¹¹⁷ This would suggest that many public housing support measures for nationals, such as municipal housing schemes, should fall under Article 29.

In practical terms, however, the effect of this distinction are limited. The meaning of Article 32 of the Qualification Directive must be analysed in the light of EU law provisions concerning other categories of third-country nationals who are in a comparable situation. These are the Long-term Residents Directive and, for those with short-term residence, the Single Permit Directive (2011/98/EU).¹¹⁸ In general terms, both of these instruments entitle third-country nationals to equal treatment with nationals.¹¹⁹

In principle, housing benefits apply equally to refugees and subsidiary protection status holders. Article 32 of the Qualification Directive does not distinguish between the two categories. Article 29 (2) allows Member States to reduce social assistance for subsidiary protection status holders to core benefits. When interpreting the Long-Term Residents Directive, referring to Article 34 of the Charter, the CJEU concluded that housing benefits constitute core benefits insofar as they ensure a decent existence for all those who lack sufficient resources.¹²⁰ This applies by analogy to Article 29 (2) of the Qualification Directive. This means that housing benefits also need to be provided to subsidiary protection status holders, if they are in need.

The need to leave the housing provided to applicants, combined with the absence or limitation of housing programmes for international protection beneficiaries, has in practice led to homelessness. This issue emerged from all six EU Member States. Depending on the EU Member State, experts blamed homelessness on the

lack of temporary solutions or limited information about different housing options, but also on insufficient social support, language problems, people leaving reception facilities by their own choice because of poor conditions, and losing employment and, thus, income, resulting in evictions. In many cases, homelessness is not visible: international protection beneficiaries stay with family or friends. The friends or relatives often already have no sufficient space for themselves, which leads to overcrowded and precarious living conditions.

3.2.1. Housing policies

Housing policies in the six EU Member States differ significantly. In all except Sweden, most beneficiaries of international protection have in principle to arrange their own housing, possibly with housing benefit (see Chapter 4) or by applying for municipal housing.

Moving out from facilities for asylum applicants

The transition from asylum applicant to beneficiary of international protection usually entails a change of housing. As *Figure 18* illustrates, four of the six EU Member States have set a time limit after receipt of international protection by which people must leave the reception facility where they were staying as applicants. In Sweden, once given status, beneficiaries of international protection must move to the municipality to which they are assigned, where they receive housing for at least two years.¹²¹ Germany allows people to stay in the accommodation for asylum applicants until they are able to find suitable housing, and so does Austria for subsidiary protection status holders. In Greece, beneficiaries of international protection can stay for up to six months (and longer for certain categories of vulnerable people) in the reception facilities funded by the EU through the UNHCR-administered Emergency Support to Integration and Accommodation (ESTIA) programme.¹²² The ESTIA programme was designed to cover the reception needs of asylum applicants. In practice, however, persons granted international protection could stay for long periods until March 2019, when those who received status before 31 July 2017 were the first to leave the flats.¹²³

¹¹⁷ See CJEU, C571/10, *Kamberaj*, 24 April 2012, para. 91, on Art. 11 (4) of the Long-Term Residents Directive; and also CJEU, C-333/13, *Dano*, 11 November 2014, para. 63, on the meaning of social assistance under Art. 24 (2) of Directive 2004/38/EC (Free Movement Directive).

¹¹⁸ Directive 2011/98/EU of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, OJ L 343, p. 1–9.

¹¹⁹ *Ibid.*, Art. 12 (1); Long-Term Residents Directive, Art. 11 (1).

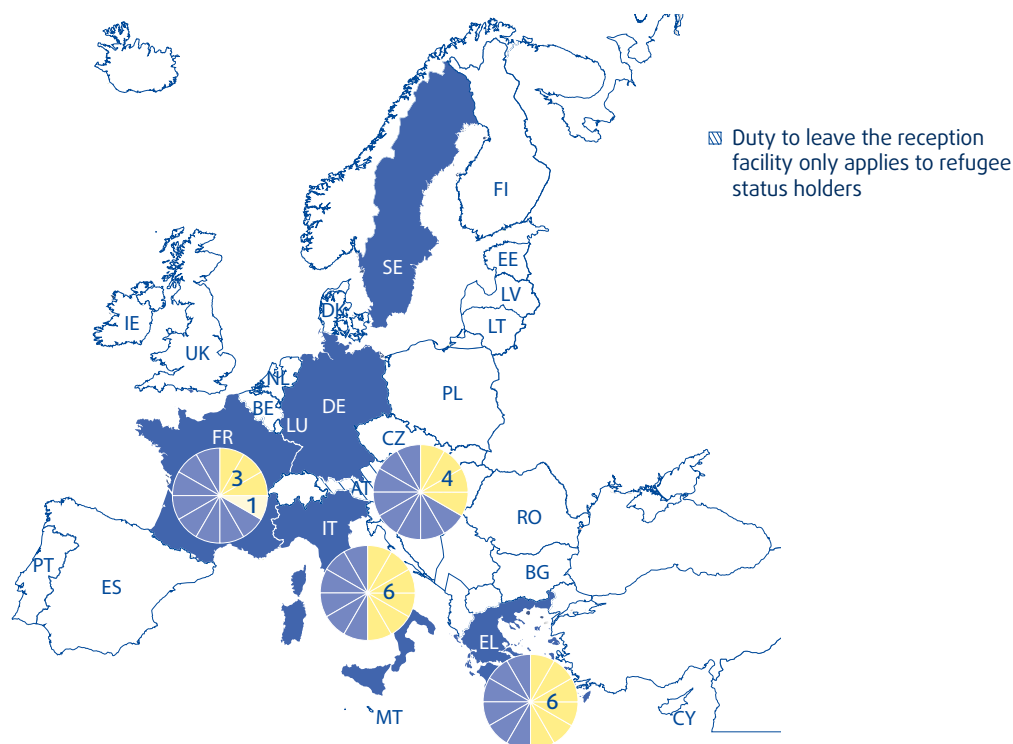
¹²⁰ CJEU, C571/10, *Kamberaj*, 24 April 2012, para. 92.

¹²¹ Sweden, Act on reception of certain newly arrived immigrants for settlement (*Lag (2016:38) om mottagande av visa nyanlända invandrare för bosättning*), 4 February 2016, Section 7.

¹²² Greece, Ministerial Decision No. 6382/2019, Art. 9.

¹²³ Greece, Ministry of Migration Policy (2019a).

Figure 18: Timeframe within which asylum applicants must leave the reception facility after receiving status (months), six EU Member States



Notes: In France, a one-month extension is possible. In Germany, there is no duty to leave the facility, and in Sweden there is a duty but no time limit. In Austria, refugees have to leave the reception facility whereas subsidiary protection status holders can stay. Extensions of stay are possible as exceptions in individual cases in all Member States.

Sources: Austria, Basic Care Act, Art. 2 (1) (6); France, Family and Social Action Code (CASF), Art. R.348-3; Greece, Ministerial Decision No. 6382/19, Art. 6 (1); Italy, Decree by the Minister for the Interior, 10 August 2016, Official Gazette, No. 200, 27 August 2016, Art. 35

Specific housing schemes for international protection beneficiaries

Sweden and, to some degree, France have national housing schemes, which target refugees. Sweden allocates international protection beneficiaries to municipalities across the country. Article 32 (2) of the Qualification Directive allows national practices for dispersing beneficiaries of international protection, provided they are implemented in a non-discriminatory manner. The Swedish municipality to which the person is assigned must arrange housing for them.¹²⁴ The accommodation provided is based on a social contract. The social services are the main tenant and sublet the flats to the protection status holders. If the subtenants manage the flats well, they will eventually become the main tenants. However, as there are insufficient flats available, families and unaccompanied children are prioritised and single adult refugees have to wait in the reception facility or stay in temporary facilities. The law does not specify the type of accommodation or how long it must be provided. Therefore, the

stability and quality of housing vary depending on the municipality. This arrangement was intended to offer permanent accommodation to newly arrived persons, if possible.¹²⁵ However, the Administrative Court of Appeal in Stockholm ruled that a municipality's decision to terminate the beneficiaries' housing after two years was not against the law.¹²⁶ Now municipalities arrange housing for beneficiaries of international protection for different durations. For example, Gothenburg provides housing for four years, Malmö for a maximum of four years, Uppsala for the duration of the introduction period or for the duration of a temporary residence permit, and Nacka for two years.¹²⁷ Asylum applicants

¹²⁴ Sweden, Lag (2016:38) om mottagande av visa nyanlända invandrare för bosättning, 4 February 2016.

¹²⁵ Sweden, Ministry of Employment (Arbetsmarknadsdepartementet), *Ett gemensamt ansvar för mottagande av nyanlända*, Government proposal 2015/16:5, 26 November 2015; Sweden, Swedish Association of Local Authorities and Regions (Sveriges kommuner och landsting), official website, 'Questions and answers regarding settlement for newly arrived' (*Frågor och svar om boende för nyanlända*).

¹²⁶ Sweden, Administrative Court of Appeal in Stockholm, including the Migration Court of Appeal, Case 4155-18, 26 March 2018.

¹²⁷ See the pages on refugees' housing on the websites of the Gothenburg, Malmö, Uppsala and Nacka local authorities.

who stayed in privately arranged accommodation during their procedure are not assigned to a municipality and therefore do not receive housing assistance after being granted international protection. These consequences may not have been clear to asylum applicants who chose to arrange their own accommodation.

Promising practice

Assigning a proportion of vacant flats to refugees in Luleå

The municipal housing company Lulebo has aimed to make 25 % of all vacant flats available for international protection beneficiaries who are assigned to Luleå (Sweden) as their “municipality for introduction”. First families and then unaccompanied young people have priority. Single adult men will first go to temporary accommodation.

Source: Housing experts, Norrbotten region, Sweden

In France, specific refugee housing schemes exist but their capacity has been limited compared with the needs. Persons granted international protection may benefit from accommodation in temporary accommodation centres (*centres provisoires d’hébergement* – CPHs), according to the Code of Social Action and Families. These centres are specifically dedicated to vulnerable beneficiaries of international protection. They provide accommodation as well as language, social, professional and legal support for integration. However, places are very limited. For example, in 2018, there were only 50 CPH places in Nord (Hauts-de-France), 105 in Bouches-du-Rhône (Provence-Alpes-Côte d’Azur) and 777 in Île-de-France, according to interviews with local housing authorities in the regions. An interministerial strategy for the integration of refugees proposes measures to improve refugees’ access to housing, to be implemented between 2018 and 2021. It includes, for example, the creation of 3,000 CPH places in 2018 and 2000 in 2019 as well as measures on language acquisition, education and employment.¹²⁸ By the end of 2019, some 8,710 places were planned to be available for refugee housing.¹²⁹

In Greece, under a programme launched in June 2019, 5,000 recently recognised international protection beneficiaries will be entitled to a rental subsidy for six months and other integration support measures.¹³⁰ The authorities have also been examining additional measures to support protection status holders as part

of the national strategic plan for integration, adopted in July 2019.¹³¹

In Italy, the SIPROIMI network, which replaced the SPRAR system in 2018, accommodates beneficiaries of international protection and unaccompanied children for six months after recognition, which can be extended in individual cases.¹³² However, after that, the refugees or subsidiary protection status holders have to find their own housing.

Austria and Germany do not have specific refugee housing schemes, although programmes may exist at a regional level. For example, in Berlin a programme called *Wohnungen für Geflüchtete* (housing for refugees)¹³³ reserves housing for refugees each year. Since 2011, 275 flats (125 one-room flats and 150 flats with several rooms) have been allocated to status holders.¹³⁴ Historically, the first two large internationally funded refugee housing schemes were in Austria and Germany.

Looking at the past: housing schemes for Second World War refugees in Austria

In Austria, after the Second World War, the international community granted loans for up to 50 years to municipalities and housing cooperatives to cofinance the construction of homes for refugees. The housing project financed homes for some 5,400 households. Refugees living there paid rent. Part of the rent was used to pay back the loans and part was deposited in a special fund for assistance to refugees. When a flat became vacant, the authorities assigned it to a new refugee family. Two organisations implemented the project, the Internationale Aufbauhilfe and the Evangelische Verein für Innere Mission. They also managed the loan repayments until 1971, when the newly created Austrian United Nations Refugee Fund took this over. On 21 July 1991, it was replaced by the Fund for the Integration of Refugees, which used part of the income from the housing project for refugee integration activities. The project came to an end in the early 2000s when all loans were paid back. All rights in the housing moved to the municipality or the housing cooperative.

Source: FRA, 2019 [based on various sources, including Yvonne von Stedingk (1970), *Die Organisation des Flüchtlingswesens in Österreich seit dem Zweiten Weltkrieg, Abhandlungen zu Flüchtlingsfragen*, vol. VI, Braumüller Verlag, Vienna]

128 France (2018).

129 France, Ministry of the Interior (2019).

130 Greece, Ministry of Migration Policy (2019a).

131 Greece, Ministry of Migration Policy (2019b).

132 Italy, Decree by the Minister for the Interior of 10 August 2016, *Official Gazette* No. 200, 27 August 2016, Art. 35 (2).

133 See the official webpage of the Land Berlin.

134 Germany, Berlin Senate for Integration (2011).

Access to housing schemes for country nationals

The two most common forms of housing assistance for nationals are housing allowances, which enable the person to pay the rent (these are analysed in Chapter 4 on social assistance), and social or subsidised housing schemes, often managed at municipal level. In principle, international protection beneficiaries are not prohibited from applying for social or subsidised housing available to nationals.¹³⁵ In practice, however, it is hardly accessible to international protection beneficiaries, at least to those who have arrived recently, because of unavailability or strict requirements.

As social housing supply has increasingly fallen behind demand across Europe, in France, Greece and Italy the general lack of social housing has in practice precluded this option for recently arrived international protection beneficiaries.¹³⁶ For example, in Greece, social housing schemes of municipalities such as Athens are very limited in size and other municipalities may not have any scheme in place. In France, the social workers in the national reception facilities assist residents to request social housing as well as emergency shelter and entry to temporary accommodation centres.¹³⁷ The deadline of a few months for asylum applicants to leave the reception facility is, however, an unrealistic timeframe to find something, in the experience of housing experts in Lille, Marseilles and Paris. For example, a young man from the Democratic Republic of the Congo had applied for social housing when he obtained refugee status. Five months later he had not received an offer while having one month left before having to leave the facility where he was staying:

“I already applied for social housing, but there they told me that it takes a long time to get something, and I also made requests for a young worker’s home, but up to now I have had no response.” (Refugee from Democratic Republic of the Congo, male, France)

In other instances, beneficiaries of international protection are not able to meet the requirements. For example, access to subsidised housing in Upper Austria requires five years of prior residence in Austria, including 54 months’ income from employment or social insurance benefit based on employment, five years of having been registered in the municipality and German language level A2.¹³⁸ Although the city of Vienna has a large public housing sector, the eligibility criteria are equally high¹³⁹ and difficult for refugees to meet in practice, according to the municipal integration focal point.

Support measures

Of 124 protection status holders interviewed, 36 indicated that the authorities, organisations and volunteers had helped them find housing when they were granted international protection, which they considered useful overall. Furthermore, 11 interviewees had benefited from the help of friends and other personal connections. Authorities, NGOs and volunteers provide counselling, act as or arrange intermediaries with the landlords, and make housing financially more accessible, for example by negotiating lower prices with landlords.

Particularly in Austria and Germany, many examples of support and counselling by NGOs and volunteers, as well as other private persons such as friends or acquaintances, emerged from the research. For example, Caritas Upper Austria provides support and counselling service for status holders.¹⁴⁰ Networks of volunteers support asylum applicants in finding individual housing. They help find private flats, working together with at least one professional social worker, who coordinates the efforts. In the three geographical locations researched in Germany, support and assistance primarily entail the provision of information, help in communicating with authorities and help with applications to housing companies.

NGOs, volunteers and in some cases also the municipalities act as intermediaries between members of the target group and landlords,¹⁴¹ as the following examples illustrate. In Upper Austria and Vienna, they

¹³⁵ See, for example, Upper Austria, Housing Subsidy Act (*Wohnbauförderungsgesetz*), LGBl. Nr. 6/1993, Sections 2 (13) and 6 (9)-(13); Vienna, Viennese Housing Subsidy Law (*Wiener Wohnbauförderungs- und Wohnhaussanierungsgesetz*), LGBl. Nr. 18/1989, Section 11; France, Construction and Housing Code (*Code de la Construction et de l’habitation*), 28 May 2019, Title IV, Art. R.441-1; Order of 1 February 2013 fixing the list of residence permits provided for in 1° of Article R. 441-1 of the Construction and Housing Code, 1 February 2013, Art. 2 (8); Germany, Housing Subsidy Law (*Wohnraumförderungsgesetz*), 13 September 2001, BGBl. I S. 2376, Section 1; Berlin, Housing Law Berlin (*Wohnraumgesetz Berlin*), 1 July 2011, Section 2; Lower Saxony, Housing Subsidy Law (*Wohnraumföderungsgesetz*), 29 October 2009, Sections 2, 6 and 8; Bremen, Housing Subsidy Directive (*Richtlinien zur Mietwohnraumförderung*), 18 June 2008, Section 5; Italy, Constitutional Court (*Corte Costituzionale*), 20 July 2018, *ruling No. 166*, which declared unconstitutional the 10- or five-year residence requirements for accessing social housing in Law Decree 112/2008, Art. 11 (13).

¹³⁶ See, for Italy, Colombo, F. (2019).

¹³⁷ France, CASF, Art. R.348-3.

¹³⁸ Austria, Upper Austria, Housing Subsidy Act (*Wohnbauförderungsgesetz*), LGBl. Nr. 6/1993, Art. 6 (9) and (11).

¹³⁹ Austria, *Viennese Housing Subsidy Law* (*Wiener Wohnbauförderungs- und Wohnhaussanierungsgesetz*, *WWFSG 1989*), LGBl. Nr. 18/1989, Art. 11.

¹⁴⁰ See also Caritas Upper Austria [website](#).

¹⁴¹ See also Erasmus et al. (2018).

provide guarantees to landlords and/or refugees. In Berlin, Marseilles and Vienna, they act as temporary intermediary tenants. In France, Germany and Italy, interviewees mentioned examples of facilitating contact and communication. Particularly positive outcomes emerged from Lower Saxony and Berlin (Germany), where volunteers and NGOs may act as intermediaries, bringing together interested renters and landlords, and providing landlords with certainty that there is someone who understands the German lease contract. In Austria, the Vienna city government checks flat size and rental contracts to protect asylum applicants from rental fraud. In Italy, a public official noted that the municipal SPRAR system in Rome provided new protection status holders with mediation services, which include negotiation and communication with landlords to help obtain a regular rental contract.

Support measures have also aimed to make housing financially more attainable for protection status holders in other ways. An example is collaboration with landlords and households willing to rent out their property at a reduced price. Such initiatives emerged from various locations in Austria, France and Italy. In Italy, the reception centres sometimes give a financial contribution towards refugees' housing costs. In Upper Austria, NGOs have cooperated with benevolent property owners, who agree to rent out their property to members of the target group for reduced prices. Upper Austrian NGOs and municipalities also provide deposit funds. Individuals can get interest-free credit to pay the deposit for the flat, and pay it back in small instalments over one to two years.¹⁴² In Vienna, Upper Austria, Île-de-France and Hauts-de-France, local people acting as 'buddies' have taken people into their private flats as roommates. The research identified several initiatives that interviewees considered promising practices.

Promising practice

Supporting access to the housing market

Subletting by NGOs

NGOs in Marseille, **France**, implement a 'sliding lease' system. The NGO rents accommodation, which it sublets to a beneficiary. After subletting the accommodation, the NGO also provides overall social and administrative support (e.g. daily budget management, management of administrative procedures). When the beneficiary is sufficiently independent, the NGO 'slides the lease' over, and the beneficiary then becomes the tenant.

Source: *Évaluation logement initiative altérité webpage*

Hosting refugees at home

An initiative by Caritas **Italy** allows interested persons to host an international protection beneficiary at home. The host offers accommodation and food and accompanies the person in their integration efforts. International protection beneficiaries stay with families for six to nine months. Some 1,000 persons have benefited from this project.

Source: *Caritas Italiana webpage*

Cooperating with housing agencies

In Upper **Austria**, the housing agency Vöckla-Ager works together with NGOs that provide social support and counselling for migrants and refugees, to link them with landlords. The rental contract is concluded directly between the landlord and the tenant. The tenant benefits because the housing agency helps to find affordable housing and checks the landlord, which protects the tenant from rental fraud. Benefits for landlords are fourfold: assurance that the tenant is backed by an organisation; legal counselling on rental law; no need to search for a tenant; and availability of the housing agency in case of any problem. This service is provided for free, as the housing agency is a subsidised programme.

Source: *Vöckla-Ager webpage*

Establishing a contact point for future tenants and landlords

The programme *Mehr Wohnungen für Flüchtlinge in Bremen*, **Germany** ("more flats for refugees in Bremen"), an initiative by a non-profit organisation, brings landlords together with asylum applicants and status holders interested in renting housing. It offers advice to both parties and an opportunity for interested landlords to register flats, houses, student rooms in shared flats or individual rooms in a host family for rent. It is funded by Bremen Senate for Social Affairs, Youth, Women, Integration and Sports.

Source: *Bremen webpage*

Bringing together tenants and landlords

Boplats is a housing agency wholly owned by the City of Gothenburg, **Sweden**. It lists both publicly and privately owned housing available in the region. The agency provides customer service and organises fairs and seminars to help bring tenants and landlords together. However, the waiting time for a flat is on average eight to 10 years.

Source: *Boplats website*

¹⁴² See also *Volkshilfe's webpage on the funds*.

3.2.2. Factors assisting social inclusion through housing

Multiple factors linked to the location and type of housing can facilitate social inclusion and integration, research finds. Examples are contact with locals and short distances to services.¹⁴³ Status holders emphasised that the geographical location and the type of housing are determining factors, which either enable or prevent isolation and segregation. Many status holders in all EU Member States shared the view that schools and sports activities, as well as music classes, parks, cafes and open events and activities, were crucial for their integration. Interviewed international protection beneficiaries expressed the opinion that these infrastructures and initiatives were important for their integration if they had access to them, or that they saw the lack of them as a reason for their isolation.

Daily contact with locals

Many agree that, for integration to take place, too many beneficiaries of international protection should not live in a single area by themselves. In Italy, this understanding defined the development of the SPRAR system.

Promising practice

Decentralising the provision of accommodation in small facilities in Italy

Following pilot projects by the Ministry of the Interior, the Italian Association of Municipalities and UNHCR, Law No. 189/2002 created a decentralised accommodation system for asylum applicants and international protection beneficiaries. It was referred to as the SPRAR system. Interested municipalities could request funding to open facilities, which would offer not only accommodation and food, but various other forms of support. Municipalities often cooperated with civil society organisations. SPRAR facilities were usually on a small scale and distributed over the territory, to avoid marginalisation. In December 2018, the system was renamed SIPROIMI and exclusively reserved for international protection beneficiaries and unaccompanied children, relegating asylum applicants to reception centres.

Source: SPRAR and SIPROIMI webpage

Housing experts from Vienna and an integration expert from Upper Austria maintain that the best housing solutions are those that allow residents to make regular and normal contact with locals every day. Authorities in Sweden have implemented promising practices

guided by this idea. In Norrbotten, a municipally owned housing company has long been trying to distribute newly arrived persons within the municipality. This practice has led to this municipality not having clearly segregated areas as other municipalities in Sweden do. Local public authorities in Lower Saxony, Germany, have also adopted measures to avoid segregation, including the creation of integration management divisions within municipal administrations.

These examples demonstrate the importance of creating bonds between beneficiaries of international protection and other persons, such as volunteers, caregivers, mentors or guardians. Through these bonds, status holders become more familiar with the local language and meet more local people, thus enhancing their integration.

Promising practice

Promoting exchange and dialogue in Berlin

'Berlin creates new neighbourhoods' (*Berlin entwickelt neue Nachbarschaften* – BENN) is an integration management programme at 20 locations in Berlin with relatively large refugee accommodation facilities. The regional administration of Berlin has set it up in close cooperation with the respective district administrations. The project runs between 2017 and 2021 and is financed by federal, regional and communal funds within the framework of the investment pact *Soziale Integration im Quartier* and the urban development programme *Soziale Stadt*. The project aims at community building by promoting exchange and dialogue between long-established and new residents; it fosters active citizenship, empowers new residents to realise their ideas on shaping the neighbourhood and connects individual volunteers with associations, institutions and public authorities. A local BENN team organises participation processes and supports community services' work.

Source: Berlin, Senate Department for Urban Development and Housing webpage on BENN

Geographical location

Some experiences support the idea that housing in small villages and rural areas, rather than big cities, promotes integration. Experts and status holders alike thought that human contact might be easier to establish in rural communities. In the local focus group in Upper Austria, participants compared experiences in facilities for unaccompanied children in rural and urban areas with regard to integration. They concluded that small towns provide the best combination of urban infrastructure on the one hand and rural advantages,

143 See, for example, Whelan, M. and Pittini, A. (2018).

such as personal networks, more affordable housing and job vacancies, on the other. A Swedish expert noted that in one location in Norrbotten, thanks to the arrival of new people, a school that had been on the verge of closing down could remain open. Another example comes from the same region:

“You have these fantastic examples that are really touching, take this small village around here. They lacked a permanent dentist at the public dental care for many years. Now they have a Syrian dentist who lives in [town]. Isn’t it beautiful?” (Local housing authority expert, Sweden)

Similar positive experiences were reported from the province of Reggio Calabria, where some local mayors rented flats at a reduced price to protection status holders willing to live in small towns and villages. This practice allows the beneficiaries of international protection to keep these localities alive.

“I met this guy who was a pharmacist in Pakistan and who was helped by being included in this context, helping the town’s pharmacist, because he was like a local institution and he was 80 years old, so he could ensure continuity to this activity.” (Lawyer, Italy)

However, housing away from cities, which often host events and activities that promote social interactions, causes isolation, according to other experts from all EU Member States apart from Austria, so housing in cities is preferable to housing in remote areas or small towns. Housing experts in different locations in Germany and Greece noted that having to move to rural and/or segregated areas may seriously hinder access to classes or work. This has severe consequences that lead to further social isolation. A refugee living in collective accommodation in an isolated location in Greece explains:

“You can see yourselves the situation here, how it is. It is better that I don’t stay here, I want to leave ... there is no school, I cannot work either, it is far from everything. We just eat, drink and sleep.” (Refugee from Syria, male, Greece)

Type of housing

Living with nationals of the host state facilitates integration, experiences from Austria, France, Germany and Sweden indicate. Some protection status holders in various locations in Germany, Greece and Sweden found that accommodation in collective housing with each other impeded their social integration.

Shared flats with locals facilitate integration most, notes an NGO housing expert in Austria. Living in host families had a positive impact on language acquisition and facilitated contact with locals and their culture, international protection beneficiaries from France report. Several housing and child welfare experts from Germany recommend that unaccompanied children be accommodated with a foster or host family.

“And I simply believe that the opportunities are best in a foster family. It constitutes an [...] intimate setting, personal involvement, personal attachment, personal assumption of responsibility for the individual, and where people take care of everyday problems, challenges, all the paperwork, and simply where someone is around day and night.” (Guardian, Germany)

In Sweden, expert opinions at both locations also echoed this view. According to a lawyer, a social worker and a guardian, foster homes are the best type of accommodation for unaccompanied children, as long as these homes function well, thanks to the support they may offer the individual child and the increased opportunity for the child to integrate into the local society.

3.2.3. Practical challenges in finding adequate housing

Persons granted international protection face many different challenges in finding or keeping a flat, FRA’s research shows. Of the 124 beneficiaries of international protection interviewed in the six Member States in 2018, fewer than half (55 persons) were living in individual housing, including those staying with families or friends.

Everyone faces challenges in finding a flat to rent, such as costs and availability of housing. These also affect beneficiaries of international protection. Finding housing that is affordable, considering the deposits, start-up costs, real estate agents’ fees and possibly temporarily paying double rent when moving, emerged as the most common challenge according to housing experts. Limited language skills are another obstacle. In addition, finding individual housing requires time and may conflict with other priorities, such as language acquisition, education or employment.

Promising practice

Applying the Youth Guarantee to young refugees

The Youth Guarantee (*garantie jeunes*) is a nationwide scheme for 16- to 25-year-old people living in precarious conditions in **France**. The youth employment agencies (*missions locales*) run it. Recipients may benefit for a maximum of one year from:

- a supplement of € 480 per month;
- training on various topics, as needed, enabling them to handle issues related to administration, health, transport, culture, etc. independently, and supporting their educational or professional integration.

Youth employment agencies may offer specific support measures for beneficiaries of international protection, depending on the location; for example, language training is offered in Paris. The supplement facilitates access to housing, and, therefore, provides some stability. However, young beneficiaries of international protection had limited access to the guarantee, interviewed experts found.

Sources: Ministry of Employment webpage and Mission Locale Rennes webpage

Offering language classes and counselling

The municipality of Athens launched a pilot programme for refugee integration named Curing the Limbo, co-funded by the EU. It covers refugees who have been granted asylum in **Greece** since 2015 and speak Greek, English, Arabic, Farsi or French. The target group is offered language classes and training on computer skills and audio-visual arts, and takes part in one-to-one career counselling, including on how to find and rent affordable homes.

Source: City of Athens, Curing the Limbo webpage

However, alongside such general challenges, persons granted international protection also face obstacles connected to their status. In addition to difficulties in obtaining social welfare described in Chapter 4, the following specific obstacles emerged from the research:

- **Prejudice against refugees** on the part of landlords and neighbours: Experts mentioned this as an obstacle particularly in Austria, Germany and Italy.

A: "I've been looking for a house on my own for a year and I still haven't found anything, I'm still looking."

Q: "Why haven't you found one?"

A: "I think it's because I don't have a long-term contract, so maybe ..."

Q: "Only that?"

A: "Let's say it's also because I'm a bit coloured."

Q: "Tell me, when you look for a house, what are landlords' reactions?"

A: "Landlords, when you call them, they say somebody's already taken the house, they ask you where you're from, what job you do and then when you tell them you're African they say 'ah, somebody's already taken the house, I'm sorry'... Even where I am now we don't have a regular house rental agreement." (Refugee from The Gambia, male, Italy)

- **Lack of work contract:** In all six Member States, experts mentioned examples of housing agencies and landlords being reluctant to rent to social welfare recipients. In Sweden, private landlords usually require an employment contract. A protection status holder in Milan (Italy) indicates that many beneficiaries of international protection become homeless if they cannot afford to pay rent. However, finding a job before getting a place to stay is also difficult. The possibility of registering at an address for administrative purposes only, without living there, is a helpful way out, as experts in Austria and Sweden noted.
- **Lack of residence papers:** In France, difficulties also related to the long waiting period pending the issuance of a residence permit. During this time, status holders receive a receipt. However, landlords often do not recognise such receipts. The lack of long-term residence status (together with discrimination) also emerged as an obstacle to renting flats in Milan.
- **Language barriers:** The social services in Sweden have many refugee clients who are homeless, as private landlords are usually reluctant to let to persons who do not speak Swedish. Without support from social workers, refugees will not have the necessary information and language skills to find housing.
- **Lack of information on housing options:** Information should be provided early on, according to experts in different locations in France and Sweden, so that once persons gain international protection they are able to take the necessary steps.

3.3. Unaccompanied children turning 18

For unaccompanied children, whether they are still seeking asylum or have been granted international protection, their transition to adulthood is the main challenge, as housing experts in all six EU Member States stressed. Upon turning 18, they generally change their housing arrangements and often also their location. They also experience a significant reduction in social support.

EASO's *Guidance on reception conditions for unaccompanied children* indicates that unaccompanied children who have reached the age of majority should be allowed to stay in the same place or area, if possible. If they transfer to an adult reception facility, this should be carefully organised, with the involvement of the unaccompanied child.¹⁴⁴

The six Member States researched allow, in principle, youth welfare support to continue beyond 18 years of age in certain circumstances.¹⁴⁵ In practice, only a few examples emerged – from France, Germany and Italy, in exceptional cases when young adults can stay in a SPRAR facility for six months (and sometimes longer) after reaching 18 years of age.¹⁴⁶ In France, the Young Adult Contract (*Contrat Jeune Majeur*) is an arrangement for material, educational and psychological support to adults up to 21 years of age facing difficulties.¹⁴⁷ Under it the duration of child welfare support can be extended once the child reaches majority. However, whereas in Paris concluding such contracts is quite common, housing experts and two individually interviewed lawyers noted that obtaining such contracts in the Bouches-du-Rhône (Provence-Alpes-Côte d'Azur) and Nord (Hauts-de-France) regions has been increasingly difficult.

When they turn 18, asylum applicants are generally transferred to adult reception facilities. These are typically much bigger than child facilities and entail a drop in reception conditions and support services. Young persons may have to share rooms with several other adults of different ages, as the head of a facility for unaccompanied children in Austria noted. Housing experts in both geographical locations in Sweden considered the adult asylum facilities unsuitable to accommodate young persons.

Housing experts in Greece, Italy and Sweden noted that some young asylum applicants refuse to move to the adult reception facility assigned to them, expecting that reception arrangements for adults will not offer

them sufficient protection and assistance. Thus, in some cases, turning 18 resulted in homelessness. In Sweden, housing, law enforcement and NGO experts have seen an increase in homelessness and unstable living conditions among young asylum applicants:

“Well, [Gothenburg] received more asylum applicants. They lived here and then they were thrown out of Gothenburg and were placed at different adult asylum accommodation centres all over the region. However, they return to Gothenburg and hang out, because this is the place where they lived. They have their friends there. They have their social context, but they have no accommodation. So they live with friends, or they even live outdoors, or they hang out in Nordstan [a big shopping mall in the city of Gothenburg].” (Law enforcement expert, Sweden)

The research documented several initiatives to make the transition easier. Organisations running child facilities in Austria and Italy have tried to ensure transfers to facilities nearby that are run by the same organisation. This allows social workers to follow up and to accommodate young adults together, avoiding a sudden and drastic change in roommates' ages. In Greece, the NGO Iliaktida runs a facility on Lesbos island for boys turning 18. The NGO Arsis operates social flats in Thessaloniki and Volos for young male asylum applicants from 18 to 25 years old, who were previously under the care of other organisations; Arsis provides them with opportunities for further education, vocational training and other social participation.¹⁴⁸ In Germany, accommodation in shared flats and buddy or sponsorship programmes may enable a smoother transition from the youth welfare system to the adult support system.

Promising practice

Sponsoring young adults in Bremen (Germany)

The initiative *SchlüsselBund* (key chain) connects housing sponsors with young adult asylum applicants and refugees. Interested residents with a spare room or flat offer housing and guidance to a young migrant. The aim is to support the young adult on their way to independent living. The sponsorship programme is funded by youth welfare authorities.* The youth welfare authority and the implementing organisation remain points of contact for the duration of the sponsorship. Participants may benefit from advisory services and seminars that deal with legal questions and practical challenges. The sponsor and the young adult receive financial support from the authorities.

For more information, see the SchlüsselBund website.

* Germany, Social Code Book VIII, 26 June 1990, Sections 41 and 34.

144 EASO (2018), p. 29.

145 See EMN (2018), p. 28.

146 Italy, Decree by the Minister for the Interior of 10 August 2016, *Official Gazette* No. 200, 27 August 2016, Art. 35 (2).

