

**POSITION ON**

**THE INTEGRATION OF REFUGEES**

**IN EUROPE**

EUROPEAN COUNCIL ON REFUGEES  
& EXILES

**ECRE**

December 2002

The European Council on Refugees and Exiles (ECRE) is an umbrella organisation for co-operation between European non-governmental organisations concerned with refugees.

ECRE campaigns on behalf of its pan-European membership for humane and fair asylum policies. It also works towards establishing the highest standards of refugee protection and assistance in Europe, and to promote these good practices. ECRE is concerned with the needs of individuals who seek protection in Europe and contributes to the development of a comprehensive response to the global refugee problem.

ECRE is a growing network, which has currently 73 member agencies in 30 countries. The work of ECRE is co-ordinated by the ECRE Secretariat, which is based in London. ECRE also maintains an office in Brussels, which is responsible for its activities vis-à-vis the institutions of the European Union.

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This Policy Paper was produced by ECRE in order to provide individual organisations participating in the European Council on Refugees and Exiles with guidance for action taking account of local circumstances. While it draws upon a wide consensus, it does not therefore, claim to represent the views of each participating organisation in all specifics.



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## ECRE KEY CONCLUSIONS ON THE INTEGRATION OF REFUGEES IN EUROPE

### *A Definition of Integration*

1. ECRE considers integration to be a process of change that is:
  - a) *dynamic and two-way*: it places demands on both receiving societies and the individuals and/or the communities concerned. From a refugee perspective, integration requires a preparedness to adapt to the lifestyle of the host society without having to lose one's own cultural identity. From the point of view of the host society, it requires a willingness to adapt public institutions to changes in the population profile, accept refugees as part of the national community, and take action to facilitate access to resources and decision-making processes.
  - b) *long term*: from a psychological perspective, it often starts at the time of arrival in the country of final destination and is concluded when a refugee becomes an *active* member of that society from a legal, social, economic, educational and cultural perspective.
  - c) *multi-dimensional*: it relates both to the conditions for and actual participation in all aspects of the economic, social, cultural, civil and political life of the country of durable asylum as well as to refugees' own perception of acceptance by and membership in the host society.
2. ECRE recommends that the objective of integration programmes and policies is the establishment of a mutual and responsible relationship between refugees and their communities, civil society and host states. This should encourage self-determination and sustainable self-sufficiency for refugees while at the same time promoting positive action in the public and government domain.
3. ECRE acknowledges that refugee integration is closely related to the phase of reception and the quality and length of the asylum determination procedure. It recommends that the phase of reception be recognised as an integral part of the integration process of refugees, given the potential impact of the reception phase on the process of integration of those eventually granted leave to settle in a European country.

### *The Legal and Political Context*

4. ECRE proposes that European states should adopt a *full and inclusive* interpretation of the refugee definition in the 1951 Convention and its Protocol, and refrain from granting a lesser status to persons fulfilling the criteria of the Convention.
5. It recommends that any socio-economic rights accruing to people with full refugee status should be granted to all persons afforded complementary protection. Within the context of the Amsterdam Treaty, and the conclusions of the Tampere summit, it proposes that the European Union agrees upon provisions that fully comply with the rights of persons with complementary forms of protection on the basis of international and Council of Europe legal instruments, human rights law standards and best practice. Although some progress has been made towards the development of a Common European Asylum System that creates favourable conditions for the integration of refugees, it is disappointing that the Directive laying down minimum standards in reception of asylum seekers<sup>1</sup> allows for a high degree of national discretion in the implementation of its provisions. ECRE is also concerned that the proposed Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees<sup>2</sup> does not suggest equal rights for those with Convention status and those with complementary protection status.

### *Citizenship and Freedom of Movement*

6. ECRE considers citizenship to be a key policy instrument for facilitating integration and acknowledging full refugee membership in the society of durable asylum. It proposes that European governments give consideration to Article 34 of the Convention Relating to the Status of Refugees and the Council of Europe's Recommendation 564 (1969) on the Acquisition by Refugees of the Nationality of Their Country of Residence and facilitate refugee naturalisation. Education on citizenship and social responsibility should form part of the integration programme.
7. ECRE recommends that the European Union undertakes to guarantee freedom of movement

and equality of treatment in parity with nationals of EU countries to persons whose Convention or complementary protection status has been recognised by an EU Member State. Throughout Europe, individual states should ensure that they adopt measures to facilitate travel for refugees residing in their territory.