147 France, CASF, Arts. L.112-3, L.221-1 and L.222-5.

148 See the Arsis [webpage](#).

In the French regions Bouches-du-Rhône (Provence-Alpes-Côte d'Azur) and Nord (Hauts-de-France), experts found that increasing numbers of young people turning 18 are homeless as a result of the scarcity of Young Adult Contracts and their lack of financial resources. Child welfare services have therefore pointed unaccompanied children towards short vocational training courses so that they can support themselves when they turn 18, according to an expert in Marseilles. Local schools in Lille have also noticed pupils becoming homeless at the age of 18.

“Young people who have been supported, who have gone to school and reached the age of 18, and who overnight are no longer supported by the ASE [aide sociale à l'enfance, child welfare services], and find themselves in the street. But they are still in school. So that poses a problem obviously to everyone: to them, of course; and to the institutions that support them, because they have homeless pupils.” (Local education authority expert, France)

The situation is even more challenging for international protection beneficiaries. On turning 18, they generally have to arrange housing solutions by themselves, like any other adult refugees. Youth welfare and social services in Germany may finance housing agents to support young persons who are about to leave the youth welfare system. In Sweden, social services facilitate housing arrangements.

Promising practice

Helping in arranging housing in Norrbotten

In the region Norrbotten in **Sweden**, when children with protection status turn 18, social workers move them to flats that they can sublet from social services. The subletting through social services is a guarantee for landlords. Case officers from the municipality regularly visit and support these young persons. After one year, the person usually has the lease transferred to them. Before they turn 18, children and social workers have a talk about the practical implications of reaching adulthood in Sweden, for example in relation to the use of alcohol, drugs and tobacco, as well as individual responsibility to manage their education and continue their activities in sports associations or other physical activities. If the unaccompanied child is assessed as needing extra help during the transition, social services appoint a contact person, to whom the child can turn to for social support.

Source: Local focus group on housing, Norrbotten, Sweden

Conclusions and FRA opinions

EU Member States had difficulty providing housing to the 1.5 million asylum applicants who arrived in 2015. This resulted in significant difficulties, including homelessness. In practice, many challenges were overcome through large-scale civil society engagement.

The research findings show that there are three critical stages concerning housing. First, upon arrival, many asylum applicants experienced substandard reception conditions, exposing them to protection risks, including violence, which can have long-lasting consequences. Frequent transfers between different reception facilities, which many asylum applicants experienced, often have a negative impact on their future integration. Each relocation requires the individual to repeat administrative tasks, get used to the new environment and start re-establishing relationships. Second, as soon as applicants receive international protection, they have, in most cases, a deadline to leave the reception facility where they are staying but are not offered another place to go, except for those in Sweden. In spite of many good initiatives, public support to find adequate housing appeared insufficient. International protection beneficiaries face many practical obstacles to finding an affordable flat. Some of them are general, such as availability and affordability of housing. Others are specific to them, such as prejudices against refugees and difficulties in providing supporting documents. Third, as soon as unaccompanied children turn 18 years of age, they lose their entitlements to special protection and often find themselves facing the same challenges as adults, or more. From one day to another, children are expected to confront many difficulties with very little support, and this may have a very negative impact on their lives.

Multiple factors linked to housing facilitate social inclusion and integration, the research finds. Contact with locals, short distances to services, such as schools, and availability of employment are some of them. In many cases, initiatives by civil society and volunteers help establish links with the local communities and avoid segregation.



FRA opinion 3

EU Member States should develop adequate contingency plans to be prepared for future situations of large-scale arrivals. Such plans should also consider the use of multipurpose facilities, which can be flexibly adapted to the needs. Contingency plans should form part of long-term strategic planning of migration governance at all levels, including the central, regional and municipal levels.

The availability of adequate facilities near the border should be an integral component of national strategies for integrated border management, which Member States are obliged to draw up under the European Border and Coast Guard Regulation.

EU Member States should design their refugee housing policies taking into account how housing may affect education, employment and other aspects of life. They should actively support reception and housing practices that promote social inclusion, avoid segregation, and reduce transfers from one facility to another to a minimum. They should encourage and financially support public administrations, including municipalities, as well as civil society initiatives and housing providers, including through the effective use of European Union funds.

In accordance with the 2017 Commission Communication on the protection of children in migration, EU Member States should support unaccompanied children in their transition to adulthood, including when leaving care. Support measures could entail preparatory measures to support the child's autonomy, through encouraging independent living and managing the demanding paperwork. If a transfer to an adult facility is required, authorities should consider delaying the transfer until completion of the education cycle, and ensure there is an assigned social worker who continues to support the young person during the transition period.

The EU should ensure that the integration of unaccompanied children remains a priority in the new Asylum and Migration Fund.

4

Social welfare for status holders



EU Charter of Fundamental Rights, Article 34

2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Union law and national laws and practices.

3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices.

People who have been uprooted may need public support to cover their daily necessities of life, such as clothing and food. This includes young people until they finish their education and start a professional life to sustain themselves in the new society in which they live.

The issue of social assistance to refugees (and immigrants more generally) has been high on the political agenda in some Member States, as migrants and refugees are perceived as a heavy burden on public funds. As an illustration, Austria introduced a new federal law on social welfare in June 2019, reducing social assistance particularly for families with several children, for persons with little knowledge of German and for subsidiary protection status holders.¹⁴⁹

Research suggests that, although providing social assistance to asylum applicants and refugees increases costs for Member States, the overall fiscal outcome is less certain. Additional short-term costs are rather moderate, whereas in the medium term the fiscal impact tends to be low. In the long term, migrants may

even result in social as well as economic gains and can help strengthen fiscal sustainability, provided they are well integrated.¹⁵⁰ New migrants can offset the EU's demographic decline, fill vacancies in various sectors of the economy, contribute to entrepreneurship and even increase growth in gross domestic product.¹⁵¹

The experiences of interviewees demonstrate that social assistance is crucial for young international protection beneficiaries. In many cases, sufficient social assistance is what allowed refugees to learn the local language and to pursue vocational or tertiary education. Several interviewees who have received sufficient social assistance, especially those in Germany and Sweden, reported that they have managed to complete secondary school, work as apprentices and interns, and learn the local language. Many experts – all in France – considered supporting housing, employment and vocational training to be a way of reducing the need for social assistance in the medium term.

This chapter focuses on beneficiaries of international protection. It analyses social welfare benefits financed through public funds, as opposed to benefits financed on the basis of workers' and/or employers' contributions. It is based on interviews with 121 experts, including local social services in each of the geographical locations, as well as a local focus group discussion on social assistance in Upper Austria, where international protection beneficiaries had been receiving only core benefits since July 2016. The chapter also draws on replies to relevant questions by 164 asylum seekers and protection status holders in the six Member States.

¹⁴⁹ Austria, *Social Assistance Basic Law (Sozialhilfe-Grundsatzgesetz)*, BGBl. Nr. 41/2019, June 2019.

¹⁵⁰ European Commission (2016c); Kancs, D. and Lecca, P. (2017); OECD (2013, 2014); King, R. and Lulle, A. (2016).

¹⁵¹ European Parliamentary Research Service (2015).

Human rights law

International human rights law requires that everyone, including asylum applicants, should enjoy an adequate standard of living. International refugee law accords to refugees lawfully staying in the territory of the

signatory states the same treatment as nationals with respect to public relief and assistance. Thus, international law provides for greater protection of refugees than asylum applicants, a distinction that EU law also reflects. Table 8 provides an overview of the main international law provisions. These instruments

Table 8: Right to an adequate standard of living in international law, selected instruments

Instrument	Main provisions	Applicability
Geneva Convention, Article 23	"The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals."	Refugees
Universal Declaration of Human Rights, Article 25	"(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."	Refugees and asylum applicants
International Covenant on Economic, Social and Cultural Rights, Article 11 (1)	"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."	Refugees and asylum applicants
(Revised) ESC, Article 13 (1)	"With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake: "1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition."	Refugees and asylum applicants*
(Revised) ESC, Article 16	"Article 16 – The right of the family to social, legal and economic protection "With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means."	Refugees and asylum applicants*
Convention on the Rights of the Child, Article 27	"1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development." "3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing."	Refugees and asylum applicants
International Convention on the Rights of Persons with Disabilities, Article 28	"States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability."	Refugees and asylum applicants

Notes: Under 'applicability', the term 'refugee' is used in a broad sense, also including subsidiary protection status holders.

* In principle the revised ESC applies only to nationals of the Parties to the Charter lawfully resident or working regularly within the territory of the Party concerned. The European Committee on Social Rights clarified in *Conference of European Churches (CEC) v. the Netherlands*, Complaint No. 90/2013, paragraphs 66–76, that provisions of the European Social Charter also apply to asylum applicants and refugees when excluding them from this protection would have seriously detrimental consequences for their fundamental rights; emergency social assistance should be provided under the said provision to all foreign nationals without exception.

Source: FRA, 2019

are applicable to the six EU Member States reviewed, with some exceptions.¹⁵²

EU law

EU asylum law regulates social assistance differently for asylum applicants and status holders. Article 17 of the Reception Conditions Directive provides for an adequate standard of living guaranteeing the subsistence of asylum applicants, and Article 18 (9) contains the right to have basic needs covered in material reception conditions.

For international protection beneficiaries, the right to social assistance benefits paid through public funds is set out in Article 29 of the Qualification Directive. This provision implements Article 23 of the 1951 Convention Relating to the Status of Refugees. The rights may differ depending on the status of the person:

- Article 29 (1) of the Qualification Directive entitles refugees to the same social assistance as nationals.
- Article 29 (2) of the Qualification Directive introduces a possible restriction to core benefits for subsidiary protection status holders; however, the CJEU clarified that housing benefits constitute core

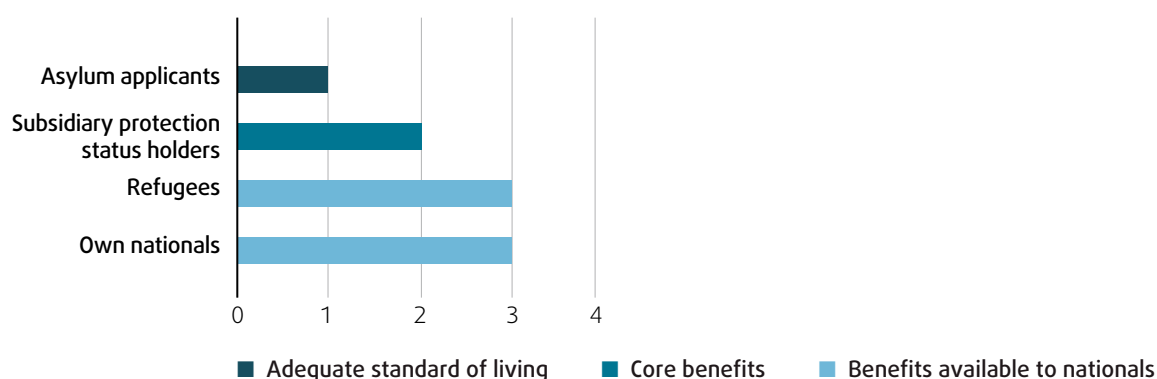
benefits insofar as they ensure a decent existence for all those who lack sufficient resources.¹⁵³

As Figure 19 illustrates, under EU law the level of social assistance thus increases depending on the legal status of the person: asylum applicant – subsidiary protection status holder – refugee.

Regulation (EC) No. 883/2004/EC¹⁵⁴ (as amended) protects people's social security rights when they move within the EU. It covers several social security areas, such as sickness, maternity and paternity benefits, old age pensions, pre-retirement and invalidity pensions, unemployment and family benefits.

This chapter does not analyse benefits financed on the basis of workers' and/or employers' contributions. These follow different rules, even when they are topped up by public funds. Under Article 24 of the 1951 Refugee Convention, state parties must grant such benefits to refugees lawfully staying, under the same conditions as nationals. Article 27 (4) of the Qualification Directive refers to the rules established in national law of the Member States. For asylum applicants, no specific EU law provision regulates the granting of benefits. Proposed revisions to the Reception Conditions Directive would introduce equal treatment with nationals concerning

Figure 19: Minimum level of social welfare benefits as required by EU law



Note: In EU Member States with limited social welfare benefits for nationals, benefits for asylum applicants may in practice be higher.

Source: FRA, 2019

¹⁵² Austria has expressed a reservation to Art. 23 of the Geneva Convention, stating that “public relief and assistance” “shall be interpreted solely in the sense of allocations from public welfare funds” (*Declarations and Reservations to the Convention - Austria*). The Austrian Constitutional Court (*Verfassungsgerichtshof*) confirmed that, in line with Art. 23 of the Geneva Convention, refugees are to be treated like nationals as regards social welfare benefits; see decision G 136/2017, 7 March 2018, at 114. Germany is not party to the revised ESC. For the list of States Parties to UN instruments, see the [interactive dashboard](#) on the website of the Office of the High Commissioner for Human Rights.

¹⁵³ CJEU, C571/10, *Kamberaj*, 24 April 2012, para. 92.

¹⁵⁴ Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, OJ L 166, p. 1–123.

working conditions and branches of social security covered by Regulation (EC) No. 883/2004.¹⁵⁵

4.1. Entitlements

Social welfare benefits paid to persons granted international protection depend on the welfare systems in place for nationals. These differ significantly from one EU Member State to another and, in some cases, even within Member States, as is the case in Austria. There, *Länder's* laws regulate the conditions and levels of social welfare benefits. These vary between *Länder*. In June 2019, Austria adopted a new federal law that establishes a general framework for social benefits at national level. The social welfare laws of the *Länder* will continue to define the details. These will need to be aligned to the new federal law.¹⁵⁶

In all of the six EU Member States covered, persons granted international protection receive social benefits from the same source as nationals.

The transition from asylum applicant to status holder creates a gap, as described in Chapter 3. As soon as international protection is granted, status holders are expected to leave the reception facility in which they were hosted while their asylum applications were under examination. A local authority representative responsible for the social support and integration of migrants and refugees in Athens explained well the loss of benefits upon getting refugee status:

“And here’s the irrational thing: once you are legally recognised as having all rights, in practice you lose all your rights. [...] Immediately upon recognition as refugees, they lose every right they had before and they enter into a ‘grey area’, where there are huge problems.” (Local social welfare authority expert, Greece)

Moving from the support system established for asylum applicants to the national welfare system takes time. Delays may create a gap, when newly recognised international protection beneficiaries find themselves without resources at a crucial moment on their path towards integration.

The transition to adulthood brings not only a change in housing arrangements and a loss of support from

social workers, guardians and other child protection services but also a loss of financial benefits. Upon turning 18 years of age, the support that children receive suddenly drops. Usually, the support provided to adults is significantly less than the assistance that unaccompanied children receive, particularly in terms of services. For example, in Sweden, an asylum applicant reported being shocked when finding out how low his allowance would be after turning 18 years compared with the benefits he received as a child:

“When I was under the age of 18, I had more opportunities, I mean it wasn’t an issue. They usually took care of everything. But when I turned 18, it was a lot harder. You just received money for food, nothing else. There were more problems, and I didn’t get any information about how to apply for financial permits or anything else. When you’re under 18 years you have the chance to... besides food, you can buy clothes and some other stuff. But when you turn 18, it’s a lot harder, it’s just food. If you don’t have a residence permit, you can’t even work, so it’s just money for food. This money you get for food, it’s just money for surviving.” (Asylum applicant from Afghanistan, male, Sweden)

In Milan (Italy), a subsidiary protection status holder from Somalia recalled that, as an unaccompanied child, he used to receive a public transport pass, a mobile phone, clothes and food as well as € 8 per week as pocket money. When moving to an adult SPRAR facility, he was expecting to receive € 1.50 per day and nothing else.

4.1.1. Types of benefits

The six EU Member States have many different types of social welfare benefits for nationals in need. International protection beneficiaries are, in principle, entitled to apply for them, although there are some limitations. FRA reviewed three broad categories of benefits:

- income support benefits for persons who do not have a regular income, including specific schemes to cover housing expenses;
- child and family support benefits;
- disability benefits.

The fieldwork research did not cover retirement and sickness benefits. Healthcare findings are limited to mental health issues, discussed in Chapter 5.

Income support

In France, Greece and Italy, state-funded income support has essentially not been available to young refugees even if they were eligible. This is in stark contrast to Sweden and Germany, where it plays an important role in enabling them to start a new life. In Austria, income support depends on the status and the region.

¹⁵⁵ Proposal for a Directive of the European Parliament and the Council laying down standards for the reception of applicants for international protection (recast), COM/2016/0465 final, Brussels, 13 July 2016, Art. 15 (3) (a) and (e). For a list of the branches of social security covered, see Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, OJ L 166, p. 1–123, Art. 3.

¹⁵⁶ Austria, Social Assistance Basic Law (*Sozialhilfe-Grundsatzgesetz*), BGBl. Nr. 41/2019, June 2019.

In Sweden, all protection status holders must participate in an introduction programme organised by the Public Employment Service (*Arbetsförmedlingen*).¹⁵⁷ The Public Employment Service assesses their experiences and abilities and, based on those, develops a plan together with each person. The plan includes activities and courses to enable the person to find employment in the local labour market. The Swedish Social Insurance Agency (*Försäkringskassan*) provides introduction benefits.¹⁵⁸ Social welfare benefits available to Swedish nationals (e.g. to cover housing expenses) may top up the introduction benefits.

Figure 20 illustrates the diversity of the main social welfare benefits to support income that are available in the six EU Member States reviewed.¹⁵⁹ In two of the six EU Member States reviewed, namely France and Italy, income support benefits are not accessible to young international protection beneficiaries due to general unavailability for anyone in need. In Greece, none of the refugees interviewed was aware of any other benefits apart from the monthly cash assistance (€ 90 for single adults) from UNHCR. As of 1 February 2017, they have been eligible to apply for social solidarity income.¹⁶⁰

In France, young beneficiaries of international protection are virtually deprived of social benefits, since the main income support allowance – the active solidarity income (*revenu de solidarité active* – RSA) – applies only to persons above 25 years of age.¹⁶¹ An Afghan refugee aged 24 noted:

“People who are over 25 years old, they have the RSA and they ask for housing immediately. And for me there is no RSA, so it’s very, very difficult.” (Refugee from Afghanistan, male, France)

The lack of social benefits for refugees younger than 25 has been a major barrier to integration, according to NGOs and a national authority. In the absence of social benefits, young refugees in France depend on work

or paid training to access housing. This compromises education. Experts in Lille and Marseilles referred to students leaving school or university upon obtaining international protection, as they needed financial resources to find a place to stay. Being stuck in low-paid temporary jobs may also affect persons’ morale, according to an education expert in Lille.

In Italy, the citizenship income introduced in 2019 is contingent upon EU long-term residence status and 10 years of residence in Italy. These conditions exclude newly arrived beneficiaries of international protection.¹⁶² Some interviewees, however, commented positively about additional allowances provided at SPRAR centres in consideration of their personal circumstances. For example, a Gambian humanitarian protection status holder who arrived to Italy as a child said:

“Each month they [the reception centre’s staff] pay me € 240, I buy food, anything I want to buy I buy with that money [...] We have to buy ourselves [cleaning products], you cook with that money, you buy things, soap, every month.” (Humanitarian protection status holder from The Gambia, male, Italy)

Family and child support

Another important form of social welfare is benefits to support families and children. Whereas some of them are employment-related and covered by employers’ and/or workers’ contributions (such as child allowances included in salaries), others are paid from public funds. In practice, the two may be interconnected.

As Figure 21 illustrates, of the six EU Member States reviewed, Austria, France, Germany, Italy and Sweden provide child and family allowances that, in principle, families granted international protection who have little or no income can receive.¹⁶³ In Greece, many protection status holders cannot obtain the single child allowance as a result of its residency requirement. Greece grants the allowance to persons – including recognised refugees and beneficiaries of subsidiary protection – who have been residing legally and permanently in

¹⁵⁷ Sweden, Public Employment Service (*Arbetsförmedlingen*) webpage, ‘For you participating in the introduction programme’ (*För dig i etableringsprogrammet*).

¹⁵⁸ Sweden, Swedish Social Insurance Agency (*Försäkringskassan*) webpage, ‘If you participate in the introduction programme at the Public Employment Service’ (*Om du deltar i etableringsprogrammet hos Arbetsförmedlingen*).

¹⁵⁹ See Austria, Vienna Needs-Based Minimum Benefit Act (*Wiener Mindestsicherungsgesetz* – WMG), LGBl. Nr. 38/2010, and Upper Austrian Needs-based Minimum Benefit Act (*Oö. Mindestsicherungsgesetz* – Oö. BMSG), LGBl. Nr. 74/2011; France, Construction and Housing Code (*Code de la construction et de l’habitation*) and Social Action and Family Code (*Code de l’action sociale et des familles*); Germany, Social Code Book II (SGB, BGBl. I S. 2954); Greece, Law 4389/2016 ‘Πληροφορίες για το KEA’; Italy, Decree Law 4/2019 as amended by Law No. 26 of 28 March 2019; Sweden, Social Services Act (*Socialtjänstlag* 2001:453) and Social Insurance Code (*Socialförsäkringsbalk* 2010:110).

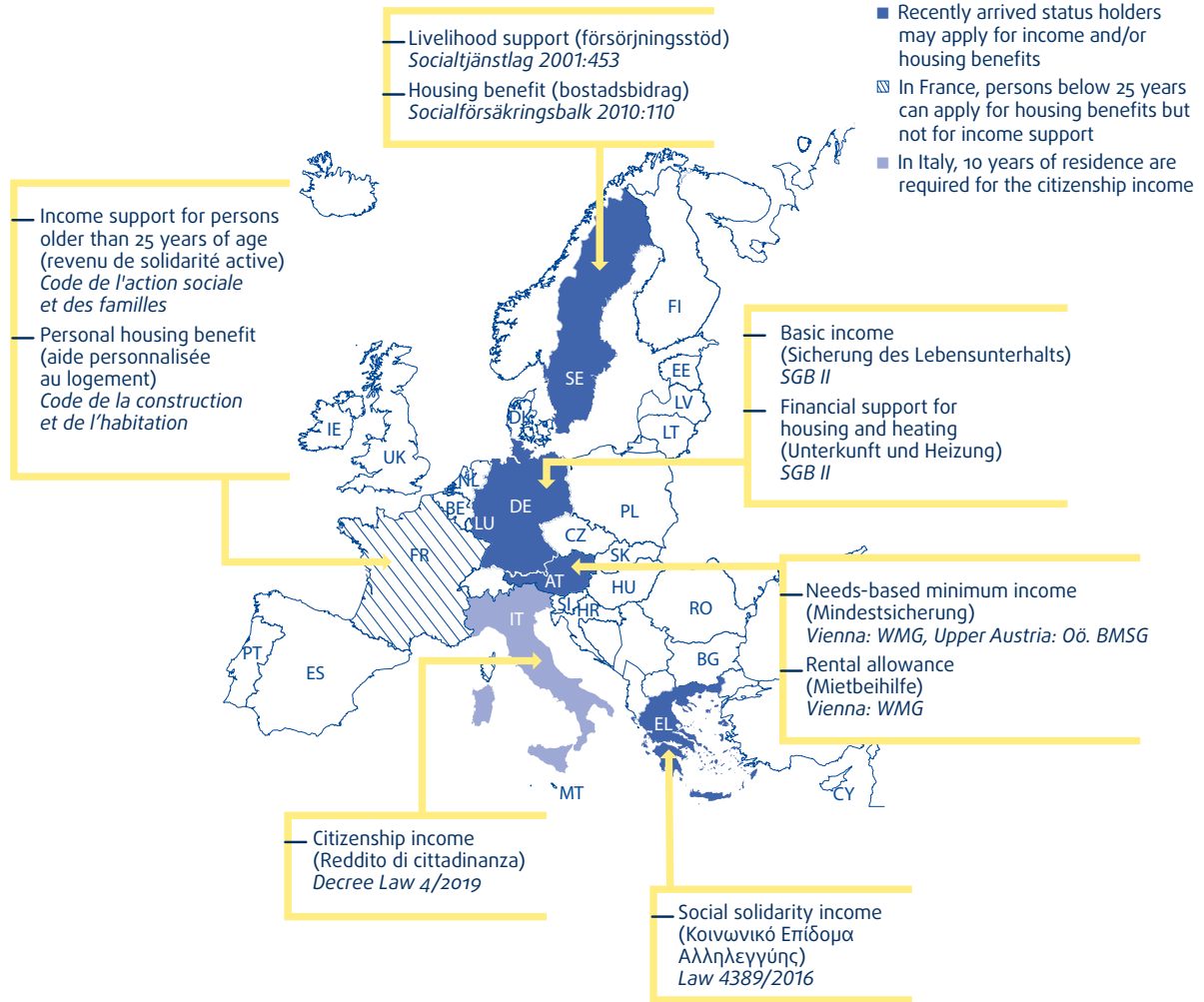
¹⁶⁰ Greece, Law L 4389/2016, Article 235.

¹⁶¹ France, CASF, Arts. L. 262-2, L. 349-1 and L. 349-2.

¹⁶² Italy, Law Decree No. 4/2019 as amended by Law No. 26 of 28 March 2019, consolidated version, Art. 2(1)(a) (1) and (2).

¹⁶³ See Austria, Family Law Compensation Act – *Familienlastenausgleichsgesetz* (FLAG, BGBl. Nr. 376/1967 idF BGBl. I Nr. 40/2017) and Childcare Allowance Benefits Act – *Kinderbetreuungsgeldgesetz* (KBGG, BGBl. I Nr. 103/2001 idF BGBl. I Nr. 53/2016); France, CASF and Social Action and Family Code – *Code de la sécurité sociale* (CSS); Germany, Income Tax Act – *Einkommensteuergesetz* (EStG), BGBl. I S. 3366, 3862, Federal Law on family allowances – *Bundeskindergeldgesetz* (BKGG), BGBl. I p. 1250, 1378 and Parental Allowances and Parental Leave Act – *Bundeselterngeld- und Elternzeitgesetz* (BEEG), BGBl. I S.33; Italy, Decree Law No. 251 of 19 November 2007, Art. 27, and circular letters 9, 39 and 93 referred to in subsequent footnotes; Sweden, Social Insurance Code – *Socialförsäkringsbalk* 2010:110 (SFS).

Figure 20: Social welfare benefits for basic income and housing, six EU Member States



Source: FRA, 2019

Greece for the last five years.¹⁶⁴ Austria distinguishes between refugees and subsidiary protection status holders (see Section 4.1.2).

In Italy, the social assistance systems provide various benefits paid from public funds. However, cumbersome procedures limit the number of status holders who are able to benefit in practice (see Section 4.2). Benefits include the allowances for families with more than three children (*assegni per il nucleo familiari numerosi*),¹⁶⁵ maternity allowances for unemployed mothers

(*assegno di maternità*),¹⁶⁶ the baby bonus (*assegno di natalità*, also referred to as *bonus bebè*) for up to three years from the birth or adoption of a child¹⁶⁷ and an allowance for all expectant mothers (*premio alla nascita* or *bonus mamma domani*).¹⁶⁸ Following clarifications by the national social security body, these allowances

164 Greece, Law No. 4512/2018, Art. 214 (11). According to Joint Ministerial Decision No. Αριθμ. Γ.Π.οικ. Δ22/11/2705/58/2018, the submission of income tax returns is used to prove the five-year residence.

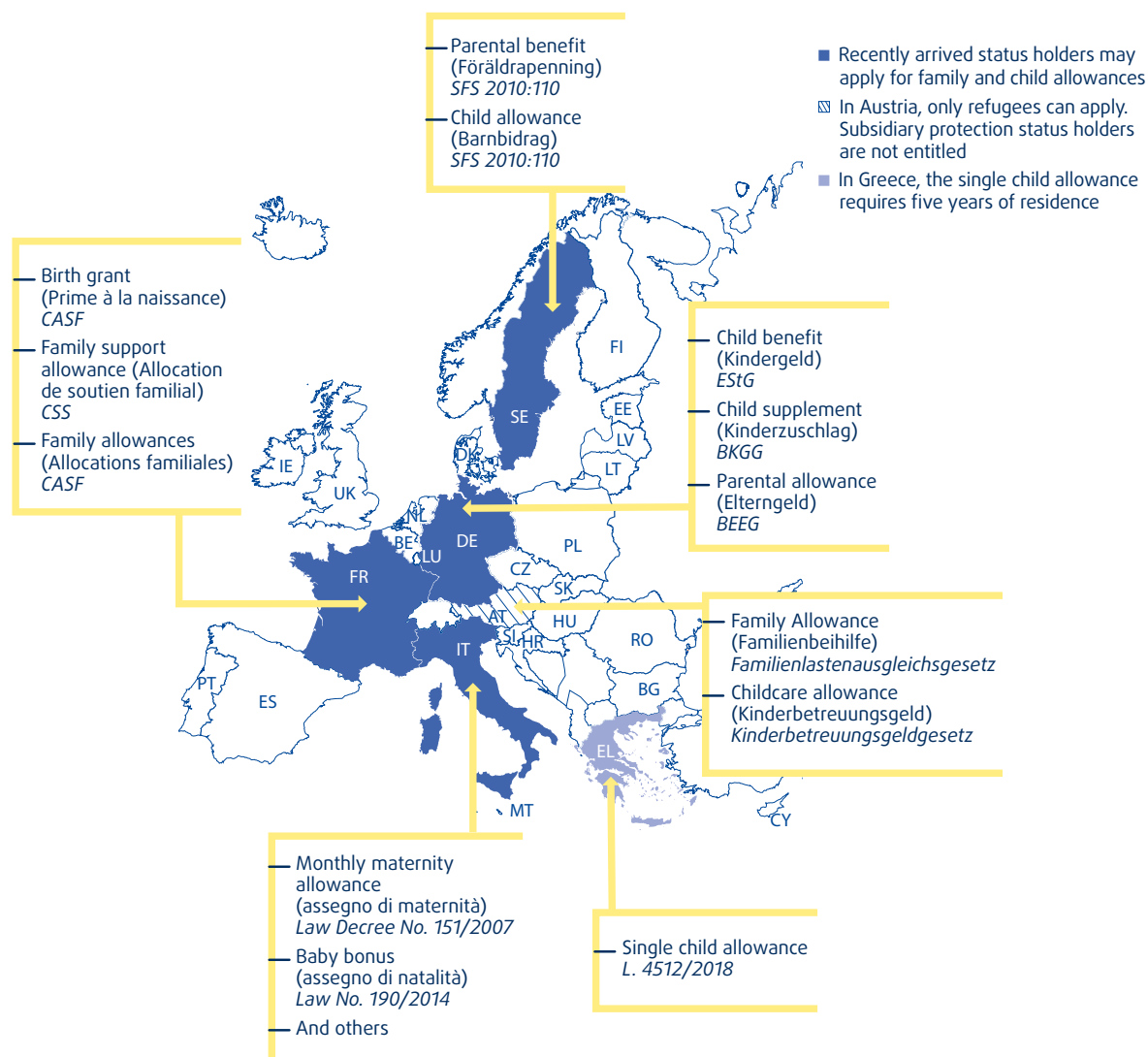
165 Under Italy, INPS, [circular letter No. 9](#) of 22 January 2010, beneficiaries of international protection are entitled to family allowances as established by Art. 65 of Law No. 448 of 23 December 1998 (as amended and integrated).

166 See Italy, Law Decree No. 151 of 26 March 2001, Art. 74. International protection beneficiaries are entitled to this benefit according to Art. 27 of Decree Law No. 251 of 19 November 2007 (incorporating Directive 2004/83/EC into national law).

167 Under Italy, INPS, [circular letter No. 93](#) of 8 May 2015, beneficiaries of international protection are entitled to the baby bonus as established by Art. 1 (125) of Law No. 190 of 23 December 2014 and subsequently extended (see, for 2019, [Law Decree No. 119/2018](#), Art. 23-*quater*).

168 Under Italy, INPS, [circular letter No. 39](#) of 27 February 2017, beneficiaries of international protection are entitled to the allowance for expectant mothers established by Art. 1 (353) of Law No. 232/2016 of 11 December 2016.

Figure 21: Family and children allowances, six EU Member States



Source: FRA, 2019

are accessible to international protection beneficiaries under the same conditions as nationals.¹⁶⁹

Apart from child and social welfare allowances, several young refugees in France and Sweden reported receiving scholarships or grants from a school or university. In France, all students interviewed were informed of this possibility by teachers. Similar opportunities may be available in the other four Member States.

Disability support

All of the six reviewed EU Member States have social assistance schemes for persons with disabilities. The approach, however, varies between them. Some income support schemes are based on contributions,

and thus available only to those who have worked and paid contributions in the past.

In addition to income support, EU Member States have different kinds of benefits, depending on the type of disability and several other factors. Benefits may include, for example, adaptations to make housing more accessible, benefits for transportation or vehicles, personal assistance and devices. The type and amount of benefit may vary depending on the region the person lives in.¹⁷⁰

In principle, international protection beneficiaries can receive non-contribution-based disability allowances,

¹⁶⁹ For an overview of non-EU nationals' entitlements to social assistance, see Guariso, A. (2018).

¹⁷⁰ See, for further information, the reports compiled by the Academic Network of European Disability Experts and listed on its webpage, Art. 28 of the UN Convention on the Rights of Persons with Disabilities, 23 January 2017.

as the following examples illustrate. In Austria, persons with disabilities, including international protection beneficiaries, may be entitled to a care allowance (*Pflegegeld*).¹⁷¹ France provides an allowance to disabled adults (*allocation aux adultes handicapés*) who do not qualify for the invalidity pension; it is available to persons who live in France permanently and have a residence permit.¹⁷² In Germany, persons with disabilities receive rehabilitation and participation support, possibly in the form of a personal budget that can be granted instead of in-kind support;¹⁷³ however, this specific option has rarely been used in practice because potential recipients do not know about it.¹⁷⁴ They can also receive retirement benefits if they are unable to work, which are generally offset against social benefits. These retirement benefits, however, generally require at least five years of contributions prior to the reduction in working capacity.¹⁷⁵ In Greece, uninsured persons, including international protection beneficiaries, may have access to welfare disability benefits for specific disabilities. The amount of the benefit varies depending on the person's type and degree of disability.¹⁷⁶ In Italy, the contribution-based pensions are complemented by publicly funded schemes for persons with disabilities who have not worked in the past, for example the inability allowance (*pensione di inabilità*)¹⁷⁷ or the compensation for care (*indennità di accompagnamento agli invalidi civili totalmente inabili*).¹⁷⁸ The Constitutional Court clarified that these schemes also apply to third-country nationals who holding at least a one-year residence permit.¹⁷⁹ Sweden has in place a system which that entitles persons with disabilities who reside in Sweden (hence including status holders) to an "additional cost allowance" (*merkostnadsersättning*) for expenses related to their disability which that are not covered by the income support scheme,¹⁸⁰

children with disabilities receive in additionally a child carer's allowance (*omvårdnadsbidrag*).¹⁸¹

However, even if international protection beneficiaries are in principle eligible for disability benefits available to nationals, complicated procedures for applying and other practical difficulties may make their right elusive in practice. An NGO worker in Italy provided an extreme example, referring to a hospitalised child who could not obtain a disability allowance, as it was not possible to obtain a residence permit without an address:

"The child who had lost a leg was a minor. As long as he was in hospital there was no way for him to get a residence permit [...]. The hospital could not give him a declaration of hospitality [...] and to this day he still doesn't have a disability allowance, and without that you can't get a prosthesis other than by paying for it [...]. From a legal point of view there was no way out." (NGO legal assistant, Italy)

4.1.2. Level of benefits

In general, most experts interviewed assessed the level of social assistance as low; it excluded any expenses beyond basic subsistence. As an illustration, in Germany, although the amount of benefits was generally assessed as sufficient to cover basic costs, one in three refugees pointed out that they could not cover personal expenses such as clothing, a phone, university books, dental braces or language tutoring. Most interviewees in Sweden considered state benefits insufficient, particularly when extra costs arise, for example travel costs and fees for a passport:

"For example, I had to go to Stockholm twice by myself and apply for a Syrian passport, and I got it, but I had to pay like SEK 5,000 (€ 487) for it. So that felt really unnecessary, and I didn't get any extra financial support to cover the costs. And yes, it has been many things like that, the driving licence... If I hadn't worked during 2017, I wouldn't have managed all that." (Subsidiary protection status holder from Syria, male, Sweden)

Under Article 23 of the 1951 Refugee Convention and Article 29 of the Qualification Directive, Member States must grant the same social assistance benefits to refugees as are granted to nationals, regardless of the type of residence permit they hold. Article 29 (2) of the Qualification Directive allows Member States to derogate from the equal treatment provision only insofar as benefits for subsidiary protection status holders may be reduced to "core benefits". Among the six Member States reviewed, only Austria distinguishes between the two categories. The 2019 social assistance

171 Austria, *Bundespflegegeldgesetz (BPGG)*, BGBl. Nr. 110/1993, which, under Art. 3a, also applies to international protection status holders.

172 *Code de la sécurité sociale*, Arts. L821-1 to L821-8, R821-1 to R821-9, and D821-1 to D821-11.

173 Germany, Social Code Book IX (*Sozialgesetzbuch IX*), 19 June 2001, BGBl. I S. 1046, Art. 29, and Social Code Book XII (*Sozialgesetzbuch XII*), 27 December 2003, BGBl. I S. 3022, Art. 57.

174 Germany, Deutsches Institut für Menschenrechte (2019); Germany, Prognos AG (2013).

175 Germany, Social Code Book VI (*Sozialgesetzbuch VI*), 18 December 1989, BGBl. I S. 2261, 1990 I S. 1337, Arts. 43 and 50.

176 Greece, *Presidential Decree 141/2013 on the transposition into the Greek legislation of Directive 2011/95/EU*, Art. 30; *Law 4520/2018*, Art. 4; *Law 4540/2018*, Arts. 17 and 20; *Ministerial Decision Δ12α/Γ.Π.οικ.68856/2202 ΦΕΚ Β 5855 2018*, Art. 4; *Circular 09-4785 of 25 January 2019 of ΟΠΕΚΑ*. See also UNHCR Help webpage, 'Access to welfare'.

177 See Italy, *Law No. 118 of 30 March 1971*, Art. 12 for all persons in need who fulfil the requirements for a 'social pension'.

178 See Italy, *Law No. 18 of 11 February 1980*, Art. 1.

179 Italy, Constitutional Court, *Decision No. 40 of 11 March 2013*.

180 Sweden, *Socialförsäkringsbalk* (2010:110), 4 March 2010, Section D, Chapter 50.

181 Sweden, *Regulation on additional cost reimbursement and care allowance (Förordning (2018:1614) om merkostnadsersättning och omvårdnadsbidrag)*, 2018.

framework law reduces assistance for subsidiary protection status holders to basic care level.¹⁸²

Until the Viennese law is adapted to the July 2019 framework law, refugees and subsidiary protection status holders in Vienna remain entitled to income support benefits under the same conditions as Austrian nationals.¹⁸³ Upper Austria's legislation grants reduced benefits to holders of time-limited residence permits under Section 3 (4) of the Austrian Asylum Act. This includes subsidiary protection status holders as well as refugees who applied for asylum after 14 November 2015 during their first three years of residence.¹⁸⁴ The CJEU has declared that such reduction of income support benefits for refugees is incompatible with EU law: "the level of social security benefits paid to refugees by the Member State which granted that status, whether temporary or permanent, must be the same as that offered to nationals of that Member State."¹⁸⁵

Austrian courts have since then overturned decisions by the administration in Upper Austria granting reduced benefits to refugees.¹⁸⁶ It continues, however, to give reduced benefits to holders of subsidiary protection status.

Austria also differentiates between refugees and subsidiary protection status holders for family and childcare allowances. Whereas refugees are treated in the same manner as nationals, subsidiary protection status holders are entitled to family allowance only if they are employed or self-employed and do not receive any basic care (*Grundversorgung*) services.¹⁸⁷ Childcare allowance (*Kinderbetreuungsgeld*)¹⁸⁸ depends

on family allowance, meaning that if persons are not entitled to family allowances they also do not receive childcare benefits. Free public transport for school children (*Schülerfreifahrt*) is limited to those who are entitled to family allowance.¹⁸⁹ As finding employment and affording housing without basic care are difficult, subsidiary protection status holders often do not qualify for these allowances. If they are working, subsidiary protection status holders risk losing their jobs when their temporary residence permit expires. According to social welfare experts participating in the focus group in Upper Austria, employers threaten to terminate work contracts, or actually do terminate them, if the renewal procedure takes too long. The loss of the job entails also the loss of family and childcare allowances. To cope with living costs, subsidiary protection status holders with children sometimes end up taking out loans with interest rates reaching 50 %, according to social welfare experts participating in the local focus group in Upper Austria.

Under the 2019 framework law, international protection beneficiaries, as like other third-country nationals, are entitled to only 65 % of the needs-based minimum benefits until they have attended a two-day values and orientation course (*Werte und Orientierungskurs*), signed an integration declaration and passed a B1 integration test, as per Section 16a of the Austrian Integration Law,¹⁹⁰ and have an official certificate showing that they know at least German at B1 level or English at C1 level.¹⁹¹ This restriction applies to refugees as well as subsidiary protection status holders. As there is no entitlement to official German language classes during the asylum procedure, it is likely that a considerable number of international protection beneficiaries will receive reduced social benefits for several months after recognition. In addition, some protection status holders may not reach the necessary level of language knowledge at all, owing to learning difficulties resulting from past trauma, for example. In practice, this means that, even in the best-case scenario, a one-person household would receive significantly less than the poverty risk threshold, which corresponds to € 1,238 per month.¹⁹²

182 Austria, Social assistance framework law (*Sozialhilfe-Grundsatzgesetz*), BGBl. Nr. 41/2019, June 2019, Art. 4.

183 Austria, Vienna Needs-Based Minimum Benefit Act (*Gesetz zur bedarfsorientierten Mindestsicherung in Wien (Wiener Mindestsicherungsgesetz - WMG)*), LGBl. Nr. 38/2010, last amendment LGBl. Nr. 29/2013, Art. 5.

184 Austria, Upper Austrian Needs-Based Minimum Benefit Act (*Landesgesetz, mit dem das Gesetz über die bedarfsorientierte Mindestsicherung in Oberösterreich (Oö. Mindestsicherungsgesetz - Oö. BMSG) erlassen wird*), LGBl. Nr. 74/2011, last amendment LGBl. Nr. 55/2018, Art. 4 (3).

185 CJEU, C-713/17, *Ayubi v. Bezirkshauptmannschaft Linz-Land*, 21 November 2018.

186 See, for example, Upper Austrian Regional Administrative Court (*Landesverwaltungsgericht Oberösterreich*), LVwG-350363/21/KLi, 3 December 2018; LVwG-350602/3/BZ and LVwG-350551/3/Py/Kal. of 4 December 2018; LVwG-350553/3/GS and LVwG-350539/6/GS of 11 December 2018; LVwG-350565/3/Bm/AK, LVwG-350548/3/Bm/AK and LVwG-350362/4/Bm/AK of 13 December 2018; LVwG-350515/4/Bm of 13 February 2019; and LVwG-350636/2/Bm/AK of 14 February 2019.

187 Austria, Family Compensation Act (*Bundesgesetz vom betreffend den Familienlastenausgleich durch Beihilfen (Familienlastenausgleichsgesetz)* 1967), 24 October 1967, BGBl. I Nr. 376/1967, last amendment Nr. 40/2017, Art. 3.

188 Austria, Child Care Allowance Act (*Kinderbetreuungsgeldgesetz, KBGG*), BGBl. I Nr. 103/2001, last amendment BGBl. I Nr. 53/2016.

189 Austria, Austrian Act for Family Benefits (*Familienlastenausgleichsgesetz*), BGBl. Nr. 376/1967, Sections Ia and Ib.

190 Austria, Integration Law (*Integrationsgesetz - IntG*), BGBl. I Nr. 68/2017.

191 Austria, Basic Social Care Act, Social Care Statistics Act and updated Integration Act (*Sozialhilfe-Grundsatzgesetz und Sozialhilfe-Statistikgesetz sowie Änderung des Integrationsgesetzes-IntG*), BGBl. Nr. 41/2019, June 2019, Section 5 (6) and (7).

192 See Austria, [official webpage](#) of the Government, 18 June 2019; Statistik Austria, EU-SILC 2018, data compiled on 25 April 2019, as illustrated on the [webpage](#) of Die Armutskonferenz.

In Upper Austria, the Needs-Based Minimum Benefits Act sets a cap of € 1,500 per month per household, regardless of the number of family members living in the household.¹⁹³ Although the cap applies to everybody, it affects refugee and migrant families disproportionately, as they tend to live in larger households. As a result, the larger the household, the less money is available for each child. The Austrian Constitutional Court annulled a similar provision adopted in Lower Austria, considering that an overall cap on benefits prevents an individualised needs assessment.¹⁹⁴ The 2019 framework law may achieve the same result through a different approach. The law reduces social assistance allowances for families with more children, adopting a regressive approach: 25 % of the allowance for the first child, 15 % for the second child and 5 % for any further child.¹⁹⁵

4.1.3. Conditions for accessing benefits

The conditions for requesting social welfare benefits in the EU Member States covered are in principle the same for everyone, including for beneficiaries of subsidiary protection.¹⁹⁶ However, even if conditions do not differ formally, in practice refugee and subsidiary protection status holders often face higher practical obstacles to accessing benefits than nationals. Section 4.2 provides examples.

In certain circumstances, different treatment of subsidiary protection status holders from refugees or nationals is lawful according to the CJEU. When reviewing residence restrictions that Germany imposed on beneficiaries of subsidiary protection who were receiving social welfare benefits, the CJEU accepted that restrictions imposed with the objective of facilitating the integration of third-country nationals may be in line with EU law. The CJEU noted that the German restrictions seek to prevent third-country nationals in receipt of welfare benefits from concentrating in certain areas and the emergence of social tension that would have negative consequences for their integration. Furthermore, the residence restrictions are intended to link third-country nationals who are in particular need of integration to a specific place of residence so that they can make use of the integration facilities available there.¹⁹⁷ The Integration Act of July 2016 amended the Residence Act to introduce residence restrictions for

protection status holders for three years.¹⁹⁸ This means that, if subsidiary protection status holders move, at their own initiative, to a different *Land* from the one they had been allocated to, no social benefits are provided. Such cases emerged from the research. A civil society representative mentioned the example of a couple from Afghanistan who went into debt after the wife moved to the *Land* where her husband was living, unaware that she would not be granted any benefits there.

Another differentiation between international protection beneficiaries (persons granted refugee as well as subsidiary protection) and nationals is the reduction of benefits if the beneficiary does not comply with obligations concerning integration. In three of the EU Member States studied, income support benefits play an important role for status holders, and all three have a mechanism to reduce or cut social security benefits for non-compliance with integration obligations. In Austria, as described in Section 4.1.2, status holders receive the full benefits only once they meet the integration requirements.

In Germany, under certain conditions, persons can be obliged to participate in integration courses.¹⁹⁹ Such an obligation can arise for a variety of reasons, including insufficient ability to communicate in German, if other indicators point to the need for additional assistance to integrate or if the person receives specific forms of social benefits.²⁰⁰ Where participation is obligatory, non-attendance can lead to cuts to the financial support.²⁰¹

In Sweden, the Public Employment Service (*Arbetsförmedlingen*) provides each status holder with an individual plan.²⁰² It includes activities and courses that are meant to enable the person to find employment in the local labour market. It includes Swedish for immigrants (*Svenska för invandrare*), validation of previous degrees, other courses or work placements, and civic information (*samhällsinformation*). Protection status holders must follow this plan to receive the introduction benefits administered by the Social Insurance Agency (*Försäkringskassan*).²⁰³

193 Austria, Upper Austrian minimum benefits law (*Oberösterreichisches Mindestsicherungsgesetz*), 2019, Section 13a.

194 Austria, Constitutional Court (*Verfassungsgerichtshof*), *G136/2017*, 2018.

195 Austria, Social Assistance Framework Law (*Sozialhilfe-Grundsatzgesetz*), BGBl. Nr. 41/2019, Art. 5 (2).

196 See also CJEU, Joined cases C-443/14 and C-444/14, *Alo and Osso*, 1 March 2016, para. 50.

197 *Ibid.*, paras. 58 and 64.

198 See Germany, Residence Act (*AufenthG*), 30 July 2004, Section 12a.

199 Germany, Residence Act (*AufenthG*), 30 July 2004, Section 44a.

200 *Ibid.*

201 Germany, Social Code Book (SGB) II, 24 December 2003, BGBl. I S. 2954, Section 31 (1) sentence 1 no. 1; Section 31a.

202 Sweden, Public Employment Service (*Arbetsförmedlingen*) webpage, see 'For you participating in the introduction programme' (*För dig i etableringsprogrammet*).

203 Sweden, Social Services Act (*Socialtjänstlag* (2001:453)), 7 June 2001; Swedish Social Insurance Agency (*Försäkringskassan*) webpage 'If you participate in the introduction programme at the Public Employment Service' (*Om du deltar i etableringsprogrammet hos Arbetsförmedlingen*).

Whether cuts in benefits are lawful or not depends on whether or not they are comparable to the requirements imposed on nationals. Recipients of social assistance are usually required to show that they are making efforts to reintegrate into the labour market, for example by applying for a job or undergoing requalification courses. Similar requirements imposed on international protection beneficiaries could therefore be envisaged. They must, however, also be reasonable, taking into consideration that people who have fled armed conflicts and persecution may not be capable of fulfilling the required conditions.

4.2. Practical obstacles

In all six EU Member States, experts referred to the complexity of the application process and low level of awareness among status holders and service providers as key obstacles to accessing social welfare benefits. Other recurrent barriers are difficulties in providing the required documents and limited language skills.

4.2.1. Information and communication

To apply for social welfare benefits, individuals must be aware of the procedure and formalities to follow. However, Figure 22 shows only slightly more than half of the beneficiaries of international protection interviewed in the six Member States indicating that they had received any information on social benefits.

Several local social welfare authorities and NGOs reported information gaps. NGO representatives in

various locations in Germany said the lack of knowledge and limited access to information were particularly significant during the transitions from asylum applicant to status holder, and from child to adult. Both transitions require complex administrative procedures. Non-compliance with deadlines, often resulting from a lack of information, may be another reason for the loss of social assistance entitlements:

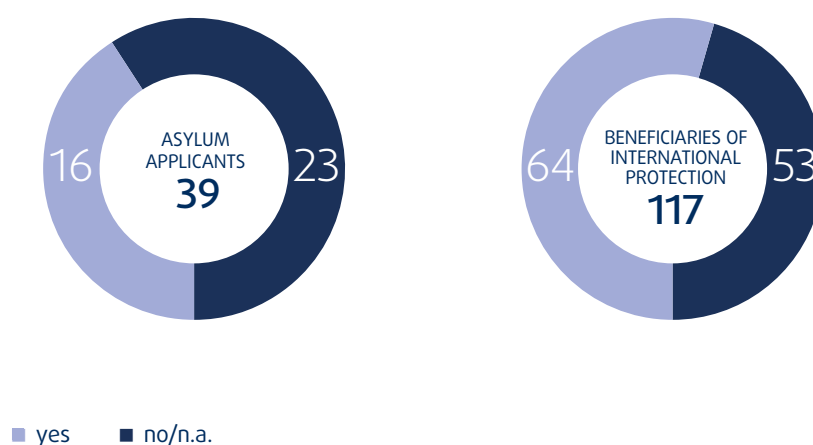
“There are individual cases when, for example, [...] they just haven’t re-registered [at their new address] yet. And then the Job Centre quickly suspends the benefits [...] or they have forgotten to submit the follow-up form for the further approval because the letter has not arrived. Then it could be that someone is destitute [...]” (Local social welfare authority, Germany)

Several accompanied children interviewed in Germany found information on social benefits only through local volunteers, word of mouth from other residents at the accommodation facility or an Arab community association assisting them to file applications and translate letters. A girl who arrived at the age of 17 explains her struggle:

“particularly because of the language, sometimes we receive letters from the Job Centre saying that we need to compile this application [...] or a paper is missing [...] I don’t know what papers and I need to ask a person who has experience or went through the same experience in order to tell me what to do [...]” (Subsidiary protection status holder from the Middle East, female, Germany)

The situation in Italy matches the experiences the German interviewees reported. Local social protection professionals from Milan highlight that not only are

Figure 22: Proportions of asylum applicants and beneficiaries of international protection who received information about social benefits



Note: Responses to the question ‘Did anybody inform you about the benefits/financial support you are entitled to claim (for example, unemployment benefits, housing related benefits, child/family benefits)? Who informed you?’

Source: FRA, 2019

protection status holders themselves unaware of their rights to social assistance but so are professionals, volunteers and authorities, who ought to be in a position to share this crucial information. The Ministry of the Interior has developed an information document, to be shared with the prefectures, explaining the social benefits that refugees and asylum applicants are entitled to in 2019.²⁰⁴

Social work experts in Sweden (Västra Götaland) considered that children residing with their families in large asylum accommodation centres are particularly at risk of getting insufficient social assistance. Social services shall support a child only if they are notified of the situation.²⁰⁵ Refugee families are generally not aware of this possibility, and Migration Agency staff may not know the situation of all children living in large centres.

Promising practice

Providing information on social assistance at municipal level

The municipality of Vänersborg (Västra Götaland, Sweden) has set up a refugee reception unit where refugees assigned to or choosing to live in the municipality are informed of various benefits they can apply for. The unit has drop-in hours twice a week. The Migration Agency refers people to the unit once they are granted international protection. They are assigned a contact person for advice and support (*råd- och stödkontakt*), who maintains contact during the two-year introduction programme at the Public Employment Services (*Arbetsförmedlingen*). The contact person is a social worker, who also administers the protection status holders' income support, if needed. The contact person provides support in practical matters, for example enrolling in a Swedish language class, registering children at school, getting a bank account and a bank card or finding suitable furniture, or simply showing the person around town.

Source: Vänersborg webpage

4.2.2. Supporting documents

To request income support benefits, applicants must typically submit a set of documents. The documents requested are often difficult to produce, FRA's research showed. Practical obstacles emerged especially from France, Greece and Italy. They concern proof of residence, obtaining civil status documents, tax

registration or social security numbers and opening a bank account, as the following examples illustrate.

In France, experts from national and local authorities and NGOs referred to a gap regarding family allowances and housing benefits arising when residence permit receipts (*récépissés*) expire. The prefecture issues these receipts when refugees apply for a residence permit. They are valid for six months. It frequently takes longer than six months for a residence permit to be issued. If the receipt expires and is not extended before then, the Family Allowance Service (*Caisse d'Allocations Familiales – CAF*) suspends payments.²⁰⁶ According to an expert responsible for housing in Marseilles (Provence-Alpes-Côte d'Azur), one in three refugees housed by the organisation stopped receiving benefits for three months on average, in most cases because the receipt had expired. The lack of civil status documents proving the family relationship has also been an obstacle to claiming family and child allowances, affecting children in families in particular, as the following example from another French region illustrates.

“What is sometimes an obstacle is when children have no identity documents. We have a case now, so pending the provision of civil status documents by Office Français de Protection des Réfugiés et Apatrides (OFPRA), the CAF necessarily requires the birth certificate for the child, and that's what drags on, so, while waiting, access to family allowances cannot be opened up.” (Social worker, France)

This is part of a broader issue. Employers often do not recognise even these temporary receipts:

“It means nothing to the company. It means nothing, because the residence permit is much more reassuring. Companies are used to seeing them. Whereas they are not at all familiar with receipts. The fact that there are these renewals to be done every three months or six months, it depends, it's not at all something that encourages the company to hire.” (Employment agency expert, France)

In Greece, applying for the solidarity allowance requires a tax registration number, a social security number (*Αριθμός Μητρώου Κοινωνικής Ασφάλισης – AMKA*) and a tax declaration for the previous year. Obtaining a social security number has been difficult, as experts reported. Staff responsible for it at the Citizens' Service Centre in several municipalities refused to provide numbers although all requirements were met, sometimes asking for additional documents, such as a VAT registration number or a certificate from a future employer.²⁰⁷ Furthermore, banks have refused to open accounts for refugees, which they need to receive the solidarity assistance; the banks argue that they would not understand the terms of the contract

204 Italy, Ministry of the Interior, 2019.

205 Sweden, Social Services Act (*Socialtjänstlag* (2001:453)), 7 June 2001, Chapter 14, Section 1.

206 France, *CASF*, Art. L.512-2.

207 Greek Council for Refugees, *webpage*.

because of language difficulties. This prevents refugees from accessing the benefit in practice.

Promising practice

Guidance facilitating issuance of social security numbers in Greece

Persons in need of international protection have difficulty obtaining social security numbers (AMKAs), the Greek Ombudsman found. In response, the Ministry of Migration Policy and the Ministry of Labour and Social Solidarity issued a circular in February 2018 clarifying a number of things, which improved access to health benefits and services:

- The residence permit for international protection and the asylum application card comply with the requirements for the type of documents needed to issue an AMKA to foreign nationals.
- There is no need for an employment relationship or the provision of services or work, or affiliation to a social security body or health institution.
- It is not mandatory for unaccompanied children to indicate the AMKA of a representative or guardian.

This circular was complemented by a new one issued in June 2019, which was, however, revoked in July 2019. Following the revocation and in the absence of new guidance, the first circular is not implemented, even though it is in force.

Sources: Greece, Circular 31547/9662/13.2.2018 on the issuance of AMKA to beneficiaries and applicants of international protection; Greek Ombudsman (2018); Circular 80320/28107/1857/20.6.2019; Revocation announcement Φ.80320/0ικ.31355/Δ18.2084

In Italy, many public services require an alphanumeric social security code, but this is not issued automatically with the temporary residence permit. Because of such practical difficulties, social services try to register refugees as people with disabilities so they can obtain some kind of financial support, a psychologist in Milan reported.

4.2.3. Language and psychological barriers

In all six Member States, experts referred to language barriers complicating access to social welfare procedures. These includes the lack of language skills in general, but also the administrative language used in forms, official webpages and decisions. An Italian NGO worker noted the insufficiency of cultural mediators and interpreters in public services.

Promising practice

Adapting the language to the target group in Sweden

In Västra Götaland, the region's public housing agency (*Boplats*) has started to provide information in Arabic, Somali and other common languages since the arrivals of 2015. The social services have revised their written and spoken language to make it more accessible and less bureaucratic. They use a programme called *Klarspråk* (plain language) to adjust the texts used to explain decisions. These changes have improved the clients' ability to understand the grounds on which they have been granted or denied social support such as income support.

Sources: Social welfare authority expert, Västra Götaland, and *Boplats* website

Specific difficulties may arise for accompanied children. Youth welfare offices in Germany pointed to the challenge of parents fearing to approach the youth welfare offices, as part of a fear of approaching authorities in general. As a result, accompanied children may go short of support, as they depend on their parents applying for benefits. Finally, for traumatised persons, going to the competent authority, introducing themselves and expressing themselves often constitutes a barrier in itself, a member of an NGO providing specialised support to traumatised persons in Austria recalled.

Conclusions and FRA opinions

In its Action Plan on the integration of third-country nationals, the European Commission highlights the necessity for Member States to implement national economic and social policies that cover the immediate needs of migrants and refugees and contribute to their integration. The action plan recognises that ensuring sufficient social and economic assistance will be a challenge for Member States, but notes also that with the right conditions it is an opportunity for swift and successful integration.²⁰⁸ This research shows that sufficient social assistance is what allows young international protection beneficiaries to learn the local language and to pursue education.

When individuals cannot support themselves, social assistance ensures a decent existence for those persons who lack sufficient resources, as required by Article 34 of the Charter. Under EU law, Member States must grant core benefits to all international protection beneficiaries, regardless of whether they have been granted refugee

²⁰⁸ European Commission (2016b), p. 3.

or subsidiary protection status. In practice, lack of information – sometimes also among professionals – complex procedures and formal requirements may exclude young international protection beneficiaries from social welfare benefits. Benefits may be reduced or cut if the person does not comply with integration requirements, including language tests.

FRA opinion 4

EU Member States should ensure that refugees receive all social welfare benefits they are entitled to under EU law. They should consider providing the same entitlements to subsidiary protection status holders in need of support.

EU Member States should remove practical obstacles that impede access to social welfare benefits – for example, by providing information in clear, accessible and non-bureaucratic language and offering language support, where needed.

When EU Member States require international protection beneficiaries to comply with integration measures to receive social assistance, any such requirement must be non-discriminatory and thus comparable to those established for national recipients of social assistance. Any reduction of benefits for non-compliance with integration requirements should be implemented in a flexible manner, taking into account the individual circumstances of persons who have fled armed conflict or persecution. Reduction of benefits should not result in precarious living conditions for beneficiaries.



5

Mental health



EU Charter of Fundamental Rights, Article 35

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all the Union's policies and activities.

According to the World Health Organization, mental health problems, such as anxiety, post-traumatic stress and depression, are higher among refugee populations than the general population.²⁰⁹ This increased vulnerability is linked to experiences before, during and after flight. Applicants' mental health problems are in many cases not swiftly and efficiently identified. Mental health problems worsen over time if they are not adequately addressed and care is not provided. Literature suggests that a lack of social integration, and specifically unemployment, causes a high prevalence of mental problems among long-term refugees.²¹⁰

Although this research did not explicitly ask questions on mental health, several respondents in all six EU Member States spontaneously raised issues relating to mental health and access to healthcare, in particular for asylum applicants. Social workers, other experts, asylum applicants and international protection beneficiaries in all locations mentioned that lengthy procedures, impossible or delayed family reunification and poor reception conditions have a significant negative impact on the applicants' health, resulting in, for example, disrupted sleeping patterns, anxiety and deteriorating psychological problems.

²⁰⁹ WHO Regional Office for Europe (2018), p. 5.

²¹⁰ Bogic, M. et al. (2015).

This chapter illustrates the risk factors which emerged from the research and describes access to mental health care in law and practice. It does not explore health in general. Some 34 experts working in the fields of education, employment, housing, and social and child welfare, as well as lawyers and NGOs, raised mental health problems, as did a significant number of asylum applicants and status holders.

Human rights law

International law requires that refugees enjoy the same treatment with respect to public relief and assistance as is accorded to nationals of the host country. Everyone, including asylum applicants, has the right to a standard of living adequate for health and well-being, including food, clothing, housing, medical care and necessary social services. Table 9 provides an overview of the main international law provisions. These instruments apply to the six EU Member States, with some exceptions.²¹¹

²¹¹ For the list of States Parties to UN instruments, see the [interactive dashboard](#) on the website of the Office of the High Commissioner for Human Rights. Germany has not ratified the revised ESC. Austria has expressed a reservation to Art. 23 of the Geneva Convention, stating that 'public relief and assistance' "shall be interpreted solely in the sense of allocations from public welfare funds". The Austrian Constitutional Court (*Verfassungsgerichtshof*) confirmed that, in line with Art. 23 of the Geneva Convention, refugees are to be treated like nationals as regards social welfare benefits; see decision G 136/2017, 7 March 2018, at 114.

Table 9: International law instruments on the right to health

Instrument	Main provisions	Applicability
Geneva Convention, Article 23	"The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals."	Refugees
Universal Declaration of Human Rights, Article 25 (1)	"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."	Refugees and asylum applicants
CRPD, Article 4 (1)	"1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability."	Refugees and asylum applicants
International Covenant on Economic, Social and Cultural Rights, Article 12 (1)	"The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."	Refugees and asylum applicants
(Revised) ESC, Article 11	"With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in cooperation with public or private organisations, to take appropriate measures designed inter alia: "1. to remove as far as possible the causes of ill-health; "2. [...] "3. to prevent as far as possible epidemic, endemic and other diseases, as well as accidents."	Refugees and asylum applicants*
(Revised) ESC, Article 13 (1)	"With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake: "1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition."	Refugees and asylum applicants*
Convention on the Rights of the Child, Article 24 (1)	"States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services."	Refugees and asylum applicants

Notes: Under 'applicability', the term 'refugee' is used in a broad sense, also including subsidiary protection status holders.

* In principle the revised ESC applies only to nationals of the Parties to the Charter lawfully resident or working regularly within the territory of the Party concerned. The European Committee on Social Rights clarified in *Conference of European Churches (CEC) v. the Netherlands*, Complaint No. 90/2013, paragraphs 66–76, that provisions of the European Social Charter apply also to asylum applicants and refugees when excluding them from this protection would have seriously detrimental consequences for their fundamental rights; emergency social assistance should be provided under the said provision to all foreign nationals without exception. Recently, in *International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece*, Complaint No. 173/2018, the Committee indicated to the Greek government that under ESC obligations the government was to adopt immediate measures "to ensure access to health care and medical assistance, in particular by ensuring the presence of an adequate number of medical professionals to meet the needs of the [unaccompanied and accompanied asylum-seeking and refugee] children".

Source: FRA, 2019

EU law

The EU asylum *acquis* grants access to mental health care, as part of more general provisions of access to healthcare, to asylum applicants as well as status holders. EU law grants access to "necessary health care" to asylum applicants and to "adequate health care" to refugees and subsidiary protection beneficiaries.²¹² This suggests that some differentiations may be allowed. At the same time, for asylum applicants, a number of provisions limit Member States' discretion.

Article 17 (2) and (3) of the Reception Conditions Directive obliges Member States to grant applicants the right to material reception conditions that guarantee their subsistence and protect their physical and mental health. Article 19 stipulates that Member States must provide necessary healthcare. This includes, at least, emergency care and essential treatment of illnesses and of serious mental problems. Under Article 19, applicants who have special reception needs have a right to "appropriate mental health care", where needed. Concerning children, Article 23 (4) requires that Member States ensure that appropriate mental health care is developed and qualified counselling is provided when needed.

Under Article 30 of the Qualification Directive, beneficiaries of international protection have access

²¹² Reception Conditions Directive, Art. 19; Qualification Directive, Art. 30 (2).

to adequate healthcare under the same conditions as nationals of the Member State that has granted such protection. This includes mental health care.

5.1. Vulnerability to mental health problems: risk factors

Factors making applicants and international protection beneficiaries more vulnerable to developing mental health problems can be identified before, during and after their flight. Figure 23 illustrates the risk factors that emerged from the fieldwork research.²¹³

People in search of international protection have often been exposed to stressful events such as wars, persecution, violence or other forms of hardship in their countries of origin. During their often long and complicated journey, many experience exploitation, discrimination, separation from their families and threats to health, well-being or life.

After they have arrived in their destination country, the situation of legal limbo, poor reception conditions, detention, rejection of the asylum claim, fear of return, the absence of the family, isolation and lack of integration may also affect applicants' mental health. If they have pre-existing mental health problems, it may lead to re-traumatisation. Interviewees highlighted

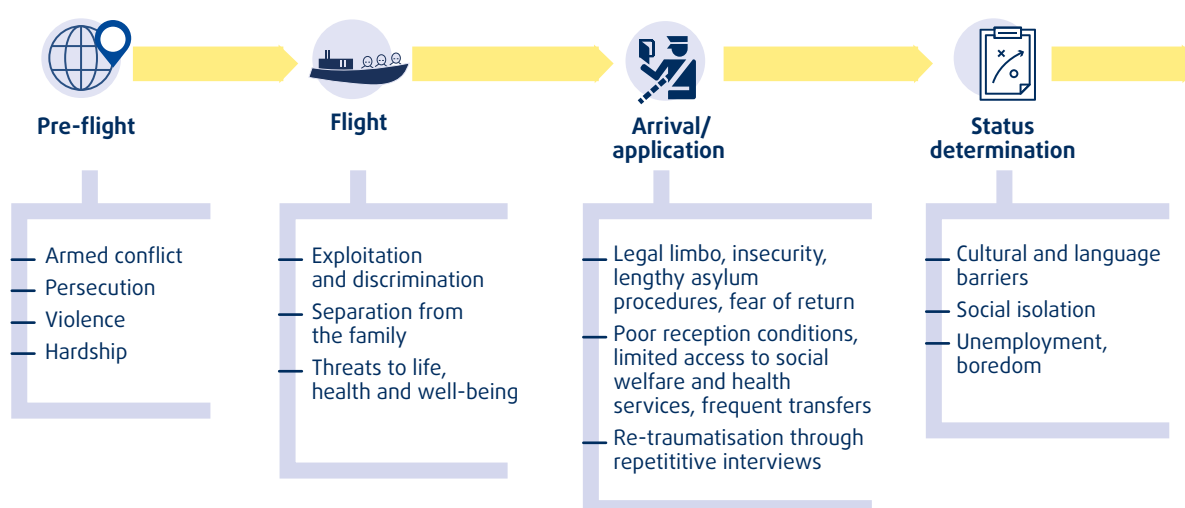
in particular the following post-arrival risk factors for asylum applicants or status holders.

5.1.1. Protracted insecurity of stay

Social workers in different locations in Italy, Greece and Sweden, said that delays in procedures cause psychological distress and tension, in particular if they mean that applicants have to stay confined in one place. Such distress may also result in physical problems, such as disrupted sleeping patterns, loss of appetite, muscle pain and digestive impairments, as well as anxiety and depression. This distress in turn also affects other rights, as the following examples illustrate. Delays discourage applicants from investing in their education, training and learning Italian because they are not sure if they are going to remain in Italy, reported a social worker in Calabria. Education professionals in both Swedish locations also noted difficulties in learning or even attending school. The long waiting time and related uncertainty affect the life of asylum applicants like torture, said a teacher in Västra Götaland. A guardian in northern Sweden stated:

“Every boy I know has trouble sleeping. Many of them have been to the healthcare centre and have been prescribed sleeping pills. Many of the boys have visited the social counsellors at school for support. Several of them have been referred to the Red Cross, which has been able to provide psychological assistance. Then we have a handful of children who have been admitted to the children’s psychiatry ward or the adult psychiatry wards repeatedly, because of various suicide attempts.” (NGO child expert and guardian, Sweden)

Figure 23: Risk factors for mental health problems



Note: The figure illustrates the risk factors as interviewees identified them. Some risk factors, such as family separation or exploitation, may emerge at different times.