### ***Key Principles of Refugee Integration***

8. The development of an inclusive and welcoming society is a key prerequisite to the successful integration of refugees. Governments and decision-makers should provide political leadership and set the tone in public debate on non-discrimination and equal opportunities. In particular, governments should identify and counteract the promotion of misinformation that is intended to incite fear and mistrust of refugees.
9. Social cohesion is best served by an inclusive and welcoming approach to cultural diversity, which emphasises shared values (including a commitment to human rights) and allows individuals to confidently develop their personal identity in the host country based on their experience of two cultures. From an integration perspective, services that both refugees and host community can access together are particularly valuable.
10. ECRE emphasises the importance of close links and multi-sector alliances of social actors involved in refugee issues. Such alliances should seek the involvement of representatives of the media, political parties, local municipalities and businesses, the police, local/national non-governmental organisations, community based organisations including refugee led organisations, and other associations.
11. A key priority for the non-governmental sector across Europe should be the participation of refugees as service users and providers in the conception, development, organisation and evaluation of integration services and policies. ECRE proposes that providers of integration services, in close consultation with refugees and/or their community representatives, undertake to develop commonly agreed criteria for assessing the quality and effectiveness of integration interventions at local, national and European level.
12. In order to promote the active participation of refugees in European host societies, ECRE emphasises the importance of enabling refugees to use their own resources and skills to help each other, in particular newcomers, and represent their interests and those of their family and community to service providers and decision makers. National funding should be made available to facilitate the development of refugee organisations and self-help groups as well as the co-ordination of refugee organisations' activities at regional and national level.
13. ECRE proposes that within the spirit of the 1951 Convention, European governments recognise refugees as "individuals with special needs" and therefore distinct service requirements during the initial phase of their integration in a host society. Interventions should be based upon individual needs and a recognition of the diversity of refugee populations. In some cases, it should be acknowledged that interventions might be necessary at a later stage of the integration process.
14. Policy makers and service providers, particularly in the areas of health, education and employment advice, should be trained in the consequences of language difficulties, physical and psychological trauma and cultural/religious differences on the integration process of refugees.
15. ECRE considers refugee integration to be the primary responsibility of national and local governments. ECRE believes that the provision of services intended to meet the integration needs of refugees are best developed within the framework of a national integration strategy or national integration law. This should specify not only the rights of refugees to integration services, but also how access to them is ensured, the right to appeal against inadequate provision and the monitoring of integration services by the government and other actors, including UNHCR and NGOs.
16. National integration strategies and legal provisions for refugee integration need to be compatible with social protection arrangements specific to individual European countries. Countries with extensive systems of social protection for a range of vulnerable groups

should develop time-limited refugee-specific policies/ programmes. Such initiatives could either address refugee-specific needs or act as "bridges" to mainstream provision.

17. In countries with less regulated/non group-specific social policy traditions, mainstream social policy should make provisions for special interventions - rather than separate treatment - to address the potential disadvantages faced by refugees and cater for specific needs in the areas of mental health or legal aid.
18. In all cases interventions need to incorporate an age perspective aimed at meeting the particular needs of refugee children, young people and older refugees. A gender perspective aimed at meeting the particular needs of refugee women should also be incorporated<sup>3</sup>, while recognising the difficulties also faced by refugee men. States should ensure the involvement of all appropriate special needs groups in the design, implementation and evaluation of integration programmes.

#### ***Employment, Education and Vocational Training***

19. Employment is a key factor to the integration process. ECRE affirms that lack of access to the labour market during the reception phase seriously hinders integration in the long-term. It recommends that any restrictions on employment be lifted at the earliest possible stage and not later than six months from the time of the asylum application.
20. ECRE recognises the growing interest in managing increased migration into Europe in order to meet labour market shortages and the challenges of an ageing population. ECRE asserts the importance of the obligations of Member States in regard to the protection of refugees, which must not be influenced by economic interests.
21. ECRE urges national governments to grant refugees and people with complementary protection status unconditional rights to employment and automatic access to work permits. It recommends that vocational training and other programmes promoting refugee labour participation should be individually tailored with interventions being built upon a thorough understanding of the state of the

labour market and linked to general economic regeneration/development strategies.

22. ECRE recommends that a system of recognition of previous experience and qualifications should be set up at EU level. This should establish EU-wide verification and assessment criteria and a set of recommended practice for bridging gaps between refugee qualifications' levels and industry or education standards in countries of durable asylum.
23. It recommends that provision should be made for special education or language programmes for refugees as soon as they are granted leave to stay. Financial support on a par with nationals of the host country should also be available for general educational purposes and for bridging the gap between refugees' original qualifications and entry requirements for further mainstream education in the host country.
24. All refugees granted leave to stay in a European country should be entitled to a minimum number of hours of free language tuition. Special arrangements should be made for carers in terms of assistance with child-care. Arrangements should also be in place for asylum seekers to acquire basic skills in the language of the host country.

#### ***Housing***

25. ECRE recommends that European states guarantee the basic human right of "shelter" to all persons in need of international protection independently of their status.
26. It recommends that Convention refugees and people with complementary protection status are given choice as to where to settle and enjoy full access to housing rights. This should include housing rights relating to security of tenure, environmental health and safety, and the prevention of harassment, on the same basis as nationals. Upon receiving a permission to stay, people accommodated in reception centres should be given all necessary information to make an "informed decision" following full consideration of the type and location of housing which might be available to them.