Source: FRA, 2019

213 See also WHO Regional Office for Europe (2018), p. 4.

A Sudanese asylum applicant who had to wait for seven months between pre-registering his application in November 2016 and receiving the first asylum decision from the authorities noted:

“The hardest thing was waiting. For sure, the waiting was very difficult, if I speak for myself personally, it threw me into a whirlwind where I could neither eat nor drink, I was just waiting.” (Asylum applicant from Sudan, male, France)

5.1.2. Poor reception conditions

The poor housing situation of asylum applicants emerged as a risk factor in all locations. Experts referred to overcrowding, poor hygienic conditions, isolated location, frequent changes of locations and confinement.

“Sleep disorders – the main topic here – nightmares, screaming at night. Everything is simply too tightly packed, there are simply too many people in one room, where others have nightmares at night too, and for people with sleep disorders it’s a huge problem to be in bunk beds and other people who live so close.” (NGO psychologist, Austria)

Asylum applicants in different locations in France, Germany and Greece reported feeling uncomfortable and in some cases lonely and isolated. An unaccompanied child in Paris illustrates this:

“I’m alone there. There is nobody. There is just me.” (Unaccompanied child, male, France)

Having to live in camps in Greece under poor conditions, sometimes for up to two years, had psychological effects that hinder integration, according to all asylum applicants interviewed on the Greek islands.

“My life is hell. I feel that I am in a prison, and I don’t know when they will let me go. My family left, I’m left alone. Since my family left, when I communicate with them I get very sad and feel alone. Loneliness. At night I can’t sleep, I can’t fall asleep. There are doctors and I go to them for insomnia, lack of appetite. They give me pills for all that, so that I can sleep and get my appetite back.” (Asylum applicant from Afghanistan, male, Greece)

5.1.3. Frequent transfers

Frequent transfers from one accommodation to another have also affected mental health, particularly for children. Transfers impede settling down. Young persons may perceive relocation as a punishment or rejection, affecting their ability to form new relationships, leading in some cases to aggression and vandalism. Children must constantly have a reference person, such as a guardian or social worker, particularly if they are already traumatised, NGOs and a police officer in Austria emphasised. When unaccompanied children turned 18, they moved to adult facilities and the loss of child-specific support worsened their mental health problems, anxiety and insecurities, according to experts

in Calabria, Italy, and Norrbotten, Sweden. All previous support given to the unaccompanied child goes to waste when they are transferred upon turning 18, an Italian guardian believes. A social worker from Norrbotten reported problems children face when they turn 18 and no longer have the support of guardians or foster home parents to take their mental health medicine. One of the NGO representatives described the impact of changes when children become 18-year-olds as follows:

“It’s rather obvious that people who are children one day and treated like adults the next day will not feel OK. The regulations are rigidly defined, so all changes enter into force from one day to the other. The persons have first been [staying] in a supported independent living accommodation and then they’re just supposed to stay in the Migration Agency’s accommodation centres for asylum applicants, where there is no support from adults whatsoever. [...] The staff that is there is to a great extent guards from Securitas, who are there to maintain order. That’s not optimal at all. And because of this, we get a lot of signals from [...] the sports associations, who work at the asylum accommodation centres. They say that the group of young men and boys, mainly from Afghanistan, suffer from severe mental health problems. They come from this safe environment and are thrown into a highly insecure environment.” (NGO integration expert, Sweden)

5.1.4. Having to recount one’s story repeatedly

Several interviewees pointed to the negative consequences of having to recount one’s story of persecution and flight over and over again. Particularly in the French locations, five out of 23 interviewed applicants and international protection beneficiaries mentioned that one of the main difficulties was having to tell their story repeatedly to different people at different stages: the reception service for asylum applicants (PADA) for the pre-registration, the accommodation facility to prepare the OFPRA interview, OFPRA for the interview, their host family, etc.

“What was a little difficult is that you have to start all over again. They ask you in several different places about your situation, your real problem. [...] and then that gets to you. It gets to you very badly. Because everything you’ve experienced and all the stuff that... the misery you’ve had or... there are things you do not want to talk about, and they’ll ask you all that again.” (Refugee from Guinea who arrived as an unaccompanied child, male, France)



FRA ACTIVITY

Child-friendly justice – checklist for professionals

Based on research with children and professionals, FRA developed a checklist of measures that are needed to make proceedings child-friendly. Although it refers to judicial proceedings, many measures apply equally to asylum procedures, including, for example, possible actions to prevent repetitive hearings.



For more information, see FRA (2017a).

their mental health. In addition to family separation, described in the previous paragraphs, such factors include cultural and language barriers, social isolation, unemployment and, simply, boredom.

“The observation that we make is that, from the point of view of the people concerned, it’s a little discouraging [...] to have overcome so many obstacles, to obtain refugee status and finally find themselves without prospects. There have been problems [...] because people imagined that with the status finally they had the holy grail and they were going to have a normal life, and in fact it is only the beginning of a new nightmare.” (Local housing authority expert, France)

Promising practice

Counselling and information provided to young refugees in Bremen

The ‘advice café’ (*Beratungscafé*) for young refugees in Bremen, **Germany**, offers young persons support and advice concerning day-to-day matters. This may include help in doing homework, applying for a job, housing or social benefits, or reading or writing official correspondence, e.g. invoices for electricity or mobile phones. For legal matters, young refugees are referred to other services. The café is integrated into a more general set of offers to young persons with and without a refugee background, including for example the Youth Meet-up (*Jugendtreff*). The project specifically supports young persons phasing out – or never having benefited from – youth welfare support, independently of their status as asylum applicant or beneficiary of international protection. The project has relied on volunteers’ activity and secured institutional funding from the City of Bremen since 2018.

Source: *Fluchtraum Bremen webpage*

5.1.5. Separation from the family

A number of interviewees in different locations pointed to the heavy emotional burden of fearing for the families back in the country of origin. For example, an NGO representative in Västra Götaland, Sweden, guardians, lawyers and social workers across different regions in Germany, and some asylum applicants and status holders interviewed in France underlined the negative effects of unsuccessful or delayed family reunification. As long as people are worrying about the fate of their families, integration is difficult. People have problems focusing on their education and language acquisition and, in some cases, it affects their ability to work.

“Their families are either in refugee camps or in conflict areas. They [the families] turn to the person that’s sitting here in safety: ‘You’re having it all, and we’re under all this suffering.’ [...] It’s breaking these people down, psychologically breaking them down. They can’t cope. I think I could say that 90 % of those persons I’ve met in this situation have said: ‘I can’t focus. I can’t learn the language. I can’t go to school. I attend school just to get the introduction benefit, but I don’t understand what the teacher is saying.’ When we send them for work practice, they say that they can’t focus there. Employment works better, because they think that a job might be a way for them to bring their families here. [...] Even socially, when we try to invite them to participate in cultural or social activities, to integrate in society, they say: ‘My family is in that situation and you want me to come to a cultural event?’” (NGO integration expert, Sweden)

5.1.6. Cultural and language barriers, social isolation, unemployment and boredom

Finally, even when protection status is granted, beneficiaries of international protection may still experience several risk factors that negatively affect

5.2. Access to mental health care by law and in practice

The extent to which asylum applicants and international protection beneficiaries have access to mental health care by law in the six EU Member States varies, as does the actual support offered in practice.

In the six EU Member States reviewed, international protection beneficiaries are entitled to the same healthcare services as nationals. In four of them, this is also the case for asylum applicants, at least once

their application for asylum is formally registered.²¹⁴ Germany and Sweden provide asylum applicants with fewer healthcare entitlements than status holders. In Germany, for the first 18 months of their stay, applicants have access to only “necessary treatment”. This includes instances “of acute diseases or pain”, in which “necessary medical or dental treatment has to be provided including medication, bandages and other benefits necessary for convalescence, recovery or alleviation of disease, or necessary services addressing consequences of illnesses.”²¹⁵ In Sweden, adult applicants are entitled to emergency healthcare and dental care. Third-country nationals under the age of 18 are entitled to healthcare to the same extent as Swedish residents.²¹⁶ In Germany, mental health treatment be covered can under exceptional circumstances, but only if essential to safeguard health,²¹⁷ whereas Sweden provides mental health care to a certain degree.²¹⁸

Where entitlements are the same as those that the national healthcare systems offer to anyone else, the question is which services the national system covers in the field of mental health, beyond psychiatric treatment in hospitals. If psychological therapies are covered, a shortage of professionals specialised in trauma and traumatic stress may limit support services in practice. So does the lack of interpreters, without whom sessions with psychologists or other therapists are not possible. Regardless of the legally guaranteed level of healthcare, in all the six EU Member States reviewed, the real issue for applicants was accessing mental health care in practice.

5.2.1. Identification of persons in need of support

One of the first challenges is the identification of asylum applicants and status holders who have experienced trauma or otherwise are in need of mental health

214 Austria, Federal law regulating the basic care of asylum seekers in the admission procedure and certain other foreigners (*Bundesgesetz, mit dem die Grundversorgung von Asylwerbern im Zulassungsverfahren und bestimmten anderen Fremden geregelt wird*) (GVG-B), BGBl. Nr. 405/1991, Art. 2 (4); France, Social Security Code (*Code de la sécurité sociale*), Art. L.380-1; Greece, Law No. 4368/2016, Art. 33; Italy, Legislative Decree No. 142 (Reception Decree), 18 August 2015, Art. 21; Presidential Decree No. 21/2015, Art. 16.

215 Germany, Asylum Applicants’ Benefits Act (*AsylbLG*), 30 June 1993, Section 4. In May 2019, the Law on improved enforcement of the duty to leave the country (*Geordnete-Rückkehr-Gesetz*) extended the time during which asylum seekers have only limited access to healthcare from 15 to 18 months upon registration; persons for whose asylum procedure another Member State is responsible are not eligible for any health benefits, unless they can prove a hardship case.

216 Sweden, Health and Medical Care for Asylum Seekers and Others Act (*Lag om hälso- och sjukvård åt asylsökande m.fl.* (SFS 2008:344)), 22 May 2008, Sections 5 and 6.

217 Germany, *AsylbLG*, 30 June 1993, Section 6 (1).

218 Sweden, Swedish Migration Agency webpage, *Private individuals / Protection and asylum in Sweden / While you are waiting for a decision / Health care.*

services. When applicants are traumatised by the reasons for or the experiences during their flight, it is often worsened by the fact that the reception system does not take mental health problems into account sufficiently. In 2016, FRA noted the absence of formal legal or policy frameworks or specific procedures for the identification of victims of torture in Austria, Germany, Greece, Italy and Sweden.²¹⁹ Germany introduced ‘Minimum standards for the protection of refugees and migrants in refugee accommodation centres’ in 2017, including standards for the protection and support of persons requiring particular protection.²²⁰ In 2016, Greece introduced a state procedure for identification of vulnerable persons and drew up specific guidance for vulnerability assessment in the Greek hotspots.²²¹ Lack of doctors and psychologists makes it difficult, however, to identify less visible vulnerabilities, including those linked to mental health.

FRA ACTIVITY

Update of 2016 Opinion on fundamental rights in Greek and Italian ‘hotspots’



In March 2019, FRA published an update of its 2016 opinion to address the fundamental rights shortcomings identified in the implementation of the ‘hotspot’ approach in Greece and Italy. Despite genuine efforts to improve the situation, many of the suggestions contained in the 21 opinions FRA had formulated in 2016 remain valid. The main persisting challenges in the hotspots are related to international protection, child protection, identification of vulnerable people, security, return and readmissions.

For more information, see FRA (2019a).

219 See FRA (2016), webpage ‘Thematic focus: Migrants with disabilities’. The publication covers all Member States analysed in this report, except France.

220 Germany (2017).

221 Greece, Law 4375/2016, Art. 14.

In the three locations in France, all teachers and local authorities in charge of education noted the lack of a system for identifying and/or supporting specific psychological needs for the target group at schools. Many applicants have the impression that no one believes in the persecution until it is formally recognised.

“I think that OFPRA’s decision, in terms of recognition of refugee status or at least subsidiary protection, has the value of a legal decision, a ruling, a form of recognition.”
(Guardian, France)

At the same time, promising practices have emerged. Examples are in the box below.

Promising practice

Facilitating referral to specialised services in Milan and Rome

The Milan Vulnerabilities Network (*Rete Milanese Vulnerabili*) facilitates referral to specialised medical services, based on a local protocol. The network has strengthened cooperation among healthcare and social professionals in identifying and treating vulnerable and complex cases among asylum applicants and protection status holders. The network is composed of municipal authorities, NGOs providing housing and psychological support, psychiatric rehabilitation centres, forensic medicine centres, and ethno-psychiatric and neuropsychiatric services. It has been extending its membership to include the regional health service and the different hospitals and public healthcare companies active in the city of Milan.*

In Rome, the Local Healthcare Department – Rome 1 (*Azienda Sanitaria Locale Roma 1*) runs a project called FARI 2. It enhances detection and referral, including by training professionals operating in local healthcare and social services. Each beneficiary of the project will have an individual tailored recovery project, which includes the necessary health and psychological assistance as well as activities to foster inclusion in the labour market.**

Sources: * *Rete Milanese Vulnerabili* (2017). ** *Azienda Sanitaria Locale Roma 1 webpage and Ministry of Interior* (2019).

5.2.2. Language barriers limiting access to treatment

Sessions with psychologists or other mental health specialists are possible only if effective communication can be guaranteed. If applicants and protection status holders do not speak the professionals’ language, they need interpreters. Given the delicate topic, interpreters should be professionals who can

guarantee the necessary communication standards and confidentiality requirements.

In Austria, applicants and status holders, including unaccompanied children, have waited up to a year for treatment. Experts in Upper Austria noted that, since the health insurer does not reimburse interpretation costs, applications for mental care are often refused with the argument that therapy is not feasible. This is different in Germany, where interpretation for healthcare, including mental health care, is covered if required for treatment.²²² Nevertheless, there too, language barriers combined with limited availability of interpreters emerged as an issue. Healthcare staff and patients in Austria have generally considered new methods useful, such as video interpretation, and more widespread use could be explored.²²³

5.2.3. Distance

Geographical distances between healthcare service providers and reception facilities, combined with poor public transport, can cause a challenge for applicants. Particularly in Norrbotten, long distances were considered to complicate access to healthcare centres and hospitals, as asylum accommodation centres were located far away from the main cities. Consequently, the longer the asylum procedure lasts, the longer applicants face limitations on accessing healthcare, which can have severe effects on their health. On some Greek islands the hotspots are far away from the healthcare services. At the time of the research, UNHCR provided buses to the city centre and to the hospital. Since then, UNHCR has handed over the provision of transport services to the relevant authorities and transport services have deteriorated.

5.2.4. Insufficient information

Another obstacle to accessing mental health support is that social workers and applicants lack information about entitlements and services. Interviewees in Italy and Sweden mentioned this in particular.

A local social work expert in Västra Götaland, Sweden, mentioned that asylum applicants lack information on what kind of healthcare they are entitled to. Many persons did not know where and when to phone to make a doctor’s appointment. Several experts in Västra Götaland stated that they have had difficulties in understanding the frequent changes in legislation. All six asylum applicants interviewed in Norrbotten and Västra Götaland confirmed that they had not received information about state benefits or that this information

²²² Germany, Asylum Applicants Benefits Act (*AsylbLG*), 30 June 1993, Section 6.

²²³ Ketečka-Pulker, M. and Parrag, S. (2015).

had been insufficient or provided late. This concerned, for example, the possibility of applying for additional support for more expensive but necessary purchases.

In Italy, applicants are in theory entitled to access healthcare on the same grounds as Italian nationals. In practice, however, some healthcare providers think that the temporary residence permit that asylum applicants hold is not sufficient to access all services, as it does not have a social security number:

“There is a lack of willingness when it comes to training workers operating in the field, which means that often basic rights are not guaranteed, starting with the general practitioners who refuse to write prescriptions for patients because they don’t have a fiscal code.” (Social worker, Italy)

NGO experts in the three German locations said the introduction of the electronic health card for asylum applicants was a positive development. Previously, asylum applicants had to apply to the local health department for a health certificate before getting treatment, which had caused delays or prevented persons from seeing a doctor.

In France, health workers lacked training and awareness, as a psychiatrist pointed out:

“There is a real lack of awareness on the part of social health workers and this should be tackled. It would be fundamental to have policies of this kind, because this is the real starting point [...] another crucial aspect is that of providing sufficiently specialised training allowing professionals to recognise early risk signals for mental health problems.” (Psychiatrist, France)

Conclusions and FRA opinions

Exposure to stressful situations before, during and after the flight puts people at a particular risk of developing mental health problems. This constitutes a significant obstacle for their integration. Early investment in the identification and care of mental health problems is thus beneficial not only for the person concerned but also for the host society.

A lack of social integration, particularly social isolation and unemployment, is linked with higher prevalence of mental health problems in refugees and migrants. Across all policy fields, interviewees in all locations spontaneously referred to negative effects of lengthy asylum procedures, poor living conditions and frequent transfers, loss of child-specific support for 18-year-olds, family separation and other factors that affected their physical and mental health conditions.

FRA opinion 5

In line with the social determinants of health approach, the conditions in which people grow up, work and live strongly contribute to their individual health status. When developing their policies to address mental health issues for asylum applicants and status holders, EU Member States should acknowledge that mental health problems also result or are magnified by gaps relating to the provision of different services, such as education, housing and income, which are necessary for successful integration.

EU Member States should ensure swift and efficient identification, referral and treatment of mental health problems. They should have mechanisms to ensure that the results of the needs assessment under Article 22 of the Reception Conditions Directive are followed up and support continued once protection status is granted. They should apply the EASO Guidance on reception conditions of 2016: operational standards and indicators.

EU Member States should provide early and clear information to applicants and status holders about where and how they can seek help for their mental health problems in a language they can understand.

EU Member States should ensure that all those working with asylum applicants and status holders, such as police officers, immigration officials or guardians and social workers, are appropriately trained to detect signs of potential mental health problems and refer them to medical authorities.

EU Member States should strengthen national and local capacity to respond to mental health needs and ensure that mental health workers are trained to work specifically with migrants and refugees. They should provide interpretation services free of charge, including by exploring options for video interpretation. The quality of healthcare services provided to migrants should be closely monitored.



6

Education for children



EU Charter of Fundamental Rights, Article 14

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.

Early and effective access to inclusive, formal education is one of the most important and powerful tools for integration, as the European Commission states in its 2017 Communication on the protection of children in migration.²²⁴ However, persons in need of international protection face a number of barriers that may prevent their successful integration into education. These include the need to learn the language, gaps in prior education, differences from the educational system of the country of origin, disruption of family networks, precarious housing and mental health issues. Addressing such barriers is crucial not only to fulfil the right to education, but also to enhance refugees' future performance in the labour market, their well-being and their inclusion in society.²²⁵

This chapter looks at access to education and language learning for child asylum applicants and beneficiaries of international protection. The first part of the chapter focuses on access to compulsory and upper secondary education for children, the second part on measures that facilitate integration and the third part on challenges that remain to be addressed. It sometimes touches upon vocational education, but apprenticeships, on-the-job training and other forms of vocational training are covered in Chapter 7, on adult education. This chapter draws on the experiences of 227 experts, including interviews with teachers, local education and

child protection authorities, guardians and NGO social workers as well as 11 focus group discussions on the topic of education in Vienna, Berlin, Lower Saxony, Marseilles, Lille, Milan, Reggio Calabria, Norrbotten, Västra Götaland, Athens and Lesbos. All interviewed asylum applicants and beneficiaries of international protection were asked about their opportunities to access and pursue education.

Human rights and refugee law

As Table 10 shows, international human rights law applicable to the six EU Member States (with some exceptions²²⁶) sets forth the right to education for everyone. The right covers elementary education and secondary education as well as the right to access vocational and tertiary education.

The different wording used in most instruments allows a distinction between primary, secondary and tertiary (higher) education. States Parties must afford free primary education to everyone equally, regardless of status. For secondary education, states have some limited margin of appreciation. The European Court of Human Rights acknowledged that secondary education "plays an ever-increasing role in successful personal development and in the social and professional integration of the individuals concerned." Therefore, it found that the requirement for two pupils to pay fees for their secondary education on account of their nationality and immigration status constituted

²²⁶ Austria has made a reservation to the Geneva Convention that "the provisions of article 22, paragraph 1, shall not be applicable to the establishment and maintenance of private elementary schools". Germany is not party to the revised ESC. For the list of States Parties to UN instruments, see the [interactive dashboard](#) on the website of the Office of the High Commissioner for Human Rights.

²²⁴ European Commission (2017b).

²²⁵ OECD (2019b).

Table 10: Right to education in international law, selected instruments

Instrument	Main provisions	Applicability
Geneva Convention, Article 22	"1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education. "2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships."	Refugees and asylum applicants
ECHR, Protocol No. 1, Article 2	"No person shall be denied the right to education."	Refugees and asylum applicants
Universal Declaration of Human Rights, Article 26	"(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit."	Refugees and asylum applicants
International Covenant on Economic, Social and Cultural Rights, Article 13	"1. The States Parties to the present Covenant recognize the right of everyone to education. [...] "2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: "(a) Primary education shall be compulsory and available free to all; "(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; "(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; "(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; "(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved."	Refugees and asylum applicants
Convention on the Rights of the Child, Article 28	"1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: "(a) Make primary education compulsory and available free to all; "(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; "(c) Make higher education accessible to all on the basis of capacity by every appropriate means; "(d) Make educational and vocational information and guidance available and accessible to all children; "(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates."	Refugees and asylum applicants
(Revised) ESC, Article 17 (2)	"[...] to provide to children and young persons a free primary and secondary education as well as encourage regular attendance at school"	Refugees and asylum applicants*

Notes: Under 'applicability', the term 'refugee' is used in a broad sense, also including subsidiary protection status holders.

* In principle, the revised ESC applies only to nationals of the Parties to the Charter lawfully resident or working regularly within the territory of the Party concerned. However, in *International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece, Complaint No. 173/2018*, the Committee decided that, to avoid irreparable injury to the integrity of migrant minors, it was the government's duty under the ESC to immediately adopt measures to ensure the access of children in need of international protection to education.

Source: FRA, 2019



a violation of the ECHR.²²⁷ Finally, for university studies, states have a large margin of discretion and may, for example, require student fees. Chapter 7 examines tertiary education.

EU law

The European asylum *acquis* distinguishes between education for children and education for adults, as Figure 24 shows.

Article 14 of the Reception Conditions Directive stipulates that asylum-seeking children have the right to access the education system under similar conditions to those of nationals within three months of lodging their application for asylum.²²⁸ States are not allowed to withdraw secondary education for the sole reason that an applicant has reached the age of majority. Although Article 14 refers to “similar conditions”, for primary education, and not “the same conditions”, any difference from the treatment accorded to nationals would need to

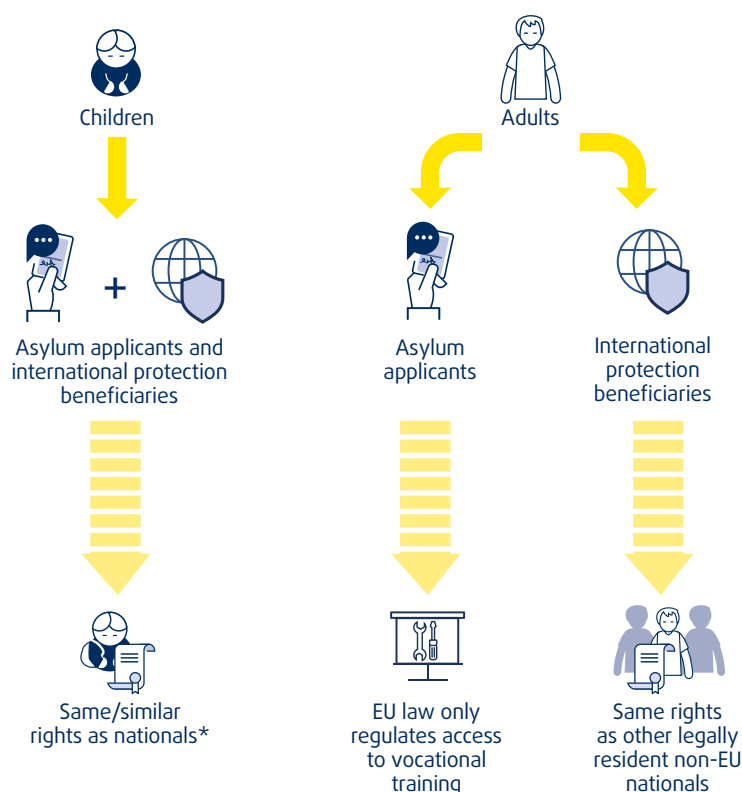
meet the equal treatment clause in Article 22 (1) of the 1951 Refugee Convention, which also applies to asylum applicants, as it does not require lawful presence or stay. Pursuant to Article 27 of the Qualification Directive, children who received international protection have the same access to education under the same conditions as nationals. The 2017 Commission Communication on the protection of children in migration highlights the importance of providing access to education without delay and regardless of status.²²⁹

6.1. Access to compulsory and post-compulsory education

6.1.1. Compulsory education

Compulsory schooling refers to a period of educational attendance required of all students. This period is regulated by the law. The duration of compulsory

Figure 24: Right to access education under EU asylum law



Note: * For asylum seekers, access to education shall be provided within three months from the date on which children or their parents have lodged their asylum claim.

Source: FRA, 2019

227 European Court of Human Rights, *Ponomaryovi v. Bulgaria*, No. 5335/05, 21 June 2011, paras. 56, 57 and 63.

228 Reception Conditions Directive, Art. 14 (1) (2).

229 European Commission (2017b).

schooling varies depending on the Member State. In France, Greece and Italy the end of compulsory schooling is determined by the student's age; school is compulsory until 16 years of age in France,²³⁰ Greece,²³¹ and Italy.²³² In France, beginning in 2020, training will be compulsory from age 16 to 18. In Austria²³³ and Sweden,²³⁴ the law defines it as the number of years students must attend school. It is nine years in Austria (until 15 years of age) and 10 in Sweden (usually until 16 years of age but, if a student has not passed the highest grade when the compulsory schooling would otherwise have ceased, the compulsory schooling shall cease at the latest when the student reaches the age of 18).²³⁵ In Germany it is regulated at *Land* level.²³⁶ Full-time compulsory education lasts nine or 10 years (depending on the federal state). For those who do not attend full-time general or vocational education in upper secondary education, part-time compulsory education is usually 12 years.²³⁷

School-age asylum-seeking children and children who have received international protection are in principle entitled to access mainstream compulsory education in all six EU Member States regardless of their residence status.²³⁸ In Greece, at the time of the research in 2018, children hosted in the Moria camp on Lesbos did not have access to public schools. Subsequently, the policy changed.²³⁹ In practice, however, children hosted in

Moria do not attend school yet. In Germany, additional requirements are needed to go to public schools. There, education is governed by *Länder's* school laws.²⁴⁰ Asylum applicants, including children, stay in federal first reception facilities (*Aufnahmeeinrichtungen*) for, in principle, up to six weeks (which can be extended for up to six months).²⁴¹ It depends on the *Land* whether compulsory schooling starts in the first reception facility or later, and whether 'compulsory schooling' is understood as access to mainstream compulsory education or individual schooling in the facility.²⁴² The three regions surveyed in Germany have different approaches to compulsory schooling. Berlin does not require additional administrative steps,²⁴³ which means that children attend mainstream schools already while staying at the first reception facility (subject to availability of teachers and classrooms). In Bremen, the applicant's main residence must be registered there.²⁴⁴ For children still staying in the first reception facility in Bremen, the ministry sends home-schooling teachers.²⁴⁵ In Lower Saxony, the child must be assigned to a municipality or district first, which means no access to public schools as long as the child is staying in a first reception facility.²⁴⁶ The educational authority plans to address this through guidelines on home schooling or cooperation with the local schools in the reception centres.²⁴⁷

In other Member States, although this is not established by law, students might attend school in accommodation centres. In Italy, for example, a health professional working in the reception system reported that, in the province of Reggio Calabria, unaccompanied children often attend school classes in the reception centres in which they are hosted. Although this gives them access to the language certificate and to the final exam organised in public schools to obtain official

- 230 France, Law 2019-791 of 26 July 2019 (*Loi n° 2019-791 du 26 juillet 2019 pour une école de la confiance* (1)), Art. 15(1) amending Code of education (*Code de l'éducation*), Art. L131-1.
- 231 Greece, Law 4521/2018, Art. 33.
- 232 Italy, Ministry of Education, *Circular letter No. 101* of 30 December 2010, at point 4.
- 233 Austria, Education Act (*Schulpflichtgesetz 1985*), Sections 2 and 3.
- 234 Sweden, Education Act (*Skollag* 2010:800), Chapter 7, Sections 10 and 12.
- 235 Sweden, information provided by national authorities on 2 September 2019.
- 236 For the three German *Länder* covered by this study, see Education Act for the *Land* Berlin (*Schulgesetz für das Land Berlin*), Sections 41-43; Education Act Bremen (*Bremisches Schulgesetz*), Sections 53 and 54; Education Act of Lower Saxony (*Niedersächsisches Schulgesetz*), Sections 64 and 65.
- 237 Germany, information provided by the Federal Government on 21 August 2019.
- 238 Austria, *Schulpflichtgesetz* (SchPflG), BGBl. Nr. 76/1985, Section 17; France, Code of education (*Code de l'éducation*), Arts. L. 111-1, L. 321-4 and L. 332-4; Greece, Law No. 4540/2018, *Government Gazette* 91/A/22-5-2018, Art. 13; Italy, Legislative Decree No. 286/1998, Art. 38, and Legislative Decree No. 142/2015; Sweden, Education Act (*Skollag* 2010:800), Chapter 7. In Germany, access to education is regulated at *Land* level. See, for Bremen, Education Act Bremen (*Bremisches Schulgesetz*), Section 52; for Berlin, Education Act for the *Land* Berlin (*Schulgesetz für das Land Berlin*), as last for Lower Saxony, Education Act of Lower Saxony (*Niedersächsisches Schulgesetz*), Section 63 (domicile, habitual residence or educational institution or employment).
- 239 Greece, Lesvos Education Sector Working Group (2019); Greece, Ministry of Education, Research and Religious Affairs (2019).

- 240 Germany, Weiser, B. (2016), p. 10.
- 241 Germany, Asylum Act (*AsylG*), Section 47. Individuals coming from 'safe countries of origin' are obliged to reside in a reception facility until a decision on their asylum application is made.
- 242 For an overview of all *Länder*, please refer to the Institut der deutschen Wirtschaft webpage 'Vom Recht auf (Schul-) Bildung', 15 June 2016.
- 243 UNICEF (2017), p. 39; Germany, Education Act for the *Land* Berlin (*Schulgesetz für das Land Berlin*), Section 41(2).
- 244 Germany, Bremen, *Bremisches Schulgesetz*, Section 52; in conjunction with *Meldegesetz Bremen*, Section 15 S.1.
- 245 Germany, Deutsches Institut für Menschenrechte, Monitoring- Stelle UN-Kinderrechtskonvention (2017).
- 246 Germany, Education Act of Lower Saxony (*Niedersächsisches Schulgesetz*), Section 63 (domicile, habitual residence or educational institution or employment); compulsory schooling is applicable from the moment the obligation to reside in a first reception centre in accordance with the Asylum Act (*AsylG*), Section 44 (1), or Residence Act (*AufenthG*), 30 July 2004, Section 15a (4), ceases. Germany, Ministry of Education of Lower Saxony (2016).
- 247 Germany, information provided by the Federal Government on 21 August 2019.



school certificates, he described it as very detrimental to their integration prospects.

“What we can observe is that these guys very often attend school classes in the reception centres rather than in ordinary public schools and this is an approach that they do not deal with very well, because it is not a school, it is the reception centre they live in 24 hours per day, this is not school, the school is something else and they cannot have access to it.” (Health professional, Italy)

For unaccompanied children, the impossibility of attending public schools might result from residence restrictions on leaving first reception facilities, imposed to prevent absconding. A young Ethiopian refugee who arrived in Italy when he was 13 mentioned this in an interview. He reported that, in the shelter where he lived, only those beyond 15 years of age were allowed to attend public schools. The boy could finally enrol in school once he was transferred to Rome, four or five months after his arrival. In France, in a few exceptional cases, regular schools have been set up in accommodation centres. A school in Ivry (Île-de-France) is the only school in an emergency accommodation centre in France. It has pupils from 6 to 18 years, in age-based groups. The school is officially part of the national education system. Such temporary solutions are a good way to reduce waiting times and complement efforts to integrate refugee children into mainstream schooling as soon as possible.

6.1.2. Education beyond compulsory school age

Under EU law, asylum seekers and beneficiaries of international protection have full access to the education system under the same conditions as nationals (for protection status holders) or similar conditions (for asylum seekers), regardless of their status.²⁴⁸ However, what that access entails after compulsory schooling depends on the Member State. In the six EU Member States, asylum-seeking children as well as protection status holders have the right to enrol in upper secondary school, provided they have completed compulsory education.²⁴⁹ However, in practice, children in need of international protection experience a number of barriers when accessing secondary education, especially if they arrive beyond compulsory school age (see Section 6.3).

²⁴⁸ Qualification Directive, Art. 27 (1); Reception Conditions Directive, Art. 14.

²⁴⁹ This derives from specific legislation, for example in Sweden, or from a combination of legal provisions concerning education and anti-discrimination.

6.2. Measures that facilitate integration into school

6.2.1. Preparatory classes

Upon arrival, children need support to facilitate their enrolment, attendance and participation in school. Acknowledging this, Article 14 (2) of the Reception Conditions Directive sets forth Member States' obligation to provide asylum-seeking children with preparatory classes to facilitate their access to and participation in the education system. As an illustration of this duty, EASO's Guidance on reception conditions for unaccompanied children provides that, in the light of the right of all children to access education, “All unaccompanied children should have access to internal or external preparatory classes, including language classes, when necessary, in order to facilitate their access to and participation in the education system.”²⁵⁰

In addition to informal schooling in reception facilities, all six EU Member States offer preparatory classes and/or language courses in regular school settings. However, only five of them (Austria, France, Germany, Greece and Sweden) provide structured and formal preparatory classes to newly arrived students with a lower level or no skills at all in the language of instruction. In Italy, language classes are offered but in less formalised ways and through ad hoc solutions.

Whereas in general children of compulsory school age learn the language while integrated into regular classes, most EU Member States offer separate preparatory classes to older children, FRA's findings show. These classes aim to integrate the child in the regular school setting gradually within a certain amount of time. Classes usually last between six months and two years, depending on the EU Member State. They focus on language acquisition but also include the teaching of core subjects, until the newly arrived student reaches sufficient language proficiency to follow regular classes. There are different types of preparatory classes, including within the same EU Member State. In some cases, newly arrived children are placed in regular classes with all other students but have a certain number of separate language classes. In other cases, students spend most of the time in separate classes, where they learn not only the language of instruction but also the core curriculum subjects. The following list provides an overview.

- In Austria, at the time of the research, asylum applicants and beneficiaries of international protection of compulsory school age were enrolled in regular school classes. In the beginning, they mainly had

²⁵⁰ EASO (2018), p. 44.

German language lessons and they were not graded for other subjects until they had sufficient language skills. In 2015 the city of Vienna set up 'preparatory classes' and Upper Austria set up 'bridge classes'. There are two kind of bridge classes in Upper Austria: one aims to prepare students to attend regular classes in secondary schools and the other prepares young people for compulsory schooling that is suitable for adults too or for entry into working life. They are separate classes located in public schools. They last one year. However, the findings indicate that these classes are not sufficient in Vienna and hardly available in some rural area in Upper Austria. In 2018, Austria introduced a new model of language promotion. Pupils with no or little German language knowledge are separated from their schoolmates during most subjects and taught German. When they pass a test certifying sufficient language skills, they are integrated fully into the normal class.²⁵¹ Schools must create such separate language classes if they have at least eight pupils who need them. Otherwise, the pre-existing system continues to be followed.

Promising practice

Using the European Social Fund for targeted education services in Vienna

The "Start Wien – the Youth College" programme, which is co-funded by the European Social Fund, offers tailored language courses and courses in basic education or literacy to 1,000 refugees and subsidiary protection status holders between 15 and 21 years of age. The programme helps them obtain school-leaving certificates and access secondary schools, vocational training or a job. Basic education and language training are also available to those who have completed compulsory schooling in their home country. The programme also allows persons beyond compulsory school age to get a certificate of school completion. It also provides an assessment of abilities.

Sources: Education authority expert, Vienna, and the city of Vienna's webpage on the programme

- France stands out in taking into account the previous level of schooling of newly arrived foreign children for allocating them to preparatory classes. Different types of preparatory classes are offered to non-French-speaking children who arrive after compulsory school age, depending on whether they have attended school before or not, with the aim of integrating them into upper secondary school. French educational experts mentioned the

inclusive and immersive nature of these units as a success factor.

"The UPE2A (Unité pédagogique pour élèves allophones arrivant) is different from what existed before, which were the 'reception classes', closed classes with a cocoon effect, but also a ghetto effect, where the pupils stayed among themselves and did not have contact with native French speakers. Since 2012, it has really been inclusive schooling. Pupils receive about 12 hours of French, but they are included – whatever their level of French – in mathematics – so what the circular says is: mathematics and a foreign language – so in general English." (Teacher, France)

Promising practice

Providing differentiated 'preparatory classes' to older children

In France, UPE2A classes are offered to pupils who have previously been enrolled in school but do not speak French.* Their purpose is language acquisition. Students who have not been enrolled in school before follow UPE2A-NSA (Unité Pédagogique pour Élèves Allophones Arrivants) and MLDS (Mission de Lutte contre le décrochage Scolaire) classes. Some schools offer MoDAc (Module d'Accueil et d'Accompagnement) classes.** The objective of these classes is the acquisition of the French language as well as the basics of reading, writing and arithmetic, to allow students to join an ordinary class thereafter. These separate classes are integrated into French state schools.

Sources: * France, Ministry of National Education, Circular 12/141 (Circulaire No. 2013-141), 2 October 2012, and Circular No. 2012-143 (Circulaire No. 2012-143), 2 October 2012

** France, focus groups and individual interviews with educational experts.

- In Germany, beginning in 2015, as a result of the large number of arrivals, separate preparatory classes (named differently depending on the location, e.g. Willkommensklass, Vorkurs, Sprachlernklasse) have been offered to all new children in primary, secondary and vocational schools. These classes vary in modality and duration. In some regions, students attend preparatory classes for one to two years before being transferred to regular classes. Older students (typically, in year 9 or 10) may also attend courses that combine language acquisition with professional training, such as a vocational qualification course (berufsqualifizierender Lehrgang) or integrated vocational preparatory course (integrierte Berufsausbildungsvorbereitung) in Berlin;²⁵² language acquisition and professional orientation

251 Austria, Bundesministerium Wissenschaft, Bildung und Forschung (2018).

252 See website of Berlin Senate Administration for Education, Youth and Family.

(*Sprachförderungsklasse plus Berufsorientierung* and *Berufsorientierungsklasse mit Sprachförderung*) in Bremen;²⁵³ and SPRINT classes (*Sprache und Integration*) for language and integration in Lower Saxony.²⁵⁴ FRA interviews confirmed the availability of preparatory classes in practice; 25 out of 30 interviewees had attended such courses.

- Greece offers separate afternoon reception classes (*Δομές Υποδοχής και Εκπαίδευσης Προσφύγων*) to facilitate access to public education for school-age children residing in camps.²⁵⁵ The classes are usually available in neighbouring public schools. However, compared with the mainland, the implementation of this programme on the eastern Aegean islands has been slow. On most islands, these classes started only in 2018 (e.g. on Lesbos) or at the beginning of 2019.²⁵⁶ Children residing in urban accommodation, on the mainland as well as the islands, can attend regular school classes, including some supported by morning reception classes designed to facilitate the integration of students with little or no knowledge of Greek (reception classes in Zone of Educational Priority schools). Reception classes are available in primary and lower secondary education schools (i.e. compulsory school) but to a very limited extent in upper secondary schools (lyceum, 15–18), according to the experts interviewed. Many language acquisition programmes are organised by NGOs.
- In Sweden, asylum-seeking and protection status holder children between 16 and 18 years old are usually enrolled in separate language introduction programmes (*Språkintröduktion*) in upper secondary schools. The aim is to prepare the students for the regular upper secondary-level programmes or other education pathways. Within these programmes, schools must also offer additional school subjects that a pupil may need in order to be able to access regular study programmes at upper secondary level.²⁵⁷ However, the number of subjects taught to the children enrolled in the introduction programmes varies very much between schools, the professionals working in the education field maintained.

In Italy, no formal preparatory programme to facilitate enrolment in public school was mentioned. In practice,

253 For an overview of the courses offered during school year 2017/2018 please refer to Germany, Bremische Bürgerschaft (2017).

254 See *Niedersächsische Landesschulbehörde webpage*.

255 Greece, Joint Ministerial Decision No. 180647/ΓΔ4/2016, *Government Gazette* 3502/2016/B/31.10.2016.

256 Greece, Lesvos Education Sector Working Group (2019); Greece, Ministry of Education, Research and Religious Affairs (2019).

257 Sweden, Ministry of Education and Research (*Utbildningsdepartementet*), *Upper Secondary School Ordinance (Gymnasieförordningen 2010:2039)*, 20 July 2018, Chapter 6, Section 7.

school-age children (i.e. up to 16) generally attend school in the morning and language classes in the afternoon, either at school – if the schools provide this opportunity – or in reception centres/local associations. Those who arrive after compulsory school age and manage to access education are usually enrolled in adult education centres (*centri provinciali per l'istruzione degli adulti* – CPIAs; see Section 6.3.7), which offer language tuition. However, the lack of preparatory classes for newly arrived foreign children and the lack of specific integration projects addressed to students with a migrant background emerged as an issue from the fieldwork. Children often start school without an adequate level of Italian language knowledge, compromising their ability to understand what the teachers say.

The main issues mentioned in relation to preparatory and language classes are their limited duration and the insufficient number of preparatory classes available. For example, in Germany, a social and youth welfare expert in Bremen commented that the duration of preparatory classes is not enough to acquire a B1 level of language knowledge, while several experts highlighted that students generally need more time and support to learn German. Similarly, in Austria, experts highlight that the main challenge is that only half of the students attending such classes reach the level of German required to go to regular school. Likewise, in Marseilles (France), four out of six education experts suggested that increasing the time spent in preparatory classes would improve language acquisition and students' performance in ordinary classes afterwards.

Another challenge emerges from German and Swedish locations. It concerns the delicate transition from preparatory classes to regular classes, for example because of insufficient language skills and lack of knowledge in some subjects. Individual tuition, i.e. one-to-one classes designed to meet the specific needs of a student, could compensate for this, as a guardian, an NGO representative and several students interviewed in different German locations suggested. In Germany, social and pedagogical support at school, student buddies, existent social workers and mentors at the youth welfare institutions, as well as voluntary mentors and guardians have facilitated the integration process, in the eyes of numerous NGO, guardianship, education and employment experts from all three regions covered. Similarly, an education authority expert in Norrbotten stated that research has shown that study counsellors facilitate language acquisition and ease the transition to further education. However, experts said that counsellors are too few, even though they are provided for by law.

Education professionals France, Germany and Sweden mentioned living with host families and

being involved in leisure/sport activities with local children as factors enabling language acquisition and, more generally, integration.

6.2.2. Assessment and allocation to different classes

Existing literature highlights the importance of running individual early assessments of students with a migrant background before allocating them to classes, including preparatory classes.²⁵⁸ These assessments can contribute to decisions on how to place students in schools and/or to provide learning support to meet their needs.²⁵⁹ Acknowledging that international protection beneficiaries may face difficulties in providing documentary evidence from their country of origin, Article 28 of the Qualification Directive encourages Member States to facilitate assessment and validation of prior learning.

Professionals working on education mentioned the existence of procedures to evaluate newly arrived children's abilities in different locations in France, Germany and Sweden, and, to a lesser extent, Austria. As an illustration, according to educational experts taking part in a focus group in Marseilles (France), newly arrived foreign children over 16 years old are first tested in an information and orientation centre (*centre d'information et d'orientation*) of the Education Ministry to determine in which type of school (general or vocational) and at what level they should be placed. They are tested on their level of French, writing and comprehension in their native language, and mathematics in their native language. Certificates of previous academic results are not required. In Germany, some federal states have procedures to assess prior education. In Sweden, within two months of starting school, all new arrivals are assessed on their academic knowledge. The assessments are offered in the native language of the migrant.²⁶⁰ In Austria, only ad hoc initiatives emerged, for example by Start Wien – the Youth College.²⁶¹ Authorities and education professionals in Greece and Italy mentioned the lack of such assessments as a major shortcoming.

Education experts in different EU Member States highlighted delays, unsystematic assessments and issues with how the assessment is made or how its results are used to place students in classes. For example, in Germany, according to the experts interviewed, as a result of the large number of new arrivals, in Berlin and in Lower Saxony, a "resource check" of qualifications prior to school allocation was

not always possible or sufficient. Consequently, new arrivals could not receive schooling in accordance with their level of education and instead were placed where spots were available. This situation has led to frustration, as some students felt bored, while others were overwhelmed. This also emerged from Italy, which does not have formal assessments.

"I know a lot of people here who did the same thing as me, who returned to a class two or three years lower, who were forced to redo all the years of high school. They were forced to do the year of MoDac [i.e. preparatory classes in Marseilles] and I have a friend who was in 'Terminale' [final year] [in the country of origin], [...] and [in France] he had to redo, from second [year]." (Refugee accompanied child from Syria, male, France)

In Sweden, according to the experts interviewed, the assessment does not take place in all schools, and preparatory classes are often not adapted to the individual pupil's knowledge level and background. However, several of the children interviewed reported that the schools did make an individual assessment of the student's prior knowledge and skills and that they ended up in the right class for their level.

6.3. Practical challenges

This section describes the main challenges in access to education according to professionals and students interviewed.

6.3.1. Delays in school enrolment

According to EU law, child asylum applicants should have access to compulsory school within three months of their arrival.²⁶² However, the waiting times to access formal schooling are often much longer, FRA's findings show.

Children were asked to estimate when they had started to attend school. In Austria, children interviewed who arrived during compulsory school age accessed school between three weeks and four months after their arrival. In Germany, where not all children could remember when they started school, the delays were longer: at best some children accessed compulsory school in three months and at worst in one year. Of those interviewed in France, only three out of 11 who arrived during compulsory school age were enrolled within the three-month timeline. The other eight waited between six and 12 months. In Italy, six children in compulsory school age had access to secondary school and vocational training within the mandatory three months, one waited eight months, another 18 months and two more had not attended school at all. In Sweden, compulsory school-age children accessed the language

²⁵⁸ EACEA (2019).

²⁵⁹ *Ibid.*, p. 17.

²⁶⁰ Sweden, information provided by national authorities, 2 September 2019.

²⁶¹ See also the [city of Vienna's webpage on the initiative](#).

²⁶² Reception Conditions Directive, Art. 14 (1) and (2).

introduction courses within one to five months. In Greece, neither of the two children who arrived during compulsory school age had attended school.

A number of different reasons behind delays in school enrolment emerged from FRA's research, as the following examples illustrate. In France, the delays in Marseille and Île-de-France were mainly related to the bottlenecks in the initial assessment (see Section 6.2.2), as highlighted by education experts. In Marseille, experts reported delays in getting the test results for certain native languages, for lack of education professionals who speak the required language. Interviews with young people seem to confirm that speaking French favours faster enrolment in school and that delays especially affect pupils with little or no previous schooling, as there are only a few specific schemes for them. In Germany, experts stressed that waiting periods to allocate the newly arrived pupils to a preparatory class could reach up to a year. This is mainly due to administrative bureaucracy, for example the residence registration document (*Einwohnermeldung*) in Bremen or the lack of coordination between schools, education authorities and other actors in Berlin and Lower Saxony. One interviewee describes how the local administration of Bremen has developed a system to reduce administrative documentation to the bare minimum and offers multilingual counselling to reduce enrolment waiting times. In Lesbos (Greece), delays were due to the lack of sufficient vaccines for all of the children, as vaccination is a precondition for enrolment in school. Specific reasons for delays affecting unaccompanied children emerged from different locations in most EU Member States, including lengthy age assessment procedures and delays in appointing guardians. In Italy, unaccompanied children are usually enrolled in school in their final destination location, that is, several months after their arrival.

Delays in school enrolment increase drop-out rates and distress. In Greece, education experts in Lesbos consider that even a short delay of a week might be a problem because children get used to spending their day doing other things (e.g. playing football) and then it is difficult for them to integrate into education. In Germany, the six interviewees who reported waiting over a year to attend school describe the waiting time as "difficult", a "struggle" and a "jail" that amplified the psychological distress and feelings of loneliness. A 20-year-old Syrian woman narrates how hard it was for her to spend her initial 13 months in Germany without attending school:

"I knew no one, I had no German friends nor Syrians, [...] so I wasn't feeling well psychologically [...] I felt lonely [...] yes, I was going to the library and getting Arabic books [...] Sometimes, I stopped eating for days, I just had no appetite. I was doing groceries, cleaning the house, going out [...] despite all of this, I was feeling lonely, I don't know, I felt it was really difficult. [...] I came here; I went out from a jail to another jail. I was expecting that I would start school quickly, get friends, and be smiling. This all turned out the opposite, I had no friends, I had no school, and I was always home [...]. All things accumulated and pressured me, it was really difficult, I attempted suicide [...]". (Subsidiary protection status holder from Syria, female, Germany)

6.3.2. Limited capacity of schools and lack of teachers

Education and child welfare professionals in different French, German, Greek and Swedish locations observed problems with capacity and lack of places in schools for asylum-seeking and protection status holder children. Insufficient places in preparatory classes were mentioned in Austria and France. For example, in France, with the exception of Paris, the lack of places in the adapted units within state schools resulted in some children aged 16–18 years not receiving schooling.

Moreover, educational professionals in Germany, Italy and Sweden also expressed concern about the lack of teachers. As an illustration, in Sweden, experts in Västra Götaland point to a shortage of teachers qualified to teach Swedish as a second language, and a shortage of study counsellors able to provide advice in the mother tongues of the new pupils, something they are entitled to. To deal with the high number of new arrivals in Germany and the increase in demand for language courses, classes were not always directly offered at regular schools, experts in Berlin and Bremen mention; instead external educational associations were commissioned with this task. Moreover, lateral entrants, for example individuals with a degree but with no specific qualification or experience in the education system, were quickly hired to meet the demand. Although some consider that the employment of these professionals provided the flexibility needed to quickly integrate new students into education, other respondents criticise the lack of adequate teaching experience and qualifications.

In some locations in France, delays in school enrolment for unaccompanied children led to ad hoc solutions, including unofficial schools set up by NGOs. These have their limits and an impact on the continuity of schooling and integration.

Promising practice

Addressing lack of places in school through NGO support

In France, experts described an ad hoc solution adopted to deal with lack of places for newly arrived students in regular French schools: schooling through NGO support. For example, in Marseille, the local education authority in cooperation with two NGOs, called Pep13 and Centre d'Innovation pour l'Emploi et le Reclassement Social (Innovation Centre for Employment and Social Rehabilitation), runs two non-governmental schools that can enrol newly arrived foreign children who arrive during the school year. In Lille, the NGO Centre de la Réconciliation has been operating a 'solidarity school' (école solidaire) since September 2017 with 20 volunteer teachers. Not only did experts assess that the quality of education is the same as in state schools, but they highlighted that such schools have the flexibility to adapt to the needs of pupils, which especially benefits students with limited or no previous schooling.

Although these schools are a good way to enable the schooling of more children than the existing capacity of state schools allows, they have fewer training opportunities than state schools.

Source: Education experts, Marseille

"We've seen this very clearly. The pupils who stay in the first accommodation centres [for unaccompanied children] with the same experienced staff, they entered the education system in the right way. They were really taken care of in a completely different way. The rest, those who arrived later, were left to themselves and this was extremely clearly reflected in their school results and attendance [...] One of the most important success factors to counteract school drop-outs that we have found is ensuring that the transfers are monitored, and pupils followed up when they have been moved. It's always a sensitive phase. And we can see that the municipalities appear to have forgotten to look after the pupils' transfers, have forgotten how important it is to do follow-ups on asylum-seeking pupils in upper secondary schools." (Education authority expert, Sweden)

Transfers particularly affect unaccompanied children turning 18. Upon turning 18, they generally lose child protection support and have to leave child-specific facilities. This often results in more difficult housing conditions; change of school or even interruption of schooling; sudden loss of support from social workers, guardians and psychologists; loss of friends; and interruption of language courses and leisure activities.

In all six EU Member States, examples of long commuting times from the place of accommodation to school emerged an obstacle to accessing education. For example, a young man from Syria living in Greece, who was enrolled in high school, does not plan to continue because the school is too far away from the camp. A typical challenge mentioned by different experts in German and Greek locations is that schools near accommodation facilities often do not have room for more children, so children have to take buses to reach other schools. In Greece, experts mentioned that, when children need a bus to go to school and parents do not have a free ticket, they may not allow the children, particularly girls, to go alone. In France, although interviewees did not generally identify the place of accommodation as a major problem for access to schooling, an official from a local authority in Nord (Hauts-de-France region) mentioned a problem of coordination with the child welfare services resulting in unaccompanied children being placed where there is no nearby school suited to their situation. Swedish experts said that the ongoing downsizing of the Migration Agency's accommodation facilities results in the asylum accommodation centres being increasingly far away from the centres of the municipalities, making it difficult to get to school.

Some accommodation had a positive impact on education and study, according to the people in need of international protection interviewed. For example, asylum applicants in Italy positively assessed their transfer to family shelters and SPRAR reception facilities for children, where they started attending schools, language courses and other leisure activities, allowing them to finally settle and get in contact with

6.3.3. Issues with housing affecting education

Housing arrangements frequently influence access to education. Education professionals as well as children especially noted the negative impact of bad accommodation conditions, transfers between different housing arrangements, the long distances from housing to schools, and homelessness. Noise levels, sharing housing with non-students, commuting difficulties and crowded conditions create practical obstacles to learning. These factors delay young refugees' language acquisition and complicate their integration into educational pathways, because students are unable to concentrate on their schoolwork. In France, educational experts and unaccompanied children referred to a lack of educational activities and support from child welfare services while children were living in hotels during their age assessment.

Each relocation between reception facilities requires children to settle in again socially and at school and, if they are unaccompanied, to get used to new social workers. In Sweden, multiple education experts from Västra Götaland and Norrbotten expressed concern about frequent transfers.



their Italian peers. Many of the young people in Sweden were also pleased with their accommodation in a family, and two of them explicitly mentioned the positive effect it had on their studies, as expressed by a young man from Afghanistan:

“Right now, I am living in a foster home with a Swedish family. I like it very much [...] And this family I live with, I enjoy living there. They help me with my studies and things like that. (Asylum applicant from Afghanistan, male, Sweden)

6.3.4. Racism, xenophobia and discrimination

Negative attitudes of parents, students and teachers towards foreigners in general and refugees more specifically were mentioned in Germany and Greece. As an illustration, actions perceived as racism appeared in seven accounts, primarily by young women in Germany. They describe incidents of receiving unpleasant and insulting remarks, being physically attacked in the school, being called names such as “the foreigner”, and being screamed at by teachers. Interviewees felt “degraded”. A 17-year-old Syrian woman recounts her experiences and the teacher’s action:

“At [the secondary school], the students did not treat us with respect, not all of them, I can’t generalise, there is good and bad [...] you can say they tend to be racist towards us; as an example, once we were playing basketball, then a female German student attacked us and said ‘go and play in your home country’ [...] even the teacher did not react, just distanced [the girl] away from us, even teachers are kind of [racist].” (Subsidiary protection status holder from Syria, female, Germany)

In Greece, the educational experts reported some isolated cases of parents complaining about the existence of reception classes, which in some extreme cases resulted in parents occupying schools to express their disagreement. In September 2018, in Chios, approximately 1,000 parents sent a letter of protest to school principals and local authorities, stating their opposition to the operation of reception classes inside the island’s school units. They suggested as an alternative the operation of such classes within the hotspot.²⁶³ In Lesbos, experts taking part in a focus group on education agreed that people from African countries experienced racism at school more than those of Middle Eastern descent or from any other country.

²⁶³ Greece, Observatory of the Refugee and Migration Crisis in the Aegean, webpage ‘Observatory News Bulletin: Parents’ protest in Chios against the Reception Facilities for Refugee Education (RFRE) in the island’s schools (updated 8 November 2018)’.

6.3.5. Directing students into vocational tracks

Students in need of international protection are likely to be pointed towards vocational education rather than other types of schools, FRA finds. This can already happen at an early stage. For example, in Austria, where students are split quite early, when they are 10 years old, into secondary academic schools and more practical/vocational schools (*Neue Mittelschule*), all the children interviewed arriving within mandatory school age (up to 15) were enrolled in *Neue Mittelschule*. Past publications have emphasised that students from lower socio-economic backgrounds are overrepresented in *Neue Mittelschule*.²⁶⁴

In Italy, once they have obtained school-leaving certificates, young people in need of international protection are often encouraged to enrol in vocational schools to increase the possibility of their finding a job quickly. Among the 11 who arrived as children and completed compulsory education in Italy, all those who continued their studies at upper secondary level were enrolled in vocational schools. Similarly, in France, nine out of 13 interviewees who arrived as children were enrolled in vocational high school, against only four in general high school. Children with little or no previous schooling especially are enrolled in vocational high school.

In Germany, two participants in the focus group on education held in Berlin stressed that, while German students have the opportunity to reflect on the education pathway they want to follow in accordance with their interests and capacities, people in need of international protection are directed towards vocational education and vocational professions. A 19-year-old Syrian boy in Bremen who arrived in Germany as a child expressed his frustration at not being able to continue his studies further:

“they [the school] were trying to direct us towards one direction, vocational training. I did not like this because they trapped us in specific fields in vocational training, in handicrafts, blacksmith, carpenter, painter [...] I was doing my high school in Syria, I wanted to continue university and now I downgraded to vocational training and said ‘let’s do salesman’, and they [the school] wanted me to do carpenter and blacksmith.” (Refugee from Syria, male, Germany)

Interestingly, experts raised the opposite concern in Sweden. Several of the interviewees agreed that there is a misconception that general upper secondary school (preparing students for tertiary education) is the only possible way forward. They noted that students who will not be able to meet the eligibility criteria of general

²⁶⁴ European Commission (2019c).

upper secondary school could be better informed and pointed towards other possibilities, for example a vocational programme in upper secondary school.

6.3.6. Specific practical barriers to access to compulsory school

Even if school-age children are entitled to attend public schools, practical or logistical barriers may result in their not attending public schools. According to an education professional, in Milan (Italy) public schools often refuse to enrol school-age children in need of international protection who do not speak Italian. As a result, children wait until they are 16 and are then placed in 'adult schools' (CPIAs, see Section 6.3.7), for which the minimum age is 16:

"[I]f you arrive aged 16 and you don't speak Italian, you can't access public state schools [...] you have to have some requisites [...] I would venture to say that even in those years of mandatory education it's like this. We have asylum seekers and protection holders who are at the age of mandatory education who have not managed to access state schools because these have a tendency to refuse access." (Language teacher, Italy)

This is confirmed by the interviews: in Italy, among the 10 unaccompanied children who arrived within compulsory school age, two aged 15 never attended public school. Both had to wait to turn 16 to be enrolled in 'adult schools', as such schools accept children aged 16 or older.

6.3.7. Specific practical barriers to access to post-compulsory school

The right to access upper secondary school is a reality in some of the countries reviewed, FRA's findings show. As an illustration, in France, out of the 13 interviewees who arrived in the country as children, all went to upper secondary school, including those who arrived after compulsory school age: two thirds in vocational high school and one third in general high school. Similarly, in Germany and in Sweden, among the students who had finished preparatory classes, all had continued to study at upper secondary school, either general or vocational.

Specific challenges exist in accessing upper secondary school, FRA finds, especially for young people arriving beyond compulsory school age (15–17 years old), because it is difficult to attain the grades needed to enrol, because they are placed in schools to obtain compulsory leaving certificates, because they are not informed of the possibility of attending secondary school or because of a lack of places in preparatory classes.

Difficulty in complying with age requirements in Sweden

In Sweden, compulsory school is defined as the number of years students must attend school, but most typically complete them when they are 16. Those who are between 16 and 18 years old when they arrive are usually enrolled in language introduction programmes and, if they get the required grades, they can enrol in upper secondary-level programmes. The law establishes that asylum applicants must begin their study programmes at upper secondary level before they turn 18, and protection status holders before they turn 20. This creates a particular challenge for asylum applicants arriving in Sweden aged 16 and 17 because it takes at least two years to learn the language and get the grades needed to access secondary school, according to education experts FRA interviewed. This is especially challenging for those with little or no previous schooling.

Placement in classes to obtain compulsory school certificates in Austria and Italy

In Austria and Italy, it is common for children arriving after compulsory school age (15 and 16 respectively) to be encouraged to enrol in school to get school-leaving certificates. In Austria, children who arrive aged 15 are encouraged to obtain school-leaving certificates from adult education facilities after they complete preparatory classes. In Vienna, as well as preparatory classes, NGOs provide language tuition and facilitate access to education and vocational training, FRA's findings show.

Similarly, among the 18 interviewees who arrived as children in Italy, the majority had been enrolled in school to obtain school-leaving certificates (*terza media*, usually obtained at 14 years of age). According to the experts interviewed in Italy, public secondary schools often refuse to enrol children who are over 15, and therefore not subject to compulsory schooling, if they do not speak Italian. As a result, these children become the responsibility of the adult education system – CPIAs. The CPIAs were set up in 2015 in each Italian province and are accessible to Italian as well as foreign students from the age of 16 years who want to gain school-leaving certificates. CPIAs have proven to play a crucial role in offering a range of training and education opportunities, including language acquisition, at the same time as offering refugees the possibility of being included in an ordinary class setting with Italian students. In addition, according to most of the experts, the CPIAs have contributed to overcoming the previous practice of integrating asylum applicants and international protection beneficiaries aged 16 or over in classes with 11- to 14-year-old children, which made them feel very uncomfortable. However, the possibility



of enrolling in the CPIAs depends very much on the housing facility where the child is living. Children living in SPRAR reception centres are often supported by the centre's management to enrol in these institutions. Those living in CAS often do not receive this kind of support and are more likely to end up attending other free courses offered by NGOs and volunteers. Another challenge is the lack of awareness among, and coordination between, public stakeholders operating in the education field, who often do not consider CPIAs proper schools, although they have the same value as ordinary high schools.

As an Italian language teacher mentioned:

"[I]f you arrive aged 16 and you don't speak Italian, you can't access public state schools; it's sometimes also hard to access a CPIA. [...] Access to upper secondary schools I think is really rare, if you arrive in Italy at the age of 16 and you are an asylum seeker, [...] if you arrive at 16 it's already a bit too late, it's late because two years to learn the language, obtain the terza media diploma, go to upper school, [...] it's practically impossible." (Language teacher, Italy)

Pressure to work

In some countries, for example Italy, the need to work in order to earn money and the impossibility of reconciling work and study are often mentioned as deterrent factors, discouraging the children interviewed from trying to attain upper secondary and higher levels of education. For example, a 19-year-old refugee from Guinea who had arrived in Italy as an unaccompanied child in 2016, interviewed in Rome, had obtained the compulsory school certificate in Rome. He was informed of the possibility of continuing studying in ordinary high school but he declined because he needed to start working promptly to be able to pay rent.

Unaccompanied children turning 18

Article 14 of the Reception Conditions Directive prohibits Member States from withdrawing secondary education for the sole reason that an applicant has reached the age of majority. Although none of the six EU Member States reviewed have enacted rules that formally remove access to education for child applicants who become 18 years of age, unaccompanied children turning 18 face two main obstacles, FRA's research findings show: the loss of welfare support and transfers to adult accommodation. This often results in school drop-out.

In France, although in certain cases support may be extended (see Chapter 3), the end of ASE support at 18 years of age means that accommodation is not provided and canteen and transport subsidies are stopped, as participants in the focus group in Marseilles and several interviewees in the other two regions discussed. This results in students not attending school any more.

"We see it every year. And we have kids who, when they are approaching 17 years and 8 months or 9 months, they are freaked out. They are less and less ... because they are thinking about: 'Right, I will find myself on the streets.'" (Teacher, France)

The negative effect of loss of welfare support on schooling for unaccompanied children turning 18 was also reported in Greece and Sweden.

In Sweden it is up to the municipalities if they choose to let unaccompanied children stay after turning 18. Luleå (Norrbotten) has decided to let them stay,²⁶⁵ Gothenburg (Västra Götaland) not. When transferred to adult facilities, students are entitled to continue their education at a school in their new location.²⁶⁶ However, the education experts interviewed consider that the greater distances to the adult accommodation centres, the more chaotic living conditions in these centres and the mental effects of forced transfers all contribute to students dropping out of school.

"When pupils who attend upper secondary school have been assessed to be 18 years old by the Swedish Migration Agency and they, as I have understood, are moved to an asylum accommodation centre for adults often in a different municipality at very short notice [...] they are, of course, entitled to continue their education in the new municipality, but for them to take this initiative and participate has been very difficult. And they've also lost so much of their safety nets – sometimes their entire social milieu. The result is that some of them have chosen to remain in their municipalities even when they are left without accommodation." (Education authority expert, Sweden)

In Greece, transfers of housing during childhood or when children turn 18 can result in school disruption. According to the experts interviewed, this is especially the case in bigger cities such as Athens, and less so in smaller places where the different professionals in touch with the children are more likely to communicate with each other for the benefit of the child, e.g. in Mytilene (Lesvos).

Conclusions and FRA opinions

Under EU law, children who seek asylum or have obtained international protection have the same access to education under the same conditions as nationals, or similar conditions. Whereas access to compulsory schooling is generally guaranteed, FRA's findings show that, because of practical barriers, access to post-compulsory education might be only on paper, especially for students who arrived after compulsory

²⁶⁵ Sweden, Swedish Television (*Sveriges Television*), webpage 'Young unaccompanied persons may remain in Luleå' (*Unga ensamkommande får stanna i Luleå*), 14 August 2017.

²⁶⁶ Sweden, *Education Act (Skollagen, 2010:800)*, 1 July 2011.

school age. In some EU Member States, asylum-seeking children initially attend classes in reception facilities, which isolates them and might increase stigmatisation.

Article 14 (2) of Directive 2013/33/EU requires that asylum-seeking children entering an EU Member State be included in education within three months. However, multiple transfers of accommodation, time lag in finding a school place and other administrative barriers mean that it has sometimes taken one year or more for children of compulsory school age to be enrolled in school, FRA's research shows. Some EU Member States have successful measures to help integrate newly arrived students into education, such as early individual assessment of knowledge and skills and preparatory classes. In practice, EU Member States face a number of common challenges in integrating a large number of young people into the education system, such as lack of school places and teachers, especially language teachers, FRA's research shows.

FRA opinion 6

In accordance with Article 14 (2) of Directive 2013/33/EU, Member States must ensure that children entering a Member State are included in (compulsory) education within three months.

To improve effective enrolment of persons in need of international protection into education, EU Member States should increase their efforts to facilitate access to post-compulsory education, notably secondary education.

EU Member States should try to integrate children in mainstream education systems as early as possible. They should consider strengthening measures to facilitate the integration of newly arrived students into national school settings, such as through early individual assessment of knowledge and skills and preparatory classes. Schooling in reception centres should be only a temporary emergency measure.

EU Member States should enhance support to mainstream schools hosting refugee children, with additional resources and training for teachers, especially in areas where the arrival of refugees is a new phenomenon or where there is a high concentration of refugees.

EU Member States should establish contingency plans for the quick integration of refugee children into schools in order to be able to quickly and adequately respond to future arrivals of asylum-seeking children.

EU Member States should increase efforts to address school disruption of children in need of international protection turning 18. To this end, for children who are close to completing their studies when they turn 18, transfer to adult facilities could be postponed until completion of their education cycle. They should receive support for their transition to adulthood, including sufficient income to avoid having to drop out of school to work.



7

Adult education and vocational training



EU Charter of Fundamental Rights, Article 14

1. Everyone has the right to education and to have access to vocational and continuing training.

Adult education refers to a range of formal and informal learning activities, both general and vocational, undertaken by adults after leaving initial education and training.²⁶⁷ Vocational training includes knowledge and skills required in particular occupations or, more broadly, the labour market. Although older children can also benefit from vocational training, research findings concern primarily vocational training for young adults. This report, therefore, covers it together with adult education.

This chapter examines language opportunities for adults in need of international protection, and their access to vocational training and tertiary education. It recounts the experiences of vocational training and adult education that professionals as well as asylum applicants and status holders shared with FRA. Some 208 professionals, including teachers, school directors, local education authorities, employment agencies and NGO experts, were consulted on this topic. Their responses are complemented by those from asylum applicants and international protection beneficiaries.

International law

Chapter 6 outlined the human rights law framework on the right to education for children as well as adults. Vocational training is part of the right to education analysed in Chapter 6 (see Table 6.1). In addition, some international instruments also have specific provisions on vocational training, as summarised in Table 11.

EU law

Under EU asylum law, education entitlements for adults differ between asylum applicants and status holders, with the exception of adults still in secondary education. For applicants, Article 16 of the Reception Conditions Directive states only that Member States may allow them access to vocational training. In simple terms, Member States may restrict access to certain forms of vocational training to only those asylum applicants who are entitled to work. Under Article 27 of the Qualification Directive, international protection beneficiaries have access to education, training and retraining for adults under the same conditions as legally resident third-country nationals.

²⁶⁷ Council Resolution on a renewed European agenda for adult learning, 2011/C 372/01.

Table 11: Right to vocational training in international law, selected instruments

Instrument	Main provisions	Applicability
Geneva Convention, Article 24	<p>"1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals with respect of the following matters:</p> <p>"(a) in so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: [...] apprenticeship and training"</p>	Refugees
(Revised) ESC, Article 10	<p>"With a view to ensuring the effective exercise of the right to vocational training, the Contracting Parties undertake:</p> <p>"1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, [...];</p> <p>"2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments"</p>	Refugees
Human Resources Development Convention, Articles 1 and 3	<p>"Article 1</p> <p>"1. Each Member shall adopt and develop comprehensive and co-ordinated policies and programmes of vocational guidance and vocational training, closely linked with employment, in particular through public employment services.</p> <p>"[...]</p> <p>"5. The policies and programmes shall encourage and enable all persons, on an equal basis and without any discrimination whatsoever, to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, account being taken of the needs of society."</p> <p>"Article 3</p> <p>"1. Each Member shall gradually extend its systems of vocational guidance, including continuing employment information, with a view to ensuring that comprehensive information and the broadest possible guidance are available to all children, young persons and adults, including appropriate programmes for all handicapped and disabled persons.</p> <p>"2. Such information and guidance shall cover the choice of an occupation, vocational training and related educational opportunities, the employment situation and employment prospects, promotion prospects, conditions of work, safety and hygiene at work, and other aspects of working life in the various sectors of economic, social and cultural activity and at all levels of responsibility."</p>	All workers

Notes: For the (revised) ESC, see *European Committee of Social Rights, Statement of interpretation on the rights of refugees under the European Social Charter, 5 October 2015.*

Source: FRA, 2019

7.1. 'Integration programmes' and language acquisition

Article 34 of the Qualification Directive lays down that, "In order to facilitate the integration of beneficiaries of international protection into society, Member States shall ensure access to integration programmes which they consider to be appropriate so as to take into account the specific needs of beneficiaries of refugee status or of subsidiary protection status, or create pre-conditions which guarantee access to such programmes." In the light of recital 47 of the directive, language training is included in these integration programmes. Member States should, therefore, provide language training to beneficiaries of international protection, regardless of their age.

7.1.1. Asylum applicants

Integration measures normally start once a person is granted asylum. For this reason, the Reception Conditions Directive does not cover integration classes and has no specific provision on language courses. Nevertheless, as knowing the host country's language is also important

for applicants' everyday life, most EU Member States do offer some language classes. Typically, these are unofficial classes organised in the reception facility or accommodation centre with the help of civil society and volunteers or directly offered by reception facility staff. Although they are an important first step to learn the language, interviews with asylum applicants show that unofficial language classes are often not considered of significant value because the teaching is of poor quality and it is impossible to separate people with different levels of language knowledge. Hence, the longer the asylum procedures last, the later persons granted asylum enrol in official language classes. For example, a teacher and an NGO representative in France said that waiting for the decision acts as a barrier to the acquisition of the language and thus delays integration.

7.1.2. Beneficiaries of international protection

Integration efforts and funding have been stepped up in a number of EU Member States. Austria, France,



Germany and Sweden²⁶⁸ have introduced mandatory integration programmes for protection status holders such as the ‘work integration year’ in Austria, the ‘integration contract’ in France, ‘integration courses’ in Germany and the ‘introduction programme for newly arrived adults’ in Sweden. These programmes include a number of measures, such as validation of skills, language acquisition programmes, support for the recognition of qualifications, civic courses, educational measures and familiarisation with the labour market.

Protection status holders are obliged to participate in the integration years. In Germany, Austria, and Sweden, refusal to participate can be punished with benefit cuts (see Section 4.1.3). In recent years, Austria and Germany have extended language programmes that initially targeted protection status holders to asylum applicants with good prospects of acquiring a protection status.²⁶⁹ In Germany, this means applicants from countries of origins with recognition rates exceeding 50 %.²⁷⁰ Similarly, Sweden introduced several measures in 2017 for the early integration of asylum applicants, including increased provision of language classes.²⁷¹

Promising practice

Providing integration support to enter the labour market

In Sweden, in 2015, the government initiated an integration programme called “fast tracks” (*Snabbspåret*)* to support newly arrived protection status holders who have professional skills and education needed on the Swedish labour market.** The “fast tracks” include language training, early assessment of each person’s skills and education, faster validation of non-Swedish education and degrees, special language training focused on the professional language of different professions, trainee jobs in combination with language training, job matching and supplementary education if needed.* There are fast tracks for many professions, for example teachers, doctors, nurses, and electrical and mechanical engineers.

Sources: *Sweden, Ministry of Employment, webpage ‘Fast track – a quicker introduction of newly arrived immigrants’; and **Labour-INT, webpage ‘From arrival to work – fast tracks – a quicker introduction of newly arrived refugees and migrant’

Germany and Sweden offer special language training focused on the technical language of different professions. In Germany, following the completion of integration courses, the Federal Office for Migration and Refugees offers job-related language training to people with a migrant background who have reached German level B1.²⁷² The measure extends to asylum applicants with good prospects of acquiring a protection status.²⁷³ That said, experience shows that the process for accessing German language and integration courses becomes much faster and more efficient once a protection status is granted, an education expert in Bremen pointed out. The “fast tracks” programme in Sweden offers special language training focused on the professional language of different professions.

In Greece, a first pilot programme on language learning for asylum applicants and beneficiaries of international protection was launched in 2018 and is yet to be implemented.²⁷⁴ No formal programmes for language acquisition are offered to protection status holders, according to education experts in Lesbos. In Italy, reception facility managers of SPRARs are under

268 Austria, *Labour market integration law (Arbeitsmarktintegrationsgesetz)*, 2017, Art. 1, para. 5; France, *Law No. 2016-274 of 7 March 2016 relating to the law for foreigners in France (Loi n° 2016-274 du 7 mars 2016 relative au droit des étrangers en France)*; Germany, Residence Act (*Aufenthaltsgesetz – AufenthG*), 30 July 2004, Sections 43-45; Integration Course Ordinance (*Integrationskursverordnung*) of 13 December 2004 (*Federal Law Gazette I*, p. 3370), as last amended by Art. 1 of the Ordinance of 21 June 2017 (*Federal Law Gazette I*, p. 1875); Sweden, Act on the responsibility for introduction activities (*Arbetsförmedlingen har ansvar för att nyanlända invandrare erbjuds insatser som syftar till att underlätta och påskynda deras etablering i arbets- och samhällslivet (etableringsinsatser) – Lag [2017:584] om ansvar för etableringsinsatser*), Section 4, 1 January 2018.

269 Austria, Federal Ministry for Europe, Integration and Foreign Affairs (2016), p. 48; Germany, Residence Act (*AufenthG*), 30 July 2004, Section 44 (4) 1.

270 Germany, Federal Government (2015b), p. 31; see the website of the Federal Office for Migration and Refugees, under FAQ ‘Was heißt “gute Bleibeperspektive”?’

271 Sweden, Government Offices of Sweden, webpage ‘Early measures for asylum seekers’ (*Tidiga insatser för asylsökande*), 23 November 2017.

272 Germany, Ordinance on job-related language training (*DeuFöV*), 4 May 2016.

273 Germany, Residence Act (*AufenthG*), 30 July 2004, Section 45a (2), sent. 3.

274 Greece, Greek Government, webpage ‘“Language and culture for refugees and immigrants 15+” programme’ (*Πρόγραμμα «Μαθήματα Γλώσσας και Πολιτισμού για Πρόσφυγες και Μετανάστες 15+»*), 23 January 2018.

an obligation to offer language classes.²⁷⁵ Following legal changes in December 2018, only beneficiaries of international protection can be hosted in these centres and therefore access these classes.²⁷⁶

Recent research from the Council of Europe shows that many European states offer language courses to migrants. However, in most cases, migrants only receive up to 250 hours of language instruction free of charge.²⁷⁷

FRA ACTIVITY

Together in the EU

FRA's report *Together in the EU: promoting the participation of migrants and their descendants* provides more information on language learning and integration tests used in EU Member States. It examines national integration policies and measures, also including education and participation, integration action plans, labour market participation, and democratic and political participation.



See FRA (2017b).

7.2. Vocational training

Article 166 of the Treaty on the Functioning of the European Union (TFEU) recognises that EU Member States are responsible for the content and organisation of national vocational training. This explains the significant differences between Member States concerning the types of vocational training. The EU complements Member States' actions through a vocational training policy. EU law uses a broad definition of vocational training:

“Any form of education which prepares for a qualification for a particular profession, trade or employment or which provides the necessary training and skills for such a profession, trade or employment is vocational training, whatever the age and the level of training of the pupils or students, and even if the training programme includes an element of general education.” (CJEU, Case 293/83, *Françoise Gravier v. City of Liège*, 13 February 1985, paragraph 30)

275 Italy, Decree of the Ministry of the Interior of 10 August 2016, on the requirements to have access to the national funds destined to the reception of asylum seekers, international protection status holders and humanitarian protection status holders as well as guidelines ruling the functioning of the SPRAR system (*Decreto del Ministero dell'Interno 10 agosto 2016*), Art. 30.

276 Italy, *Legislative decree 113/2018*, Art. 12.

277 Council of Europe (2019).

Vocational training opportunities are closely linked to access to the labour market. Providing persons in need of international protection with access to education, including vocational training and higher education, promotes their self-reliance and integration. It prevents previously acquired skills from becoming obsolete and may help validate their qualifications.

A forthcoming report²⁷⁸ highlights that validation should be combined with a comprehensive set of integrated services aiming for better social and professional integration and access to the labour market, including vocational orientation and accompanying measures.

The scope of vocational training varies depending on the educational system of the Member State. It generally includes learning systems that provide knowledge and skills required in particular occupations or, more broadly, the labour market. The United Nations Educational, Scientific and Cultural Organization (Unesco) uses the term 'technical and vocational education and training'. It clarifies that vocational training can take place at secondary, post-secondary or tertiary education level. Vocational training can take place either in a school-based environment or in a work-based setting (most typically apprenticeship schemes). It includes a wide range of skill development opportunities.²⁷⁹ This section covers school-based as well as work-based vocational training. It analyses access to vocational training for asylum applicants and then for international protection status holders, and lists practical obstacles to accessing it that emerged from the research.

7.2.1. Asylum applicants

Under Article 16 of the Reception Conditions Directive, Member States enjoy discretion whether to allow asylum applicants to access vocational training or not. The second part of this provision, however, limits access to certain forms of vocational training – namely those “relating to an employment contract” – only to those asylum applicants who have been granted access to the labour market. Thus, under Article 16 (2) of the Reception Conditions Directive, Member States are not allowed to give access to certain forms of vocational training to those applicants who are not entitled to work. The review of the Reception Conditions Directive plans to remove this restriction.²⁸⁰

278 Cedefop European Community of Learning Providers – report forthcoming (2020).

279 Unesco (2016), paras. 2 and 30.

280 European Commission, *Proposal for a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)*, COM/2016/0465 final, Brussels, 13 July 2016, deleted Art. 16.

Table 12: Asylum applicants' earliest access to the labour market

EU Member State	Waiting time (months)	Start of calculation	Source
Austria	3	Admission to regular procedure	Aliens Employment Act (<i>AusBG</i>) Article 4 (1)
France	6	Lodging of application	<i>Ceseda</i> , Article L. 744-11
Germany	3	Start of lawful stay in Germany	<i>Asylum Law</i> , Article 61
Greece	0	Lodging of application	<i>Law 4375/2016</i> , Article 71
Italy	2	Lodging of application	Reception Decree No. 142/2015, Article 22 (1)
Sweden	0	Admission to regular procedure	Act on reception of asylum seekers and others (<i>Lag [1994:137] om mottagande av asylsökande m.fl.</i>), 30 March 1994

Note: Additional conditions may need to be fulfilled under national law. See also Eurofound (2019), p. 11.

Source: FRA, 2019

Pursuant to Article 15 of the Reception Conditions Directive, Member States must ensure that applicants have access to the labour market no later than 9 months from the date when the application for international protection was lodged. For reasons of labour market policies, Member States may give priority to EU citizens and to legally resident third-country nationals. The Commission's proposal to review the Reception Conditions Directive suggests lowering this restriction to six months.²⁸¹ Table 12 illustrates Member States' policies.

Flowing from the limited access to the labour market, four out of the six EU Member States reviewed, namely Austria, France, Germany and Sweden, impose limitations on vocational training for asylum applicants.

In Austria, since September 2018, applicants are in principle no longer allowed to enter apprenticeships.²⁸² Before that date, they could access vocational training until the age of 25 in specific, often understaffed, occupations – for example in fields such as technology, gastronomy, or industrial production.²⁸³ France does not grant adult asylum applicants a right to access vocational training, but child asylum applicants over 16 years old may apply for a work permit if they have an apprenticeship contract.²⁸⁴ Thus, in France, leaving childhood at 18 years of age deprives asylum applicants of their rights to continue an apprenticeship. In Germany, asylum applicants may start vocational training three

months after the submission of their asylum application if they are not required to reside in a reception facility.²⁸⁵ Germany does not allow asylum seekers from 'safe countries of origin' to follow vocational training (or to take up employment) for the duration of the asylum procedure, if they applied for asylum after 31 August 2015.²⁸⁶ In Sweden, the only adult asylum applicants who are entitled to access some kind of vocational training programme are unaccompanied asylum seekers between the ages of 18 and 20. Other asylum applicants are, in principle, not entitled to attend vocational training organised by the Public Employment Service in the context of adult education.²⁸⁷ However, adult asylum seekers with the necessary knowledge of Swedish are in principle entitled to attend higher vocational education (*yrkeshögskolan*), a post-secondary form of vocational education that is offered in in-demand fields, and does not include having a resident permit among its requirements.²⁸⁸

In Greece and Italy, asylum applicants and protection status holders are entitled to enrol and participate in any vocational training programme. However, practical obstacles make it difficult for some applicants to exercise their right to vocational training. In Greece, for example, no asylum applicants on Lesbos were in vocational training, education professionals there pointed out. The legal limbo caused by long delays in Italian asylum procedures often discourages asylum applicants from investing in their own education and training, since they are not sure if they are going to stay in Italy, Italian education, NGO and child welfare experts stressed. Moreover, there are discrepancies between

²⁸¹ *Ibid.*, Art. 15.

²⁸² Austria, Foreigners Employment Act (*Ausländerbeschäftigungsgesetz*), 20 March 1975, Section 4 (1), first sentence.

²⁸³ Austria, Asylkoordination, website: [Access to the labour market](#).

²⁸⁴ France, *Labour Code*, Art. L 5221-5, provides that "A work permit is however rightfully granted to a foreigner who is authorised to remain in France for the conclusion of a fixed-term professional or apprenticeship contract." Foreign minors present in France are authorised to remain in France, because of their age. They can request work permits.

²⁸⁵ Germany, Asylum Act (*AsylG*), *Federal Law Gazette* I, p. 1798, 2 September 2008, Section 61; Section 32 Abs. 2 Nr. 2 i. V. m. Abs. 4 BeschV.

²⁸⁶ *Ibid.*, Section 61 (2), sent. 4.

²⁸⁷ Sweden, *Lag (2017:584) om ansvar för etableringsinsatser för vissa nyanlända invandrare*, 22 June 2017.

²⁸⁸ See Yrkeshögskolan [webpage](#) 'What are the entry requirements?'

the population living in SPRAR reception centres and those hosted in other types of Italian reception facilities. Persons living in SPRAR centres are generally better informed about vocational training opportunities and are provided with specific orientation and support. Those living in CAS have limited access to the information and thus to training or labour opportunities.

In practice, asylum applicants benefited from vocational training more frequently in France and Italy than in other EU Member States, interviews with them show. This, however, mainly concerns applicants hosted in reception facilities that offer more services, including counselling, such as CADAs in France and SPRAR facilities in Italy.

7.2.2. Beneficiaries of international protection

Under Article 26 of the Qualification Directive, Member States must allow beneficiaries of international protection to access vocational training under conditions equivalent to those of nationals. All six EU Member States have implemented this provision, allowing protection status holders access to vocational training on an equal basis with citizens of the Member State.²⁸⁹ A number of initiatives promote early integration into the labour market.

Promising practice

Offering professional training contracts in France

The *Hébergement, Orientation, Parcours vers l'emploi des réfugiés* (HOPE) programme was set up in 2017 as a pilot programme for 200 beneficiaries, by the National Agency for Adult Vocational Training (*Agence nationale pour la formation professionnelle des adultes* – AFPA), the state and approved operators (*opérateurs de compétence*). It provides international protection beneficiaries and asylum applicants with (work-related) language training and professional training through a work-study scheme (professional training contract). The programme provides accommodation and food throughout the course as well as administrative, social, professional, medical and other support. In 2018, 1,500 trainees followed the programme and almost all had signed a professional training contract.

Sources: AFPA webpages 'L'insertion professionnelle au coeur de l'intégration des réfugiés: le livre blanc' and 'Hope: l'essentiel en chiffres'

²⁸⁹ Austria, *Ausländerbeschäftigungsgesetz*, Section 1 (2) (a); France, CESEDA, 22 February 2005, Art. L744-11; Germany, Residence Act (*AufenthG*), 30 July 2004, Section 25 (1), sent. 4; Greece, Law 4375/2016, Art. 70; Italy, Legislative Decree No. 142, 18 August 2015, Art. 22; Sweden, see the Government report *Implementation of the modernised Qualification Directive* (*Genomförande av det omarbetade skyddsgrunddirektivet*, Ds 2013:72).

Accompanying young adults in Austria

JUST Integration, a foundation set up by Austrian Economic Chambers (*Wirtschaftskammer Österreich* – WKO) and the Austrian Trade Union Federation (*Österreichischer Gewerkschaftsbund* – ÖGB), supports and advises young adult beneficiaries of international protection. Advisors map the young adults' previous knowledge and interests, develop an education programme for them and support their integration into internships.

Source: JUST Integration webpage

Offering entry qualification measure in Germany

The entry qualification measure (*Einstiegsqualifizierung*)*, enables individuals who are no longer subject to general compulsory schooling to pursue a 6- to 12-month internship with an employer with the purpose of transferring into vocational training at the end of the programme. The measure is open to adolescents and young adults more generally; individuals with a protection status have unrestricted access; asylum applicants can participate after three months of stay and if approval is granted by the immigration authority. Participants receive a small remuneration, for which employers can be (partially) refunded by the employment agency or job centre responsible. The programme encourages the participants' attendance at vocational school. Participants may also be granted vocational training support (*Ausbildungsbegleitende Hilfen*),** such as tutoring in German or other subjects.

Source: Bundesagentur für Arbeit (2017)

* Germany, *Sozialgesetzbuch III, Section 54a*.

** *Ibid.*, Section 75.

Many beneficiaries of international protection interviewed in France, Germany, Italy and, to a lesser extent, Sweden benefited from vocational training, which took place either in a school-based environment or in a work-based setting. In Sweden, 21 out of 25 interviewees had arrived as children and were therefore generally integrated into compulsory or upper secondary school, including in vocational programmes at upper secondary school.

Fewer interviewees benefited from vocational training in Austria and Greece. In Austria, many were completing the 'bridge classes' (i.e. preparatory classes) or had prioritised working over training to secure their financial situation. In Greece, only one was able to pursue vocational training offered by an international organisation.

Several interviewees enjoyed their training and/or believed it would be useful for them. Others were

sceptical that it would help them in the job market. Some find that there is a lack of jobs in the field they desire to work in, which reduces their motivation, some did not perceive the type of vocational training they received as useful, and others were directed into training that they did not like in the first place. For example, a man from Mali who arrived as a child in Italy said:

"[When I registered with the school they] gave me this appointment, and I told the school director straight away that I didn't like this course, that I didn't want to become a bricklayer, then I came here and I spoke with Martina [the reception facility coordinator] and she explained to me that even if I did this course I wasn't obliged to pursue it as a career and become a bricklayer. And so I went and I also did the construction course ... I did the courses at the Umanitaria and [...] at the Muraria school... Unfortunately, [...] I did these courses but in the end nothing, [opportunities for] working as a baker were blocked, as a pizza maker blocked, construction wasn't my choice, so I didn't even try." (Humanitarian protection status holder from Mali, male, Italy)

The majority of interviewees who were in favour of vocational training emphasised its role as a facilitator for obtaining a job. For example, a refugee from The Gambia interviewed in Milan reported that he was offered the opportunity to attend an information technology course at the end of 2016. His Italian teacher told him about this course. Thanks to the acquired skills, in 2017 he started a paid internship as a fibre optic technician. He was very satisfied with his job and considered it closely connected to the training he had undertaken.

7.2.3. Practical challenges

Even if people are legally entitled to it, multiple practical obstacles limit the potential for integration and self-reliance that vocational training offers. The most frequently mentioned obstacles include issues related to residence permits, financial barriers, limited information, the lack of choice and the physical distance to training facilities.

Lack of awareness among employers

Education, employment and legal professionals in Italy and Sweden identified temporary residence permits²⁹⁰ as a disincentive. In Italy, they said that employers may not know whether or not the holder of a temporary residence permit is allowed to work and may prefer not to hire them or give them a vocational training opportunity.

²⁹⁰ Italy, Legislative Decree No. 251, 19 November 2007, Art. 23; Sweden, Act on temporary restrictions of the possibility to be granted residence permits in Sweden (*Lag [2016:752] om tillfällig begränsning av möjlighet till uppehållstillstånd*), 22 June 2016.

"[Residence permits for asylum seekers or protection holders] exist, it's true, but it's not the majority, so sometimes it happens that you come across them for the first time, and you have to be able to recognise them; sometimes they [employers] ask you: 'Is this OK to work? It's not written here! It doesn't say residence permit for work reasons, he can't work!' We can't assume that everyone is aware of the rights connected to the different types of residence permits. Because actually everybody knows that there are some residence permits which don't allow you to work and hence they are reluctant to employ these people." (Employment service expert, Milan)

Lack of or limited financial support during vocational training

Financial difficulties emerged in different contexts. For example, in France, limited finances constitute a serious barrier to access vocational training for asylum applicants under the age of 25. The number of paid vocational training positions is very limited. As Chapter 4 describes, the active solidarity income benefit (RSA) is subject to a minimum age of 25 years,²⁹¹ which prevents younger adults from staying in education.

Although housing experts in the Lille focus group considered paid training a possible springboard to get housing, they considered it only a short-term solution and usually insufficient to cover rent and living expenses, as the average monthly remuneration for vocational training in the region amounts to € 399. Employment is thus often preferred to training.

Another illustration comes from Germany, where at the time of the research asylum applicants were in certain circumstances excluded from social assistance if they followed vocational training. Individuals whose asylum application is still pending receive benefits in accordance with the Asylum Seekers Benefits Act for the first 15 months of residence in Germany.²⁹² After that they receive subsistence benefits under the Social Code Book (SGB) XII,²⁹³ which are normally not paid to those who are in principle eligible for training assistance (under the *Bundesausbildungsförderungsgesetz* – BAföG) or the vocational training grant (*Berufsausbildungsbeihilfe* – BAB).²⁹⁴ However, until recently, the BAföG was not

²⁹¹ France, CASF, Art. L. 262-4.

²⁹² Germany, Asylum Seekers Benefits Act (*AsylbLG*), 30 June 1993, Section 1 (beneficiaries).

²⁹³ Germany, *AsylbLG*, Section 2 (1); for Social Code Book (SGB) XII, see Social Code Book XII – Social welfare support (*Sozialgesetzbuch Zwölftes Buch – Sozialhilfe*), Art. 1 of the Law of 27 December 2003, *Federal Law Gazette I*, p. 3022, as last amended by Art. 2 of the Law of 17 August 2017, *Federal Law Gazette I*, p. 3214.

²⁹⁴ Germany, SGB XII, Section 22 (1), sent. 1; for BAB see Social Code Book III – Employment Support (*Sozialgesetzbuch Drittes Buch – Arbeitsförderung*), Art. 1 of the Law of 24 March 1997, *Federal Law Gazette I*, p. 594, as last amended by Art. 2 of the Law of 17 July 2017, *Federal Law Gazette I*, p. 2581 (SGB III), Sections 56.

accessible to asylum applicants.²⁹⁵ The BAB could be granted to them only if a long-term legal stay was to be expected, they had been legally residing in Germany for at least 15 months, and had sufficient knowledge of the German language to provide a successful transition into vocational training.²⁹⁶ Two recently introduced pieces of legislation addressed this gap.²⁹⁷

Lack of information on vocational training opportunities

According to recent evidence,²⁹⁸ a consistent challenge for provision of vocational training opportunities at upper secondary level across OECD countries is to ensure easy access to comprehensive information, enabling informed choices. This is an even bigger challenge for asylum seekers and international protection status holders, who are often unfamiliar with the host country education systems.

Whether or not interviewees had information about their options for vocational training varies between Member States. Asylum applicants and status holders lack sufficient information about vocational training options, especially in the geographical locations researched in France, Germany, Greece and Italy, according to interviews with professionals and persons in need of international protection. In Germany, this lack of knowledge is linked to insufficient counselling, say education, employment and guardianship professionals in Lower Saxony, Berlin and Bremen. Several interviewees in Greece expressed a wish to follow a vocational training programme but had not received sufficient information about it. In Italy, persons living in SPRAR centres were generally more informed about vocational training opportunities those hosted in other types of reception facilities.

Lack of choice

In France, Germany and Italy, although many interviewees were able to access vocational training, few felt they were able to follow a training course that they wanted. They said that the lack of available places in vocational training programmes, lack of choice and lack of information about training options constituted major challenges.

In Austria, although young people were able to express their preferences, many could not access their preferred

education or vocational training. Unaccompanied children in France receive little choice in vocational orientation, according to education professionals from Marseilles and Paris: the ASE encourages prioritising short vocational courses such as the CAP (*Certificat d'aptitude professionnelle* – certificate of professional aptitude).

“Which means that there are a lot of kids who have very good levels of schooling, high school, [...] who could go on to further studies, they will rather direct them at the request of social services towards a vocational qualification like the CAP, BEP [Brevet d'études professionnel – vocational studies certificate].” (School coordinator, France)

In Lesbos, Greece, according to the educational experts interviewed, vocational training is not in practice an option for adults. In Lesbos, asylum applicants and protection status holders mainly attend two schools, the vocational senior high or secondary school and the evening secondary school. However, owing to space and capacity constraints, education experts in Lesbos contend that the latter is probably the only option for those who are over 18 years old and wish to continue their studies, unless an organisation targets this group with educational programmes.

7.3. Tertiary education

7.3.1. Access to tertiary education

The Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights set forth the obligation of States to make higher education equally accessible to all, on the basis of capacity. According to EU law, beneficiaries of international protection are entitled to equal treatment with nationals in the recognition of foreign diplomas, certificates and other evidence of formal qualifications.²⁹⁹ This right not only helps beneficiaries of international protection to access the labour market, but may also enable them to access higher vocational or university education.

The six EU Member States in this study grant asylum applicants and beneficiaries of international protection different rights to access tertiary education.³⁰⁰ Universities in all six countries request university entrance qualifications and proof of relevant language skills. In Germany,³⁰¹ asylum applicants as well as beneficiaries of international protection are in principle entitled to access tertiary education. In 2015, a change in legislation removed the possibility for the German

295 See BAföG webpage ‘BAföG auch ohne deutschen Pass’.

296 Germany, SGB III, Section 39a and 52.

297 Germany, Asylum Applicants Support Law (*AsylBLG*), entered into force on 1 September 2019; Germany, Foreigners Employment Support Law (*Ausländerbeschäftigungsförderungsgesetz*), entered into force on 1 August 2019.

298 OECD (forthcoming).

299 *Qualification Directive*, Art. 28.

300 See European Commission *et al.* (2019).

301 Germany, Asylum Act (*AsylG*), Section 55 (*Aufenthaltsgestattung*).

Länder to limit access to tertiary education for asylum applicants.³⁰² In Italy, access seems to be limited to beneficiaries of international protection or those who have resided at least one year in Italy and have obtained secondary school diplomas in Italy.³⁰³ In France, Greece and Sweden, only those holding a residence permit are entitled to access tertiary education. In practice, this limits asylum applicants' right to access tertiary education in these countries.

Among the countries in this study, Germany stands out as having the most comprehensive policy³⁰⁴ to integrate asylum applicants and beneficiaries of international protection into the higher education system.³⁰⁵

7.3.2. Practical challenges

Some practical barriers also emerged in the six EU Member States. The most common barriers to accessing tertiary education are the difficulty in having previous education recognised, which was mentioned in all six EU Member States, the lack of financial resources and the language barrier, often related to the difficulty of meeting high language entry requirements. Moreover, as Section 6.3.7 reports, people in need of international protection face obstacles in terms of obtaining the upper secondary education necessary for accessing tertiary education, both in the countries of origin and upon arrival in the Member State.

Recognition of qualifications

When it comes to having previous education recognised, experts in different Austrian and German locations related that the process is slow, expensive and complicated. Experts from both France and Germany highlighted that the lack of physical copies of diplomas is an issue in determining whether or not a person meets the qualifications for entrance to higher education. German experts note that higher education institutions decide upon recognition of qualifications, and for particular courses of study the discretionary power of these institutions may constitute an additional burden for refugee students who wish to enrol. According to experts interviewed in Italy and Sweden, for students who had already started higher education abroad, it is easier to start again from the beginning than to continue based on qualifications obtained in the country of origin.

Lastly, as experience in Germany demonstrates, geographical and residence restrictions constitute a barrier to tertiary education. Pursuant to Section 56 of the Asylum Act (*AsylG*), individuals are required to remain within the district of the assigned reception centre pending the asylum decision.³⁰⁶ As of July 2017, federal states have been able to oblige individuals to remain resident within the reception centre responsible for them for up to 24 months.³⁰⁷ After that, asylum applicants who are no longer required to live in a reception centre and whose subsistence is not secured must take up residence at the place referred to in the allocation decision.³⁰⁸ To access subsidies, residence restrictions apply to protection status holders for three years.³⁰⁹ Accordingly, individuals are obliged to take up habitual residence in the federal state to which they have been allocated for the purposes of their asylum procedure or in the context of their admission process, unless the individual or a family member has sufficient income. This hampers their access to education. Beneficiaries of international protection are to be exempted from residence restrictions if they or their spouse, recognised partner or children have taken up a study or vocational training programme.³¹⁰ The provision has, however, been applied disparately by local authorities and federal states.³¹¹

Lack of financial resources and social assistance

International protection beneficiaries often feel pressured to work instead of continuing their education. This pressure arises from two distinct sets of circumstances. First, limited financial resources coupled with lack or insufficiency of social assistance compel them to get a job to maintain themselves. Second, residence requirements may include provisions on employment.

Limited financial resources featured strongly in discussions in Italy, where the young people interviewed often mentioned the necessity to start working in order to earn money and the impossibility of reconciling work and study as a deterrent factor, discouraging them from trying to attain higher levels of education. Lack of social assistance plays a crucial role in this case. An additional economic burden is the fact that when unaccompanied children reach the age of 18 years they have to leave care facilities. Similarly, in Austria, adult protection

302 Germany, Asylum Procedures Act (*Asylverfahrensgesetz*) - old version, of 16 June 1982 (*Federal Law Gazette I*, p. 946), Section 60 (1).

303 See Ministry of the Interior [webpage](#) on foreigners in education.

304 Germany, Standing Conference of the Ministers of Education and Cultural Affairs (2015).

305 European Commission (2019c), p. 13.

306 Germany, Asylum Act (*AsylG*), *Federal Law Gazette I*, p. 1798, 2 September 2008, Section 56.

307 *Ibid.*, Section 47 (1b).

308 *Ibid.*, Section 60.

309 Germany, Residence Act (*AufenthG*), 30 July 2004, Section 12a (1).

310 Germany, Integration Act (*Integrationsgesetz*), 31 July 2016, Section 5 (3).

311 Germany, information provided by the Federal Government on 21 August 2019.

status holders report that they would have preferred to study, but could not afford it. The experts interviewed confirm that this is a widespread problem, because access to social assistance is related to availability for the labour market.³¹² An education professional notes that students, therefore, prioritise work over education.

“The university offers very nice things, like integration programmes, sample courses, and so on. Only our [asylum holders with secondary school qualification] can’t make use of any of that, because the job centre says: ‘you need to be available for the labour market and you only get primary care if you are available for the job market.’ That’s why you can’t be students, because as soon as you are students, you are not available for the labour market any more. And my evaluation is ... that they are employed far beneath their actual qualifications, because they don’t get the chance – or only to a very limited extent – to find work in an area in which they are trained.” (School director, Austria)

In France, the limited access to social benefits for persons under 25 years of age causes a tendency for young adults to seek employment rather than higher education, according to experts (see also Chapter 4).

“I wanted to continue studying, but now I cannot. Because for a start, if I study, who will feed me?” (Refugee from Mali, female, France)

Conclusions and FRA opinions

As part of their duty under the Qualification Directive to facilitate the integration of international protection beneficiaries into society, Member States should also provide language training. Four of the six EU Member States reviewed have introduced mandatory integration programmes for people granted asylum, which also include language acquisition. In recent years, Austria and Germany have also extended language programmes to asylum applicants with good prospects of acquiring a protection status. An early start to language acquisition facilitates inclusion in society.

Providing persons in need of international protection with access to the labour market, including vocational training, prevents their skills from becoming obsolete. Furthermore, vocational training can help in validating previously acquired skills. This helps them to achieve economic self-reliance, thus promoting integration and helping to fill the shortage of skilled workers in the

EU. Four out of the six EU Member States either do not allow asylum applicants to access vocational training or restrict such access. For many of those who do have access, either as applicants or as status holders, practical obstacles, such as lack of information and financial resources, make such access illusory in practice.

Although many newly arrived international protection beneficiaries would like to enrol in higher education, in practice the pressure to earn money and become economically self-reliant makes this difficult.

FRA opinion 7

As FRA pointed out in 2015 regarding migrants more generally, to improve their participation in the labour market and their overall social integration, EU Member States should provide general and specific job-related language courses free of charge also to asylum applicants. If limitations are implemented, these should only concern those applicants who are very unlikely to stay.

EU Member States should consider granting asylum applicants access to vocational training as early as possible. Access restrictions, if implemented, should only concern those applicants who are very unlikely to stay.

EU Member States should take steps to help asylum applicants and status holders overcome practical obstacles to accessing vocational training. This would mean providing effective counselling, offering opportunities to validate prior skills and creating other incentives that promote broad use of vocational training. In this regard, EU Member States should make full use of EU funds.

In line with Article 28 (2) of the Qualification Directive, which requires Member States to facilitate the appropriate assessment, validation and accreditation of the prior learning of beneficiaries of international protection who cannot provide documentary evidence of their qualifications, EU Member States should increase efforts to improve the efficiency of their procedures to recognise previous educational attainment, including in the absence of documentary evidence. Such procedures should be simple and free of charge.

In order to facilitate access to higher education institutions, EU Member States should consider boosting measures to facilitate linguistic and financial support.

³¹² Austria, Social Assistance Basic Law (*Sozialhilfe-Grundsatzgesetz*), Section 3 (4).



8

Vulnerability to crime



Victims' Rights Directive, Article 18, Right to protection

Without prejudice to the rights of the defence, Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying.

The vulnerability of migrants and refugees to becoming victims of crime is receiving increased attention at the EU and global levels. International political commitments incorporate measures to combat crimes including racism, xenophobia and related forms of intolerance into crime prevention strategies.³¹³ The United Nations General Assembly strongly condemned the continuing incidence of criminal acts against migrants, migrant workers and their families in all regions of the world, including criminal acts of violence motivated by racism, racial discrimination, xenophobia and related intolerance.³¹⁴ At the same time, a dominant discourse in the EU has been to characterise migrants and refugees as potential criminals, which has included linking them with the threat of terrorism.

EU law obliges Member States to take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment in reception centres for asylum applicants.³¹⁵ More generally, the Victims' Rights Directive establishes minimum standards on the rights of, support for and protection of all victims of crimes irrespective of their

residence status, i.e. including asylum applicants and international protection beneficiaries.

This chapter looks at factors that may play a role in whether or not young asylum applicants or beneficiaries of international protection become involved in crime, either as victims or as perpetrators. It builds on the findings of previous chapters. It is based on interviews with some 114 professionals, law enforcement experts (representing law enforcement authorities at the national, regional or local level) and other professionals, such as social workers, teachers or guardians, who had experience of the issue. In addition, five focus group discussions in Vienna, Lower Saxony, Milan, Västra Götaland and Athens also discussed this topic. Some of the professionals interviewed considered themselves insufficiently familiar with issues related to vulnerability to crime, so their views are not included. Where this chapter refers to a specific proportion of experts who, for example, expressed their view on the role of a certain type of crime or a certain risk factor, it means the proportion of those who had knowledge of the specific question. The experiences of asylum applicants and international protection beneficiaries complement what experts said.

A number of professionals interviewed, including law enforcement experts, highlight the risk of drawing generalised conclusions about asylum applicants' and refugees' involvement in crime, either as victims or as perpetrators. They emphasise that both victimisation and becoming a perpetrator are based on a combination of general factors and the individual situation of the person. A law enforcement expert in France described well the need for caution in drawing conclusions:

³¹³ See UN Economic and Social Council (2012), para. 20.

³¹⁴ United Nations General Assembly (2013).

³¹⁵ Reception Conditions Directive, Art. 18.

“One should not make not make hasty conclusions. [...] It’s not because one is poor that one will commit a crime ... A lot of people find themselves in precarious situations, with no access to housing, etc., and will not commit crime. But the contrary also exists, with no jobs and no access to housing, one can speculate that such a person will more easily steal than someone that has a job and a place to live. It seems to be coherent, logic. But nothing is a given, one should not make any type of determinism that this would push you into committing infractions.” (Law enforcement expert, France)

8.1. Vulnerability to victimisation

This first section deals with crimes committed against asylum applicants and international protection beneficiaries. It describes the phenomenon of underreporting victimisation, lists the most typical crimes this group experience and analyses risk factors. It also flags the perception of discriminatory police stops.

8.1.1. Underreporting

FRA’s research in the area of criminal victimisation shows a significant level of underreporting to the police. This holds for victims of violence including, for example, hate crime, as illustrated by the Agency’s research on violence against women³¹⁶ or antisemitism.³¹⁷ The Second European Union Minorities and Discrimination Survey (EU-MIDIS II), which collected the experiences of 25,515 immigrants in all EU Member States, showed that 90 % of victims had not reported to the police or other competent bodies their experience of harassment motivated by hatred, and 72 % of victims had not reported violence motivated by hatred. The most common reason given for not reporting was the conviction that nothing would happen or change if they did report it.³¹⁸

Experts in different fields interviewed in all six EU Member States confirmed that asylum applicants and international protection beneficiaries seldom report crime. The interviewees pointed to specific issues that in their view affect the willingness of victims to report crime. These include lacking information about the criminal justice system (e.g. what actually

³¹⁶ FRA (2014).

³¹⁷ FRA (2018c).

³¹⁸ FRA (2017c), pp. 66-67. Respondents who did not report the most recent incident of hate-motivated violence encountered in the five years before the survey most often indicated that they were not convinced that anything would happen or change if they reported it (41 %). Other common reasons for not reporting included dealing with the problem oneself or with the help of family and friends (21 %) and the perception that the incident was minor and therefore not worth reporting (16 %). Furthermore, 11 % mentioned not trusting the police or being afraid of the police.

constitutes a crime under the national legal system and where to report it) and language barriers, but also insecurity regarding their own residence status and lack of trust in the police. Even if they are staying in the territory legally, many may believe that reporting to the authorities could have a negative impact on them. According to some experts, unwillingness to report may be linked to past negative experience with the police in other countries:

“Actually, it is always the same, foreigners basically have, no matter where they are from, always bad experiences with the police. [...] Foreigner themselves coming to us [...] is very rare.” (Law enforcement expert, Germany)

Reporting to the authorities may be particularly difficult for some groups of victims, such as women and girls who are victims of domestic violence. In such cases, the combination of uncertainty about future legal stay and dependence on the perpetrator may discourage reporting altogether, and lead to further victimisation.

Underreporting affects the reliability of statistics on the actual scope of victimisation:

“it’s hard to have someone coming to one of our teams to publicly report a crime, whether it’s theft or violence; I don’t have enough facts and statistics to answer [because] there is a lack of trust from these people towards the institution.” (Law enforcement expert, Italy)

As a result of underreporting of victimisation, asylum applicants and international protection beneficiaries may be more frequently represented in the statistics as perpetrators than as victims, giving a distorted picture of their involvement in crime, as a law enforcement expert in France indicated:

“We are more able to speak about this group when it is an offender than when it is victim.” (Law enforcement expert, France)

8.1.2. Victims: most common crimes

The experts interviewed were asked to comment on the degrees to which asylum applicants and international protection beneficiaries were, to their knowledge, affected by different types of crime: theft, fraud (particularly fraudulent renting of accommodation), labour exploitation, gang violence, trafficking in human beings, violent crime, sexual and gender-based violence, domestic violence and hate crime. They also had the opportunity to identify other types of crime that they considered particularly relevant. Furthermore, they were asked to indicate which types of crime they believe specifically affect women, if any. In general, experts’ responses show that all types of crime are relevant, although gang violence emerges less frequently. Asylum applicants and international protection beneficiaries (except children) were also

asked to comment on their experiences of victimisation, either directly or indirectly (such as having witnessed or heard about such cases), after they arrived in the EU.

The views of experts and the experiences shared by asylum applicants and international protection beneficiaries converge in some aspects. They both agree that theft and hate crime are common. On other crimes, their views differ. Applicants and status holders more frequently referred to incidents of racism and hate crime, of varying severity. Experts more frequently mentioned the risk of exploitation at work and, particularly for women and girls, becoming a victim of sexual and gender-based violence, including domestic violence, and trafficking in human beings. This divergence can stem from a number of factors. Experts may focus on what they consider to be the most serious forms of crime, whereas asylum applicants and international protection beneficiaries may highlight the more common experiences that have an impact on their daily lives. There may also be a certain degree of unwillingness among asylum applicants and international protection beneficiaries to disclose their most sensitive or traumatic experiences. In addition, for example, some women who are victims of domestic violence might not in fact consider it a crime and, therefore, not report it, some law enforcement experts note.

The following types of crime are listed according to how often experts interviewed consider that they affect asylum applicants and/or international protection beneficiaries.

Labour exploitation

Two thirds of experts interviewed identified labour exploitation as one of the main types of crime against asylum applicants and international protection beneficiaries. In Austria, Greece and Italy, they mentioned it more often than any other type of crime (equal with violence, in Austria). They typically referred to exploitation in the construction, agriculture and hospitality sectors.

Violent crime

Six out of 10 experts mentioned violent crime, such as assault, as relevant, making it the most frequently mentioned type of crime in Austria (together with labour exploitation) and Sweden. Although they usually referred to men as the typical victims, in Germany and Italy experts consider this risk to be more or less equally high for men and women. Some law enforcement experts in Austria, Germany and Sweden highlight that these crimes are mostly perpetrated by other migrants or refugees, possibly from a different background (see also Section 8.2), sometimes fuelled by differences in ethnicity or religion.

Sexual and gender-based violence, including domestic violence

The large majority of experts (and all those who responded to this question in France, Germany and Greece) noted that sexual and gender-based violence (including sexual abuse and rape) is the most common crime that disproportionately affects women. Most law enforcement experts interviewed in all Member States confirmed this. In France, some experts specifically highlighted that this type of crime affects not only women but also men and unaccompanied children, because of the precarious situation in which some of them find themselves. Nearly all experts interviewed in Austria, Germany and Greece consider domestic violence specifically to be a type of crime affecting female asylum applicants as well as international protection beneficiaries, although it is rarely reported.

Trafficking in human beings

About a third of the experts interviewed considered trafficking in human beings, primarily in connection with sexual exploitation and forced prostitution, a particular risk. When asked to identify types of crime affecting women specifically, the majority of the experts across professional groups, particularly in Austria, France and Greece, raised it. In Italy, it is the single most frequently mentioned type of crime affecting women as victims. Professionals in France and Italy made special reference to trafficking networks exploiting women from sub-Saharan Africa who have been recruited either already in the country of origin or upon arrival, for example in first reception centres.

Theft of property

Overall, half of the experts – and the majority of expert respondents in France, Germany, Greece and Sweden – listed theft of personal effects. Together with cash, they referred most often to the theft of mobile phones. In France, theft is the single most frequent type of crime that experts mentioned, some of them stating that it especially affects people living on the street and in squats. It is also the most commonly reported crime that asylum applicants and international protection beneficiaries interviewed in France and Greece mentioned. As an illustration, an Iranian man said his phone had been stolen five times since his arrival in Greece.

Fraud

Almost half of the interviewed experts referred to the risk of becoming a victim of fraud, particularly of fraudulent renting of housing. This may include eliciting money under a false promise of providing accommodation, as well as a range of other practices

such as exploitative rental agreements and breaches of rental law. An expert working with unaccompanied children in a large city in Austria noted:

“Finding an apartment in the city without an employment contract is almost impossible. And then it often ends in a way that they are somehow illegally – without a rental contract – in rooms where they pay several hundred euros for a mattress in a mouldy room, where they share a room with other refugees, which is obviously not legal – but there is quite a black market in the area of housing.” (NGO expert, Austria)

Hate crime

Almost half of the experts interviewed also considered hate crime a particular risk. This included the majority of experts in Austria, Germany and Greece. Asylum applicants and international protection beneficiaries interviewed in Austria, Germany and Italy report hate crime as the most common experience of victimisation. They mostly refer to verbal attacks and insults on the street, although a law enforcement expert in Germany also mentions comments made on social networks, some of which have been prosecuted.³¹⁹ Law enforcement experts in Greece and Sweden emphasise that extreme right-wing groups are implicated in hate crime attacks against migrants, including attacks on accommodation centres or right-wing demonstrations, some of them leading to prosecution for incitement to racial hatred.³²⁰ FRA's regular reporting on the migration situation also describes the involvement

of right-wing groups in attacks on migrants in Austria and Germany.³²¹ Attacks often focus on persons with obvious signs of religious affiliation. For example, all four interviewees who identified themselves as Muslims in Austria reported that they or members of their families have been insulted by members of the local community. Exposure to hate crime may be higher for Muslim women who wear a headscarf, some law enforcement experts in Austria and education and NGO experts in Germany note.

8.1.3. Risk factors

Experts interviewed were asked to identify the main factors that, in their view, make asylum applicants and international protection beneficiaries more vulnerable to becoming victims of crime. They were offered the following list of factors and asked if they agreed that they were relevant: uncertainty about the length of stay; insecure/unsafe housing conditions; inability to attend school or get a job; absence or presence of family members; lack of contact with and integration in everyday life of the host society; and interacting with groups of offenders/potential offenders. In addition, they were asked to identify any other factors that they considered particularly relevant.

Experts noted a combination of external factors as well as factors related to the person, such as age, gender or the individual's mental health state. They emphasised certain gender-specific issues.

319 See for example Germany, District Court Passau (*Amtsgericht Passau*), *Decision No. 4 Ds 32 Js 12766/14* of 28 July 2015.

320 See also Swedish Television (*Sveriges Television*) webpage, '17 persons accused of incitement of racial hatred at Nazi demonstration' (*17 personer misstänks för hets mot folkgrupp efter nazistdemonstration*), 2 March 2018.

321 FRA's regular overviews of migration-related fundamental rights concerns are available online. A thematic issue dedicated to hate crime was issued in November 2016.



Role of gender in victimisation

Experts across all EU Member States indicated that vulnerability to certain crimes differs, to some extent, for women and men. Several important issues seem to emerge in this regard:

- *In criminal statistics, women generally appear as victims less frequently than men do, but this is not necessarily because they are less vulnerable, particularly for certain crimes such as domestic violence and sexual assault. Rather, it is due to a high level of underreporting.*

Women feature less frequently in criminal statistics than men, particularly as perpetrators but also as victims. This is a general trend that also relates to nationals. For example, according to official statistics in Germany covering the whole population, women represented 40 % of victims and 25 % of perpetrators in 2018.³²² Among asylum applicants and international protection beneficiaries, this difference is amplified by the fact that fewer of them are women than men. According to law enforcement experts interviewed in Italy, women represented about one quarter of the asylum applicants and refugees who were victims of crimes reported to the police in 2017. Women frequently arrive with other family members, which reduces their vulnerability to stranger-based crimes, law enforcement experts in most EU Member States explained. However, some crimes that typically affect women and girls, such as domestic violence, are more likely to take place in private and hence are more difficult for authorities to detect.

- *Additional factors may exacerbate women's and girls' vulnerability to victimisation.*

Three specific challenges emerged. First, conditions in reception facilities may make women and girls more vulnerable to victimisation (see Section 3.1). In Greece, for example, experts refer to the high risk of sexual and gender-based violence, including domestic violence, in the hotspots, particularly for those not hosted in safe areas of the camp. Second, dependence on a husband and limited knowledge of the language of the host country may be factors for women from certain countries. Third, previous victimisation is an important vulnerability factor. Women who had been victims of trafficking in human beings are burdened by the traumatic experience but also by a heavy debt that financed their journey to Europe, experts in Italy highlighted. As a result, they might be reluctant or unable to actively seek a way out of their situation, partly for fear of retaliation. Some 90 % out of 300 female asylum applicants who were offered the opportunity refused to be included in anti-trafficking programmes, according to one interviewee.

- *Individual risk factors play an important role in vulnerability to victimisation.*

Although women may be considered more vulnerable to certain types of crime, personal circumstances and factors besides gender affect vulnerability. Experts in France and Greece, for example, refer to the risk of sexual violence and sexual exploitation also affecting boys and young men. Factors such as the person's material situation, level of education, language skills or mental health problems can make a specific individual vulnerable to victimisation regardless of their gender.

Figure 25 illustrates the risk factors for becoming a victim of crime that emerged from the research. These include individual factors as well as external factors, which this report describes in more detail.

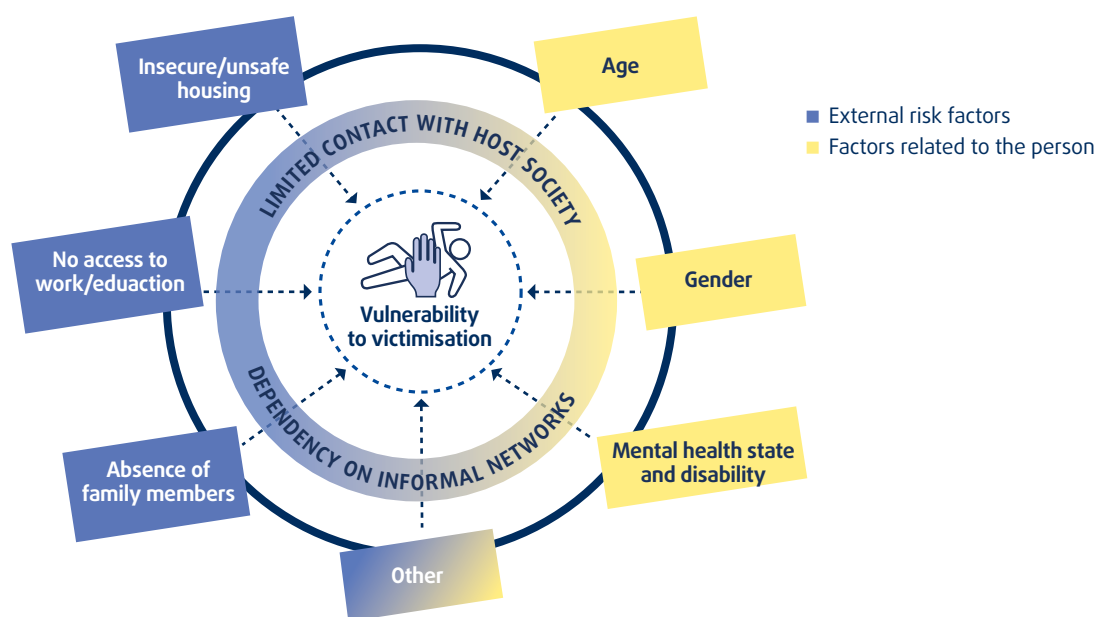
As regards external factors, the majority of interviewed experts identified three key risk factors increasing vulnerability to criminal victimisation:

- unsafe housing
- absence of family members
- lack of access to employment and education.

Experts see the interaction with groups of potential offenders and the lack of contact with the host society as a consequence of these three main factors. Uncertainty about the length of stay and the overall precariousness of the situation emerge as more relevant to the risk of becoming a perpetrator than the risk of becoming a victim.

³²² Germany, Ministry of the Interior (2019), pp. 33 and 34.

Figure 25: Factors increasing the risk of becoming a victim of crime



Source: FRA, 2019

Unsafe housing

Insecure or unsafe housing emerges as a major risk factor for becoming a victim of crime. Nearly all experts, across professional backgrounds, consider it to contribute to the risk of victimisation. A large number of asylum applicants interviewed in the six EU Member States, including the majority of those interviewed in Germany, Greece and Sweden, felt unsafe at first reception.

“They are packed in together with all kinds of cultures and they have very limited space to themselves. From what I can tell, this is a major reason for them becoming victims of crime sooner or later. You become an easy prey, especially when you are as young as 16. This is an important reason for moving them to foster families or move them away from the large asylum accommodation centres. The younger you are and the longer you stay, the greater the risk is of becoming both [a perpetrator and] a victim of crime.” (Law enforcement expert, Sweden)

The list of factors that emerged from the research illustrates the diversity of challenges and the complexity of the issue.³²³

- **Homelessness, overcrowding, limited space and lack of privacy** have been reported by asylum applicants in all six EU Member States as reasons for not feeling safe, particularly in large-scale facilities. They frequently mentioned sharing large rooms with no means of escape in the event of a conflict, and not being able to lock the rooms and bathrooms.

Lack of lighting in camps and reception facilities can increase the risk of exposure to violence.

- **Lack of separation of men, women and children** exposes already vulnerable individuals to significant risks, even if it occurs only as a temporary measure. Lack of safety in the hotspots in Greece,³²⁴ accommodation of children together with adults in hotels during the age assessment procedure in France, and initial placement of children in adult or gender-mixed facilities in Germany are some examples.
- **Exposure to criminal activities in the facilities** has been reported by experts with various professional backgrounds as well as asylum applicants. These activities include violence, sexual abuse, distribution and consumption of drugs, as well as frequent thefts. Some experts in Sweden refer to criminal gangs trying to recruit unaccompanied children while they reside in the accommodation centres that the municipalities provide.
- **Insufficient attention to security issues** affects the actual degree of security in facilities but also undermines the subjective feeling of safety. This may include lack of security staff at night or not intervening in incidents. Gaps in preventative programmes could lead to recruitment directly in reception facilities, experts on trafficking in human beings in Italy noted.
- **Isolated locations of the facilities** may also negatively affect safety at the facility, preventing the police or social services from intervening in a timely

323 See also EASO (2016b).

324 FRA (2019a), pp. 50–54. FRA publishes regular **overviews** of migration-related fundamental rights concerns.

manner, if needed. A law enforcement expert in Norrbotten, Sweden, described having had to drive 200–300 kilometres to an asylum accommodation centre at a remote location in response to a conflict.

- **Transfer to adult facilities upon reaching adulthood** may expose former unaccompanied children to new risks to their safety and security (see Section 3.3). As an illustration, in Sweden, experts reported that criminal groups consider them easy targets to recruit and exploit.
- **Resorting to private housing**, for example upon being granted protection status, may also lead to new vulnerability risks. Experts highlight in particular the risk of falling prey to exploitative rental agreements.
- **Living on the streets** entails a particularly high risk of victimisation. In a large city in Greece, a young woman from the Democratic Republic of the Congo reported a sexually motivated assault when she was sleeping rough in a park:

“In the meantime one night, because I was sleeping in the park, I was attacked and they wanted to rape me. The very next morning I went to the psychologist who had told me to go to her if anything happens to me. She told me that we will find a place and that I should not go back to the park.” (Refugee from Democratic Republic of the Congo, female, Greece)

Promising practice

Establishing refugee contact officers in Austria and Sweden

In Upper Austria, the police initiated the Competence and Situation Centre Migration (*Kompetenz- und Lagezentrum Migration*) in cooperation with NGOs that operated reception centres, and trained 180 police officers to be ‘refugee contact officers’. They regularly visit reception centres, educate the staff on safety awareness and provide asylum seekers with information about the criminal justice system and criminal law and victim protection.* Similar initiatives have been implemented in Vienna and in Västra Götaland in Sweden.

Sources: Interviews with law enforcement experts in Austria and Sweden

Absence of family members

Absence of family members appears to be among the main factors exposing young asylum applicants and international protection beneficiaries to criminal victimisation. A large majority of the professionals interviewed in all six Member States shared this view. In France, lawyers, education experts and law enforcement experts mentioned the combination of isolation from relatives, young age and psychological vulnerability,

particularly when not compensated for by adequate social and educational support. The strongest resilience factor for young persons is strong family bonds, a law enforcement expert in Lower Saxony, Germany, notes.

With respect to asylum applicants arriving as unaccompanied children, professionals in different countries described quite different situations. Experts in France, Greece and Sweden consider their situation particularly precarious. A lawyer working with migrants arriving at the hotspots in Greece highlights the degree of traumatisation and special vulnerability of children who had lost their relatives during the journey to Europe, often at sea. A government representative from a large city in mainland Greece underlines the lack of experience due to age, and the resulting vulnerability to victimisation:

“Children who become adults and grow up alone and have no experience of the world are very susceptible to becoming victims of sexual exploitation, of violence, of fraud, etc. [...] Such incidents have been recorded, described [...] Yes, [the main risk factor] is inexperience and lack of knowledge of the world.” (Government representative working in the integration field, Greece)

At the same time, some Member States offer more support to unaccompanied children than to families, leading some experts to the opinion that the absence of a family could paradoxically protect them from victimisation. For example, in Germany, whereas unaccompanied children will be housed in supervised living facilities and be in close contact with youth welfare authorities, accompanied children will be housed with their parents, who might not receive the support they need in caring for their children. Therefore, several experts emphasise the need to ensure that sufficient support is available to children regardless of whether they are accompanied or not.

“A 15-year-old, if he was lucky, he was unaccompanied. He was accommodated in a nice single bedroom [...] There are six full-time staff positions for 10 children [...] a reference person and cooked food. However, if he was unlucky, he arrived together with his dad and maybe ended up in a shared housing facility. [...] A very different key applies there: in some cases we had only two full-time social workers for 600 residents in one shared facility.” (Government representative working in the integration field, Germany)

Finally, in individual cases, the presence of a family can cause rather than prevent victimisation, some experts note, such as in cases of domestic violence or trafficking in human beings when the perpetrator is a member of the family. Apart from these exceptional cases, the presence of a family remains an important factor in reducing the risk of victimisation.

No employment or education

Lack of access to employment and education opportunities also emerged as a significant factor increasing the risk of becoming a victim of crime. Such lack of opportunities may result from various factors, such as restrictions on accessing the labour market based on the person's legal status, discriminatory employers, insufficient qualifications and more general lack of education and vocational training opportunities (see Chapters 6 and 7). The need of financial resources can be an important factor increasing exposure to exploitation.

Illegal work might be attractive to asylum applicants or persons who have not yet been able to lodge an asylum application, if they are unable to work legally and uncertain about the duration and outcome of the asylum procedure. Experts across different professional categories shared this view, including law enforcement, legal, NGO, housing, education and local government experts, in selected geographical locations researched in Austria, France and Italy. Testimonies of the persons concerned indicate that in such cases, labour exploitation is a common experience:

"[W]hen you work illegally, well, they take advantage [of you]. Sometimes you are not paid, sometimes you are poorly paid, sometimes you are ill-treated ..." (Refugee from Syria, female, France)

Some asylum applicants may feel particularly compelled to find a source of income quickly. A local government expert in Upper Austria refers to the pressure to earn money for the family or to pay smugglers, which leads even those who would have the opportunity to enrol in schools or vocational training to pursue illegal employment or other means of earning money instead. Experts in Italy note the incompatibility between the long waiting time to have an asylum application assessed or a residence permit issued and the obligation to financially support the family in the country of origin. At the same time, some employers are aware of the uncertain administrative status of asylum applicants who might eventually be removed from the territory, and may try to take advantage of it:

"They have been victims of workplace harassment – this is a very common thing because there is a very strong perception among employers that these people [asylum applicants] have a vulnerable legal status and are therefore more susceptible to blackmail." (NGO legal assistant, Italy)

FRA ACTIVITY

Highlighting severe exploitation and abuse of workers

A 2019 FRA report recounts the experiences of workers severely exploited by their employers. Victims interviewed explained how they ended up in exploitative working conditions and the types of exploitation they were subjected to, and illustrated the strategies employers use to keep them. Among the 162 victims, there were 13 asylum applicants and three international protection beneficiaries.



See FRA (2019), *Protecting migrant workers from exploitation in the EU: workers' perspectives*, Publications Office, Luxembourg.

8.1.4. Police stops perceived as discriminatory

Persons with immigrant backgrounds encounter discrimination in daily life situations or perceive police stops to be discriminatory, as FRA's research shows.³²⁵ Perhaps unsurprisingly, law enforcement experts interviewed generally do not consider discrimination during stops to be a common issue. A law enforcement expert in Île-de-France referred to "increased vigilance towards groups of young people". Another in Austria emphasised that such complaints generally come from persons mostly legitimately suspected of drug dealing, and not from asylum applicants and international protection beneficiaries from countries such as Syria or Afghanistan.

In all six EU Member States, at least some of the experts interviewed, typically lawyers, guardians or NGO staff working directly with the target group, have recorded cases in which asylum applicants and international protection beneficiaries experienced what they perceived as unfair treatment by the police or, in Sweden, by private security staff (e.g. in shopping malls).

As an illustration, a lawyer in northern Italy reported that over the previous 12 months he had received almost daily reports about unfair police treatment of asylum applicants and international protection beneficiaries. A lawyer in a large city in Germany estimated that, during the last 12 months, about half of the people whose cases she had been working on had reported that they felt unfairly targeted by the police. In the view of these experts, such cases are mostly not related to the legal

³²⁵ FRA (2017c). See also FRA (2018d).

status of the persons, but result from a general approach to stop-and-search operations based on racial profiling. A guardian working with unaccompanied children in Austria described police behaviour as follows:

"[Police] constantly let them be stopped, searched, [...] empty backpacks, in the wallet – 'you have a [customer] card in your wallet, that can't be your wallet, it's stolen' – and then they always get fines for something, and the fines are coincidentally exactly as high as the amount of money they happen to be carrying with them. That's actually the most common thing I hear about [with regard to victimisation]." (NGO child expert, Austria)

As a coping strategy, an expert working for an NGO in Germany in the field of non-discrimination advises his clients to avoid certain areas and behaviour to avoid excessive stops by the police:

"That's difficult because which other persons would I tell: 'Don't go to the city centre, don't drink, and make sure you stay somewhere where you cannot be screened in public'?" (NGO anti-discrimination expert, Germany)

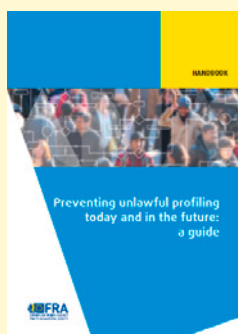
Although some experts working with asylum applicants and international protection beneficiaries in Austria and Germany recognise that the approach of the police has improved in recent years, e.g. in terms of training and enhanced cooperation with stakeholders, the issue remains a common concern.³²⁶

FRA ACTIVITY

Preventing unlawful profiling

Experience of police stops perceived as discriminatory correlates with persons with immigrant backgrounds having a lower level of trust in public authorities, including the police, and a lower sense of belonging to the country of residence, FRA's research shows. Discriminatory ethnic profiling, when a police stop is based solely or mainly on an individual's personal characteristics rather than their behaviour, is unlawful. In 2018, FRA issued the second edition of its guide on preventing unlawful profiling, aimed at assisting law enforcement and border management professionals to conduct their activities in line with the law, without undermining trust in the authorities and stigmatising communities.

For more information, see FRA (2018), [Preventing unlawful profiling today and in the future: a guide](#), Publications Office, Luxembourg.



8.2. Risk of becoming a perpetrator of crime

The number of people who arrived in Europe in 2015 and 2016 has led to discussions of the impact on crime, with refugees and other migrants not only as potential victims but also as perpetrators. Among the general population in October 2017, 55 % of the respondents across EU Member States agreed with a statement that immigrants worsen crime problems in the respondent's country, according to Special Eurobarometer 469. Some 70 % of respondents in Austria, 39 % in France, 64 % in Germany, 70 % in Greece, 75 % in Italy and 61 % in Sweden shared this view.³²⁷

At the same time, official statistics do not show a correlation between the increased arrivals in 2015–16 and the overall rate of crime. Figure 26 shows the relative development in the number of criminal offences and the overall size of the population in each Member State. In none of the six EU Member States do available crime statistics indicate a major departure from long-term trends as a result of the 2015–16 arrivals. In Austria, an increase in 2016 was followed by a decrease in the overall rate of crime in 2017, reaching the lowest level in 10 years.³²⁸ Similarly, in Germany, the number of offences reported in 2017 was the lowest in 25 years.³²⁹ In Sweden, there was a continuous rise in reported crime between 2013 and 2017, similar to the trend from the previous period. The rate of reported crime did not increase after 2015, as it was largely offset by the increase in the country's population.³³⁰ In Italy, the gradual decline in the number of criminal offences during this period was also a continuation of a longer-term trend.³³¹ In Greece, police statistics show an increase in minor offences (misdemeanours) while the rate of major offences (felonies) remained relatively stable.³³² In France, the number of offences covered by the annual statistics fell in 2015, and despite the subsequent increase in some categories of crime it remained below the 2014 level in 2016–17.³³³

It is very difficult to assess the actual proportions of asylum applicants and beneficiaries of international protection who are suspects in or perpetrators of criminal offences, based on available data. Officially reported crime statistics have to be interpreted with caution, given that significant numbers of crimes, such as sexual assault and domestic violence, are not reported.

³²⁷ European Commission (2018c), Question A9.7.

³²⁸ Austria, Federal Criminal Office (2018), p. 8.

³²⁹ Germany, Ministry of the Interior (2018a,b).

³³⁰ Sweden, Swedish National Council for Crime Prevention (n.d.).

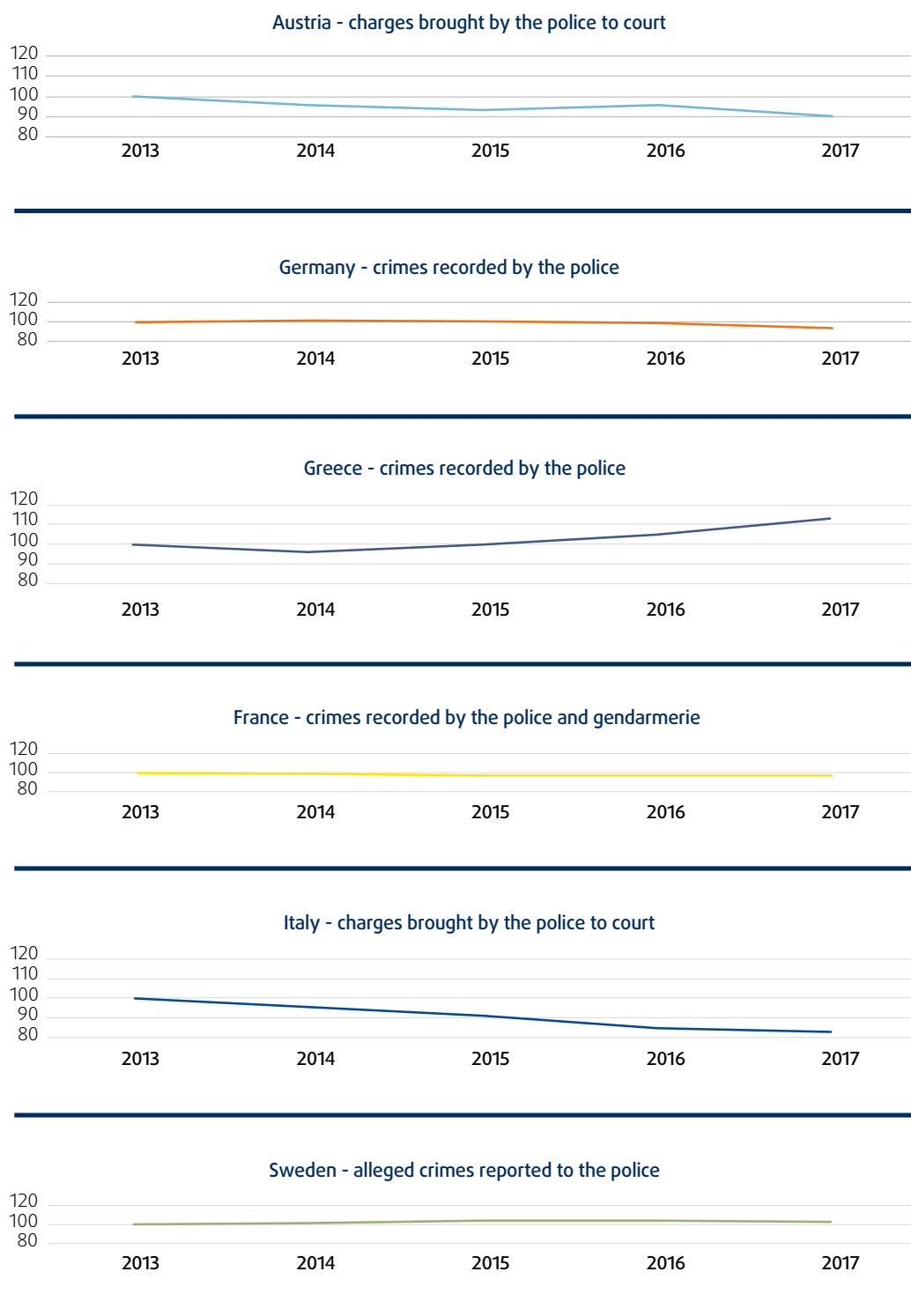
³³¹ Italy, Italian National Institute of Statistics (n.d.).

³³² Greece, Hellenic Statistical Authority (n.d.).

³³³ France, Ministry of the Interior (2018), p. 10; (2017), p. 7.

³²⁶ See also FRA (2018e).

Figure 26: Indexed trends in overall rate of criminal offences, six EU Member States, 2013–2017



Note: The trends have been calculated using available national statistics for 2013–2017 and comparing these with the overall population. The year 2013 corresponds to the value of 100 and subsequent years show the relative change of the rate compared with 2013. The methodology for criminal statistics differs among Member States. In Austria and Italy, only crimes that resulted in a charge being brought to court are included. In Germany, all crimes recorded by the police are included, except specific offences such as those against immigration legislation, traffic offences or specific constitutional offences. In France, the statistics are based on an aggregate of the main categories of crime recorded by the police and the gendarmerie. In Greece, felonies and misdemeanours recorded by the police are included, but not minor offences. In Sweden, all events reported to the police as crimes are included, whether or not they were subsequently established as constituting criminal offences. Therefore, the table allows comparison in one Member State over time but not between individual Member States.

Source: For population, Eurostat, demo_pjan, data extracted on 27 June 2019. For national criminal statistics, see footnotes 328 to 333.

None of the six Member States has publicly available criminal statistics specifically on asylum applicants and international protection beneficiaries. In Austria and Germany, some data referring specifically to asylum applicants and/or international protection beneficiaries are presented in situational reports on crime, but not systematically. In Germany, a broader category of ‘immigrants’ (*Zuwanderer*) is captured by the annual reports of the Federal Criminal Office. This category covers applicants for international protection, resettled refugees, irregular migrants and persons with a tolerated (temporarily non-removable) status. This means that persons who have never applied for international protection, or whose asylum claim has been rejected, are also included. International protection beneficiaries have been covered by these statistics only since 2017.³³⁴ In Austria, situational reports of the Federal Criminal Office look specifically at applicants for international protection but not at international protection beneficiaries. The least information is available in Sweden, where neither the legal status nor the nationality of suspects is recorded.³³⁵

Some EU Member States publish data distinguishing between suspected offenders who are foreigners and their own nationals. These statistics show an increase in the proportion of foreign suspects between 2014 and 2017. For example, in Germany the broader category of ‘immigrants’ among criminal suspects in the field of general crime (i.e. not including organised and politically motivated crime) is reported to have increased from 3.0 % in 2014 to 8.5 % in 2017. At the same time, the overall proportion of all non-German suspects (including also, for example, citizens of other EU Member States, tourists and legal workers from non-Member States) stood significantly higher at 30.4 %.³³⁶ Some law enforcement experts in Italy referred to internal police statistics showing that the number of crimes in which the suspect was an asylum applicant or beneficiary of international protection increased between 2015 and 2017; at the same time, they represent only a small proportion of all crimes committed by non-Italian nationals.

Experiences shared by experts interviewed in individual EU Member States, including those representing national law enforcement authorities, illustrate the complexity of the situation and the difficulty of clearly attributing the developments in crime rates between 2015 and 2017 to the increased presence of asylum applicants or international protection beneficiaries. For example,

³³⁴ Germany, Federal Criminal Office (2018), p. 3.

³³⁵ Between October 2015 and February 2016 only, the police used a special code for reporting cases involving, in any manner, persons seeking international protection, to assist the authorities in planning the deployment of human resources.

³³⁶ Germany, Federal Criminal Office (2018), p. 9.

some law enforcement experts in Austria explicitly say that some asylum applicants and international protection beneficiaries are more ready to resolve conflicts by violent means than the general population, so they are more involved in crime as both perpetrators and victims. Law enforcement experts in Greece note that some asylum applicants and status holders in the hotspots fight among themselves but are not involved in serious crimes:

“There are some criminal behaviours related ... physical integrity (fighting with each other) or attacks on one’s honour and reputation (insulting each other) or other offences such as ... someone who wants to leave and uses a fake document in order to leave” (Law enforcement expert, Greece)

Law enforcement experts interviewed in Germany have varied experiences. A law enforcement expert from a city in Lower Saxony in Germany notes that, while the 40,000 persons who have arrived since 2015 form 20 % of the city’s population, the increase in the crime rate has been marginal. A law enforcement expert working with children in conflict with the law in another city in northern Germany states that the rising number of asylum applicants in the city since 2014 also meant that the police had to start paying increased attention to this group, for example by setting up a special investigation team dealing with unaccompanied children. However, the great majority of unaccompanied children who have arrived in the city are well integrated, this expert notes. At the same time, it has to be acknowledged that, if there were a significant number of young adolescent males in the general population, concentrated in certain areas and with few prospects, the overall crime rate would increase, as established criminology research indicates.³³⁷

Some experts specifically highlight positive experiences. A director of a facility hosting young Germans as well as unaccompanied children pointed out that, compared with their German peers living in the same facilities, they are “well adjusted, ambitious and goal-oriented”. In France, a guardian specified that, of the young people he has supported since 2015, not one has committed even a minor crime:

“frankly they impress me. I have had about, since 2015, we will say about 300 files. They set me the challenge: nothing, zero.” (Guardian, France)

A number of experts interviewed, with varying professional backgrounds, therefore specifically emphasise the risk of drawing conclusions based on the available statistics and the risk of stigmatising the overwhelming majority of asylum applicants and beneficiaries of international protection, who fully

³³⁷ Maguire, M. (1997); UNODC (2019).

respect the legal system of the host countries and do not in any manner become involved in crime.

Finally, various experts in different EU Member States and with diverse professional backgrounds emphasise that, in their experience, it might be difficult to distinguish between victims and perpetrators, and that victimisation may lead to becoming a perpetrator. For example, criminal networks dealing with drugs may approach asylum applicants and international protection beneficiaries because they are vulnerable to exploitation, first supplying them with drugs and subsequently using them as dealers.

“I think this victim-perpetrator thing is lost. I think that a child that gets involved in this [drug dealing] is both victim and perpetrator. When someone, because of the conditions they live in, is dependent on other people, who put pressure on them or blackmail them.” (Guardian, Greece)

8.2.1. Perpetrators: Most common crimes

When asked about their experience of the most common types of crime that asylum applicants and international protection beneficiaries become involved in as perpetrators, law enforcement experts and other professionals most often refer to drug-related offences, theft and violence, mostly within migrant or refugee communities. Involvement in organised crime and gangs is mentioned less frequently, mostly in relation to drug-related offences. This broadly corresponds to criminal statistics regarding types of crime involving non-nationals, where these are available. In Austria, the representation of foreign nationals (without differentiating their nationality or legal status) in 2017 was highest in areas of property crime, violent crime and drug-related crime.³³⁸ In Germany in 2017, more than three quarters of offences in which the suspect was an ‘immigrant’ concerned theft, fraud and other property crime, or violent crime, and the most significant increase over the period of 2014–17 concerned drug-related crimes.³³⁹

In comparison, law enforcement experts mention sexual violence less frequently. For example, sexual violence committed by asylum applicants and international protection beneficiaries does not play as much a role as the media attributes to it, according to law enforcement experts in Austria, and its occurrence has not increased significantly since 2015. The data published by the Austrian Federal Criminal Office show that the increase in the number of offences against sexual integrity in 2016 occurred primarily in the field of harassment, which was newly defined in the Criminal Code with effect from that year. The number of sexual offences

involving physical force, on the other hand, “remained constant and did not indicate a specific offender profile” during 2013–2017.³⁴⁰ Similarly, in Germany, the reclassification of sexual harassment as a sexual offence (“offence against sexual self-determination”) accounted for most of the increase in the rate of involvement of suspects from the ‘immigrant’ category in this area of crime, according to the German Federal Criminal Office.³⁴¹ A high level of gender-based violence is committed by men in the general population against women in the general population, FRA’s survey on violence against women shows.³⁴²

As regards gender, experts interviewed generally speak about men when discussing the risk of becoming a perpetrator. They have limited experience of female perpetrators of crime. According to law enforcement experts in Italy, internal police statistics indicate that women represented only about 6 % of perpetrators with an asylum-seeking or international protection background in 2017.

Drug-related offences

Experts in all EU Member States, except France, mentioned that drug-related offences were one of the most common types of crime in their experience. Depending on the national criminal law provisions, this may entail not only distribution but also possession or use. In Germany, for example, more than half of the drug-related offences with suspects from the ‘immigrant’ category in 2017 related to consumption, mostly of cannabis.³⁴³ Drug-related crime was also noted in Italy, as one of the areas of crime in which the involvement of migrants increased most significantly between 2015 and 2017, according to internal police statistics. Minor drug dealing is often done on behalf of the suppliers, who use asylum applicants and international protection beneficiaries as dealers to reach other members of the migrant community, a law enforcement expert in Milan states. Experts in the two locations in Sweden consider that using and dealing drugs are the most common type of crime by asylum applicants, especially those who have been waiting for their asylum decision for a long time. An NGO expert in Västra Götaland states that this is commonly known to be a problem, and that unaccompanied boys and young men are the main groups at risk of becoming perpetrators.

Drug-related offences are also the only area in which experts from different fields indicate possible

³³⁸ Austria, Federal Criminal Office (2018), p. 21.

³³⁹ Germany, Federal Criminal Office (2018), p. 18.

³⁴⁰ Austria, Federal Criminal Office (2018), p. 16.

³⁴¹ Germany, Federal Criminal Office (2018), pp. 24 and 59.

³⁴² The survey shows that some 31 % of women have experienced one or more acts of physical violence, and 11 % some form of sexual violence, since the age of 15. See FRA (2014).

³⁴³ Germany, Federal Criminal Office (2018), p. 44.



involvement of criminal networks actively approaching asylum applicants and international protection beneficiaries, attempting to recruit them for criminal activities. Some asylum applicants and international protection beneficiaries interviewed confirm that such networks promise young people fast money if they deal drugs, for instance in Austria or Sweden:

“Here [in the city], there are many youths [...] who sell drugs. I cannot imagine that they create the drugs themselves. They are simply exploited.” (Subsidiary protection status holder from Syria, male, Austria)

Asylum applicants and international protection beneficiaries in Greece are more hesitant to discuss these issues, but some also confirm that there are groups actively trying to recruit people whom they consider vulnerable. For example, a respondent from Syria said that she heard about criminal networks that approach refugees in the centre of Athens, especially concerning drugs, and that she avoids visiting this part of the city.

Promising practice

Supporting refugees and migrants with addictions

The Therapy Center for Dependent Individuals (KETHEA) in Athens, Greece, runs a programme aimed specifically at providing information, counselling, psychological support and relapse prevention services to immigrants and refugees with addictions. This can also have a crime prevention effect. The KETHEA Mosaic programme also provides psychological support and other preventative activities for children, to reduce the factors that lead to addiction and impede social integration. Experts also train professionals working with migrants. In cooperation with the International Organization for Migration, the programme runs intervention and prevention programmes in reception facilities.

Source: Kethea website

Theft

Experts in several EU Member States mentioned that, in their experience, theft is a relevant type of crime that may involve asylum applicants and international protection beneficiaries. In France, experts mentioned it as the most common crime. There, guardians and lawyers often referred to “survival theft” in response to the precarious living conditions, in particular the lack of accommodation and basic financial resources. A lawyer in Lille even referred to unaccompanied children without accommodation who commit small offences on purpose, such as breaking a window of a car in front of a police patrol, so that they will be referred to child protection

authorities. A law enforcement expert in the same city referred to persons who intend to move further to the United Kingdom and do not have money to pay to smugglers, or simply lack the resources to survive in the city:

“At some point necessity knows no law, so they will steal a mobile phone, a wallet, break into a car but they know it’s illegal.” (Law enforcement expert, France)

In Sweden, several professionals participating in a local focus group in Västra Götaland referred to thefts being largely a temporary phenomenon in late 2015/early 2016, when many migrants who had arrived in Sweden did not have money to afford clothes.

Violent crime

Incidents of violence, although experts in most EU Member States mention them, are mostly limited to resolving conflicts between different national groups. Different professionals participating in a local focus group in Västra Götaland, Sweden, maintain that such incidents seldom affect the local population or other unrelated migrants. This is also the case in Austria, where law enforcement experts in Vienna and Upper Austria refer to a higher readiness of some groups of asylum applicants and international protection beneficiaries to resolve conflicts between themselves by violent means. Intra-family violence may play an important role too, FRA’s data on violence against women among the general population would suggest.³⁴⁴

In Italy, a law enforcement expert in Milan mentions conflicts between different groups in reception facilities as well as – less frequently – clashes among street vendors over control of the market (of various goods/items, including souvenirs and counterfeit goods) in different parts of the city. Fights among groups of migrants over control of territory also emerged in Île-de-France. In Greece, law enforcement experts at the national level likewise describe clashes between different nationality groups as the most common form of violent crime.³⁴⁵

8.2.2. Risk factors

Similarly to victimisation, experts interviewed were asked to identify the main factors that, in their view, can make asylum applicants and international

³⁴⁴ Since the age of 15, one woman in five (22 %) who is or has been involved in a relationship with a partner has experienced physical and/or sexual intimate partner violence. Equally, one in five women (22 %) has experienced this type of violence from somebody other than an intimate partner, for example a stranger, acquaintance, relative, boss or colleague. In 30 % of the cases, this person was a relative or a family member other than a partner. See FRA (2014).

³⁴⁵ See also FRA (2016), pp. 40-45; FRA (2019a), pp. 50-54.

protection beneficiaries more vulnerable to becoming perpetrators of crime. They were offered the same list of factors as those relating to victimisation (see Section 8.1.3).

Experts stressed the risk of drawing generalised conclusions. They emphasised that becoming a perpetrator is based on a combination of general factors and the individual situation of the person, such as age or gender. Mental health issues or a trauma can manifest itself in numerous ways, including through violent behaviour, as some housing experts mentioned. It can also make a person more susceptible to resorting to drugs and becoming potentially vulnerable to being recruited for drug dealing.

Many experts highlight the strong interconnectedness and the cumulative effect of different factors. For example, experts working on housing issues and with unaccompanied children in Lower Saxony, Germany, refer to a chain of factors that may gradually reduce the person's integration prospects. A lack of access to education or private housing, an insecure or overcrowded housing situation, lengthy asylum procedures or uncertainty regarding the residence status can result in frustration and a perceived lack of prospects, which could eventually lead some individuals to become involved in crime. Any factor that makes life uncertain increases the risk of becoming a perpetrator of crime, says a law enforcement expert in Västra Götaland, Sweden.

Therefore, the risk factors analysed in this section may favour a possible involvement in crime but there is no causal link. The actual risk will depend on the individual in question and cannot be generalised, as a law enforcement expert in Germany illustrates well:

“This is why we always need to consider the individual case. It is never possible to generalise, or to say, ‘if it is like this in one case, then it is the same in another case’. Everybody is very different, so it is really difficult to tell. [...] Moreover, as concerns the pedagogical measures, they have to be adapted to the individual case every single time. And for this reason it is very difficult to say, ‘if it wasn't for this, then it is always like this’. You cannot tell.” (Law enforcement expert, Germany)

This section describes the external factors in more detail. Experts interviewed confirmed that the three main factors that make people vulnerable to victimisation are also relevant to the risk of becoming a perpetrator, and they add a fourth one:

- the lack of access to employment and education
- unsafe housing
- the absence of family members

- the overall precariousness and uncertainty about the prospect and length of stay.

Limited contact with the host society and contact with potential offenders also emerge as important factors but, as with the risk of victimisation, the interviewees see them rather as the logical consequence of other factors.

Unemployment or precarious employment and difficulties in integrating into the education system

All the experts interviewed in Austria and Italy, with different backgrounds, and a large majority in Germany, Greece and Sweden, consider unemployment or precarious employment an important risk factor. All experts in Sweden and the majority in all the other EU Member States say the same of education. Lack of access to employment or education may have a particular impact if it occurs in combination with other destabilising factors, such as poor or uncertain prospects of further stay, which may contribute to the feeling of insecurity. By providing contact with the local population, employment and schooling also serve as a natural integration driver. Law enforcement experts in Greece highlight the role of education in this regard, which also helps people from different cultures understand the norms of the host society. Law enforcement experts in Italy emphasise the same role for employment:

“[The] best way [...] of integration is with employment; but they do not always find it [employment], it is not possible [...] Who has a job is better integrated.” (Law enforcement expert, Italy)

Access to employment plays a role in the sometimes precarious economic situation of asylum applicants and international protection beneficiaries. Social welfare professionals in Vienna highlighted that asylum applicants and international protection beneficiaries are at greater risk of poverty, arguing that this may be a central factor for crime. Pressure to send money to relatives in the country of origin, to pay money owed to smugglers or to be able to pay official fees may also put a severe economic as well as psychological strain on young people. The long waiting time contrasts with their expectation of sending money back home, according to a healthcare professional working with young people in northern Italy. In some cases, a perceived lack of self-sufficiency might lead young people to resort to other means of meeting their financial expectations.



Promising practice

Organising cross-departmental case conferences

Law enforcement experts in Bremen, **Germany** highlighted the practice of organising cross-departmental meetings on cases of children in conflict with the law, to consider at an early stage whether or not to provide tailored support measures. Such measures are usually pedagogical, but may also, depending on the case, involve change of accommodation or drug rehabilitation. The conferences bring together the case manager, youth welfare authority, police and, where appropriate, teachers or migration authorities.

Source: Law enforcement authority, Bremen, Germany

Such pressure can make young people more vulnerable if approached by criminal networks with promises of easy money, a scenario that a variety of experts in Greece mentioned. In Austria, a local government expert working with asylum applicants confirmed this, as did several asylum applicants and international protection beneficiaries interviewed. For example:

“That’s a discrepancy, because in support we say ‘first he should take up vocational training or education and learn German’, but there he doesn’t earn money. Now he has pressure from the family and there are cases of those who feel obliged to get into drug trafficking so that they can fulfil their responsibilities to the family. Those are cases that we have again and again. Often there are also cases where the traffickers come and say ‘all right, [you still owe me] a few thousand dollars’, and then even more pressure is exercised.” (Government representative working in the integration field, Austria)

Vulnerability increases significantly if a person has no access to employment on reaching the age of 18 and leaving the child protection system. Education and social work experts working with unaccompanied children in Lower Saxony confirm that this is a critical period. Lacking language skills or adequate prior education can make it very difficult for some young people to find vocational training or employment and support themselves. This can entail significant frustration, which can also culminate in outbursts of violence and other criminal behaviour. The loss of a support structure may also make it difficult to disentangle oneself from a criminal environment. A Somali beneficiary of international protection who arrived in Italy as an unaccompanied child reports the experience of a friend who was recruited to deal drugs during this period:

“I have this friend. We used to live together in [a reception centre for unaccompanied children in Milan]. He turned 18 and he didn’t have anything. He wanted to eat, he wasn’t working... If somebody says to you, ‘I’ll give you money, come here and do this’, it’s easy, and it’s what you need. He worked with them and then the police stopped him and now he’s in prison for drug dealing. My teacher told me to be careful with these people and I didn’t know this before, I didn’t know there were these people who give you money, you deal drugs and then it’s impossible to leave that [world].” (Subsidiary protection status holder from Somalia, male, Italy)

The role of employment and schooling extends beyond a source of income and economic perspective. Experts also emphasise their importance in providing a daily structure and a meaningful activity, which they see as being of particular importance at a young age, and as a source of self-esteem and sense of belonging. In Austria, respondents with different areas of expertise from both Vienna and Upper Austria stress that an unstructured life makes young people more likely to come into contact with persons who put them at risk. Joining gangs may be a way of compensating for lacking self-esteem, as an NGO expert in the field of integration in Upper Austria describes. In France, law enforcement experts in Lille and Île-de-France also mention prolonged periods of inactivity as a risk factor, adding that they can also lead to consuming alcohol and drugs, and developing criminal behaviour that asylum applicants and international protection beneficiaries would not develop if they had jobs. A guardianship expert in Sweden considers education the most important factor preventing young people from becoming involved in criminal behaviour:

“The most relevant factor that put the target group at risk of becoming involved in crime is if you for different reasons don’t get them to attend school. If you don’t get them to attend and they continue to be absent and meet others who don’t go to school, they will soon be up to something. I have had a couple of boys who have been stealing and doing drugs and so on, and one is now drifting somewhere in the south of Sweden. So, if you can’t catch them from the start and get them into the school system, there is a really great risk that they will get into strange activities.” (Guardian, Sweden)

Insecure or unsafe housing

All the experts interviewed in France, a large majority of professionals across different fields of expertise (including law enforcement experts) interviewed in Greece and Sweden, and several experts in other EU Member States consider insecure or unsafe housing an important risk factor. Staying in large or geographically isolated reception facilities may lead to marginalisation, preventing people from integrating into the host society or learning the local language, said law enforcement experts at the national level in Italy and in Norrbotten in Sweden. Avoiding concentrating asylum applicants in

large reception facilities, and instead ensuring that they are dispersed in smaller accommodation facilities that are not isolated from the local society, is an important crime prevention mechanism, some law enforcement experts in Greece and Italy argued.

Lack of personal space and forced cohabitation of people with different cultures increase the likelihood of conflicts, including violent conflicts, between residents. Any form of shared accommodation generally increases the risk of access to drugs, as law enforcement and housing experts in different cities in Germany suggest. Lack of personal space in any type of housing (including private accommodation) may contribute to the exposure to a criminal environment, adds an expert on housing issues in Sweden:

“In this neighbourhood there are big families and they have too small flats, so the youths don’t get peace and quiet to study because they have many younger siblings. They cannot be at home – it’s too crowded – so they hang around the street corners and in the stairwells. Then they form gangs and it’s easy for criminals to recruit them.”
(Housing authority expert, Sweden)

Living on the streets heightens the risk. A law enforcement expert in Milan, Italy, cites examples of children who were apprehended by the police in the streets for petty theft or drug dealing and referred to social services for placement in child facilities, but who were soon afterwards found on the streets again, presumably because no place was available for them. This exposes children who are already vulnerable to a higher risk of becoming victims or perpetrators. Housing, education and guardianship experts in Germany working with unaccompanied children highlighted the negative experiences of penalising children by expelling or transferring them from housing facilities as soon as they become involved in problem activities, such as drug consumption or crime. This may lead to a spiral of loss of prospects, more criminal behaviour and homelessness. Instead, in these experts’ view, the system should ensure that those who are at risk receive more attention.

Overcrowded first reception facilities or camps, where basic needs are not catered for, may expose a young person to contact with potential offenders and lead to their adopting errant behaviour, as national law enforcement experts in Greece noted. A lawyer in one of the Greek hotspots mentioned examples of children whose personality and behaviour changed to adapt to the environment, and who eventually became involved in criminal activities, such as drug dealing. The high risk of criminal victimisation of young people staying in the hotspots goes hand in hand with the risk of their becoming perpetrators themselves, a guardianship expert stressed. The conditions in such facilities can also be a major factor in a decision to abscond, leading

subsequently to homelessness and potentially driving the person into criminal behaviour.

A law enforcement expert in Lille (Hauts-de-France) recounted a positive experience that may illustrate the positive impact of improved housing conditions. When migrants from dismantled camps were placed in basic hotel accommodation, police patrols were deployed to deal with possible incidents. However, no cases of violence, vandalism or other criminal activities occurred.

Transition from the reception system to individual housing may be a period of heightened risk. An NGO expert in Italy reported that not every person is able to find housing once granted protection, which leads to a growing phenomenon of refugees living in informal settlements, where the exposure to the risk of joining criminal gangs is higher.

“For a period of time asylum applicants are somehow protected, because they’ve got a place to stay [in the reception system], but then this ends and that’s where the big problem lies. They are accorded a form of protection, and then they have to leave these centres. They can’t find a job, because for various reasons [it’s not easy], so they can’t rent a small apartment or something [...]. Then they end up in abandoned areas, in which there are ethnic-based groups, but also groups ... I wouldn’t know whether to call them criminal, or tending to criminal activities, they dominate the situation and they start imposing rules.”
(NGO child expert and psychologist, Italy)

Specifically in relation to unaccompanied children, transition to adulthood is critical. Transfers of persons who turn 18 (or whose age is re-registered as 18) to large asylum accommodation centres for adults are among the most important factors increasing the risk of becoming a perpetrator of crime, second only to not being granted asylum, according to a law enforcement expert in Västra Götaland.

Absence of family members

The presence of family members is an important factor providing stability and protection, particularly for young people. The majority of experts in all EU Member States, including nearly all of the interviewed experts from different backgrounds in Austria, France and Greece, believe that the absence of family members increases the risk of becoming a perpetrator of crime.

Law enforcement experts in France and Germany referred to the importance of a family as a strong resilience factor that protects and helps steer a young person. A social welfare authority expert in Vienna expressed the same view. For example, a law enforcement expert in Germany noted:



“The presence of family members plays a big role for this group, but mostly the family is absent. Those who come with family are always less of a problem than those without family.” (Law enforcement expert, Germany)

The situation of those who arrived as unaccompanied children is specific. On the one hand, experts refer to their special vulnerability. The precarious situation of a young, unaccompanied person makes it natural to seek a group, even if it is a criminal one, a law enforcement expert in France argues.

“Someone who is necessarily marginalised will latch on to a specific group to belong to, so either an ethnic group or a criminal group ... ultimately they try any means to latch on to a group.” (Law enforcement expert, France)

Age is seen an important factor in this context. The younger an unaccompanied person is, the higher the vulnerability, according to law enforcement experts in France. Law enforcement and education experts in Bremen and Lower Saxony added other risk factors, such as the inability to speak the language and lack of knowledge of the law.

In France, a 2016 decree on the reception and conditions of assessment of the situation of children temporarily or permanently deprived of the protection of their family covers all children regardless of their nationality. It requires the competent authorities to pay particular attention to the risk of the influence of criminal networks on the young person assessed.³⁴⁶ According to some guardianship experts, this specific provision has raised the awareness of social workers of this risk, and such situations can be identified more systematically.

On the other hand, the benefits of comprehensive services and strong protective frameworks for unaccompanied children, including social workers and youth welfare authorities, emerged from Austria, Germany and Italy. An NGO representative working with unaccompanied children in Upper Austria, for example, stated that the involvement of these authorities can help avoid some of the risks common among teenagers living with their families, such as falling into a debt spiral due to trying to purchase expensive status symbols, and prevent them from getting involved in criminal activities.

Uncertainty about the prospect of stay

Uncertainty about the prospect of stay increases the risk of becoming a perpetrator of crime, the majority of

experts in all EU Member States agree. Law enforcement experts in France, for example, conclude that the sooner a person is aware of their legal situation the better. Experts working with unaccompanied children in Upper Austria noted the negative impact of the asylum procedure being lengthy. Law enforcement experts in Greece referred to the risks of prolonged stay in camps and on the islands, which in their experience leads to psychological problems and may build up aggression.

“The waiting time in the hotspots creates tension, in general. When they are not sure, when there is no precise information about when they will leave, or sometimes in order to cause their removal from the area, they manifest intense, violent behaviour mainly directed towards the place itself, namely by destroying the infrastructure of the hotspots and camps; this frustration is also directed towards different nationalities or towards any different group in the area.” (Law enforcement expert, Greece)

Various types of decisions may have an impact if people perceive them as negatively affecting their prospect of stay, even if they do not mean the final rejection of the asylum claim. Uncertain legal status and length of stay may make unaccompanied children particularly vulnerable. An NGO expert in Sweden speaks of criminal gangs specifically targeting young asylum applicants as well as those who have had their asylum claim rejected or are undocumented:

“These gangs are recruiting these guys because they [the gangs] know that, if you are an asylum applicant or if you are undocumented, then it’s like you have zero rights. You are invisible, so they can use you to whatever they want. So, you have to [do] the dirty work, as they say, and risk getting into real trouble.” (NGO housing and child expert, Sweden)

The moment of transition to adulthood may be particularly critical if it changes the person’s legal situation significantly. Reaching the age of 18 may be among factors that motivate unaccompanied children to abscond, to avoid the risk of having their asylum application rejected and being deported, according to various experts in different locations in Italy. For those who have relatives in other EU Member States, this might act as a trigger to decide to continue their journey. If they abscond, they can no longer access social support, which might make them more prone to try to obtain financial resources by crime, as well as exposing them to criminal victimisation. A legal expert in Sweden mentioned how a negative result of the age assessment procedure can trigger a chain reaction:

³⁴⁶ France, Decree No. 2016-840 on the reception and conditions of assessment of the situation of minors temporarily or permanently deprived of the protection of their family (*Décret n° 2016-840 pris en application de l’article L. 221-2-2 du code de l’action sociale et des familles et relatif à l’accueil et aux conditions d’évaluation de la situation des mineurs privés temporairement ou définitivement de la protection de leur famille*), 24 June 2016.

“I also note that many who receive negative decisions on their age assessments [i.e. are re-registered as adults] noticeably often get negative decisions in their asylum cases. It’s not unusual that they disappear. It’s not unusual that they wind up in criminality, either as victims or that they actually commit crimes of different kinds, primarily acts of violence. It’s mainly this part of the target group, the ones who’ve got a feeling that ‘this is really about to go to rack and ruin. I will probably not be allowed to stay’. It’s my experience, given the clients that I’ve had, that many are at risk in this way.” (Legal expert, Sweden)

8.2.3. Violent extremism

Besides involvement in crime more broadly, one of the specific issues debated in the media and at a policy and political level relates to the alleged vulnerability of some asylum applicants and international protection beneficiaries to becoming radicalised and recruited to violence. For example, the European Commission’s High Level Expert Group on Radicalisation stated that among “individuals migrating to the EU territory” some may be “particularly vulnerable to radicalisation and be possible targets of recruitment”.³⁴⁷ According to a survey conducted in 10 European countries in spring 2018 (including all EU Member States covered by this research with the exception of Austria), 57 % of respondents believe that immigrants increase the risk of terrorism, while 38 % disagree.³⁴⁸

In this context, interviewees were asked about their experience of extremist networks approaching members of the target population to recruit and/or radicalise them. The scope of this research and the professional background of the respondents do not allow an exhaustive assessment of this issue, but the responses offer a picture based on the experience of professionals in diverse fields who work closely with asylum applicants and international protection beneficiaries.

The issue of radicalisation and violent extremism is considered a priority and closely monitored, law enforcement experts in all six Member States confirmed. Despite this attention, cases of asylum applicants and international protection beneficiaries being approached by extremist networks or becoming radicalised are relatively rarely encountered in practice. In one German city, attempts by members of extremist networks to access refugee facilities have been detected in the past, in rare cases. In another city in Germany, a law enforcement expert noted that they deployed a specialised officer but have not detected any such cases so far. A law enforcement expert in a third German city mentions that all the cases so far referred

by the unit to the responsible office as suspicious turned out to be simply “stupid jokes” and no individuals in question could be classified as even starting to show symptoms of radicalisation. A law enforcement expert in Austria indicated that known recruitment efforts are centred around certain places of worship, rather than accommodation facilities.

An expert working specifically in the field of prevention of radicalisation in Germany referred to cases of extremists particularly trying to target people whose actual integration prospects do not match their expectations and who perceive that they lack long-term prospects. Such groups then offer an alternative perspective and community to integrate into. This underlines the need for the state to support integration proactively:

“Well, to put it simply, one can say that, wherever the state pulls back from particular fields of competence, [religious extremists] enter and take over these tasks.” (Law enforcement expert, Germany)

In Greece, the situation in the hotspots is monitored particularly closely, in collaboration with Frontex and Europol, law enforcement experts stated. According to them, no link between terrorism and migration has been detected so far, such as cases of migrants being recruited in a hotspot to join an extremist network.

“We haven’t seen at the moment any particular link [between extremism and migration] ... It is still being examined if there is such a trend but there is no evidence or statistical data supporting this.” (Law enforcement expert, Greece)

In Sweden, although extremist networks in the region have aimed some recruitment efforts at asylum applicants and international protection beneficiaries, radicalisation is rather considered to affect persons who have lived in Sweden for a long time or who were born and raised in the country, a law enforcement expert states. A recent study confirms this.³⁴⁹ A law enforcement expert in Italy also emphasises that, although radicalisation certainly is an important issue, it is not specifically linked to asylum applicants and beneficiaries of international protection:

“the fact of being an asylum applicant isn’t in any way related to a phenomenon of extremism or radicalisation; these two elements aren’t linked in any way whatsoever.” (Law enforcement expert, Italy)

Experts from different professional backgrounds in several EU Member States who are familiar with the issue actually presume that asylum applicants and international protection beneficiaries would often be particularly resistant to recruitment by such networks, given that many of them left their countries of origin in order to flee from these networks.

³⁴⁷ European Commission, High-Level Commission Expert Group on Radicalisation (2018), p. 10. For an overview of EU activities aiming specifically to address radicalisation of children and young people, see FRA (2018f), pp. 186–188.

³⁴⁸ Pew Research Center (2019).

³⁴⁹ Gustafsson, L. and Ranstorp, M. (2017).



For example, a guardian interviewed in Austria is aware of several cases in which such networks tried to recruit child asylum applicants at the facilities, but the children immediately informed the staff, who then reported the incidents to the relevant authorities. The guardian emphasises that the presence of social workers is clearly beneficial for unaccompanied children in this regard, but adds that young people's resistance may be adversely influenced by negative experiences on the labour market, lack of participation in education or unstable family situations. A guardian in Greece refers to the case of a child who escaped recruitment in Syria and was then again approached by an extremist group in one of the camps on the Greek islands. After sharing this information with the guardian, the child was moved out of the camp to the mainland within two hours. In Germany, a law enforcement expert explains that, since many Syrians fled from the Islamic State, it would be "absurd" if they were willing to be recruited by the same organisation in Germany.

Conclusions and FRA opinions

Involvement in crime, as either a victim or a perpetrator, is based on a complex combination of interconnected, often highly individual, factors. This underlines the need to avoid drawing generalised conclusions about factors that may affect the involvement of asylum applicants and international protection beneficiaries in crime. Furthermore, whereas the public and policy discussions largely focus on the risk of this group's involvement in crime as perpetrators, the findings of this research indicate the need to pay at least equal attention to the risk of their victimisation.

Factors fostering successful and rapid integration also play a considerable role in preventing crime. Insecure or unsafe housing, lacking access to employment and education, and the absence of family members may, together with individual factors, such as those related to age, mental health or gender, make young people more prone to becoming victims of violence, labour exploitation, theft, fraud or hate crime. Women and girls in particular may be affected by sexual and gender-based violence. Not all asylum applicants and international protection beneficiaries feel that the police treat them fairly. Underreporting appears to be

widespread, especially for those types of crime that particularly affect women.

The factors that expose new arrivals to victimisation, together with the protracted uncertainty of the outcome of the proceedings, contribute to an overall sense of precariousness and a lack of prospects. This hampers effective integration and makes persons more likely to become dependent on informal networks, sometimes of a criminal nature. They may enter a cycle of exploitation and crime, blurring the line between victim and perpetrator. EU Member States take very seriously the risk of new arrivals being approached by extremist and radicalised networks, but instances are rather rare. Moreover, some experts conclude that people who have experienced extremism in conflict zones, may be particularly resilient to radical ideologies.

Proactive policies can help address these risk factors at an early stage by making people's legal status and social condition less precarious, by providing them from the outset with access to core services, safe housing, employment, education opportunities and support from relevant professionals.

FRA opinion 8

EU Member States should ensure that support of relevant professionals, including social workers, guardians and youth welfare authorities, but also teachers and staff of reception facilities, is available to young asylum applicants and beneficiaries of international protection. Such support may play a key role in addressing risk factors that make them vulnerable to crime.

To give effect to their rights under Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, EU Member States should take effective measures to facilitate reporting of crime by asylum applicants and international protection beneficiaries who have been victims of crime. Such measures should address the specific obstacles that may discourage these persons from reporting crimes committed against them.

EU Member States should raise awareness among police forces of the standards applicable to police stops and the damaging effect of discriminatory profiling practices on community relations and trust in law enforcement.

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HELPING TO MAKE FUNDAMENTAL RIGHTS A REALITY FOR EVERYONE IN THE EUROPEAN UNION

Over 2.5 million people applied for international protection in the 28 EU Member States in 2015 and 2016. Many of those who were granted some form of protection are young people, who are likely to stay and settle in the EU. The EU Agency for Fundamental Rights interviewed some of them, as well as professionals working with them in 15 locations across six EU Member States: Austria, France, Germany, Greece, Italy and Sweden. This report presents the result of FRA's fieldwork research, focusing on young people between the ages of 16 and 24.



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