## ***Health***

27. ECRE considers that limited or no access to health provision together with lack of adequate reception conditions during the initial phase of arrival can seriously undermine refugee long-term health and integration prospects. Access to healthcare should not be limited to emergency healthcare only. It proposes that physical and mental health services, for both urgent and chronic needs, should be made available to asylum seekers upon arrival in European countries of asylum. In particular, services should be made accessible to meet the needs of refugees who have experienced torture or other trauma.
28. ECRE suggests that specialised refugee services should form a permanent part of mainstream health provision and benefit from long-term public support. They should act as "bridges" to mainstream provision and focus on specific care and treatment needs resulting from experiences in the country of origin and during a refugee's flight to safety and reception in host country.
29. In order to overcome barriers to health access, key priority should also be given to the establishment of interpreting and mediation services, the promotion of health education and prevention programmes, and the provision of appropriate training for health professionals, and the provision of gender sensitive services.

## ***Family Reunion***

30. ECRE recommends that family reunion should not be limited to people meeting the criteria of the 1951 Convention but also be extended to people granted a complementary protection status.
31. European governments should not impose restrictions on the right to family reunification of refugees and people with complementary protection status relating to length of residence, employment status, access to housing and earning capacity, or availability of documentation proving family links. Attempts should be made to ensure that refugee families reunite with the least possible delay and at a minimum within six months from status determination.

32. ECRE believes that the right to family reunification should not be limited to nuclear family members, but encompass a broader definition of family that takes into consideration cultural differences in the definition of the family unit<sup>4</sup>.

## ***Investment in Integration***

33. When calculating the cost of refugee integration programmes, European governments should take into consideration the long-term economic and social costs associated with risks of refugee marginalisation in the case of public non-intervention at an early stage. Given the European dimension of refugee integration and on the basis of solidarity across Europe, structural and special funding need to continue being available to realise EU-wide targets of refugee integration and to promote social harmony.
34. Considerable investment needs to be made in services during the reception phase in order to enable people to develop the necessary skills and knowledge, which facilitate integration in the host country in the case of a positive asylum decision.
35. Investment should also be made in educational measures to enable people to gain qualifications useful for rebuilding their home country in case of return.

*December 2002*

## **EXECUTIVE SUMMARY**

In this position paper, the European Council on Refugees and Exiles (ECRE) has compiled the views of its member agencies, consisting of seventy-three refugee-assisting non-governmental agencies throughout Europe, with regard to how the integration of refugees in European societies should be organised. It draws upon discussions at experts' meetings and conferences on refugee integration in Europe hosted by the ECRE Task Force on Integration 1997-2000, and by the ECRE Refugee Reception and Integration Project in 2001-2. It also incorporates proposals made by refugee panels organised in Dalfsen, the Netherlands in July 1999.

This edition of our Policy Position on Integration replaces that first issued in 1999. This revised edition reflects the effect on our understanding of good practice in integration policy, and of work undertaken to develop a Common European Asylum System since the Tampere Summit 1999.<sup>5</sup>

ECRE starts by noting that despite increased efforts towards asylum harmonisation, the integration of refugees in European societies is still subject to considerable variations in national practice reflecting differences in approaches to social welfare and protection as well as differences in national perceptions of what is, or should be, a desirable social order.

It acknowledges that the Universal Declaration of Human Rights, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and other international and national legal instruments provide an adequate international legal framework for the integration of Convention refugees in Europe. However, it raises questions as to the efficacy of both international and national legal frameworks on refugee integration given the low proportion of asylum seekers whose refugee status is recognised under the 1951 Convention and to whom asylum is currently granted.

ECRE notes the considerable differences in European states' citizenship and naturalisation criteria. It reaffirms the role of citizenship acquisition as a potent measure of refugee integration in a host society. In terms of facilitating naturalisation, ECRE believes that emphasis should be placed on providing support through government sponsored integration programmes with the aim of successfully integrating individuals as soon as possible after they have received the right to remain

in the country of asylum. ECRE recognises that states need to assess the suitability of applicants for citizenship, and urges governments to clearly and openly explain their criteria and how judgements are made. ECRE believes that the basis for assessment should be limited to whether the applicant understands and demonstrates a commitment to good citizenship and social responsibility, and has a basic understanding of the language of the host community.

ECRE stresses the importance of refugees' freedom of movement and equality of treatment in parity with EU nationals in the European Union.

Regrettably, in recent years politicians and political parties in favour of restricting asylum and immigration have become prominent in certain Member States with a tradition of accepting significant numbers of refugees. Experience has shown that where refugees are marginalised – through negative media reports, lack of educational and employment opportunities and hostility from local communities, there is less socio-cultural integration and those who feel threatened or excluded from the host society, instead of striving “to belong”, may seek to emphasise their difference through cultural or religious expression. Within the context of a climate of intolerance, xenophobia and racism in some European countries, ECRE specifically highlights the need to change public perceptions of refugees and promote positive messages based upon well-documented and comprehensive information, recognising the skills, potentials, qualifications and professional experience of refugees.

ECRE recognises the growing interest in managing increased migration into Europe in order to meet labour market shortages and the challenges of an ageing population. ECRE asserts the importance of the obligations of Member States in regard to the protection of refugees, which must not be influenced by economic interests.

Throughout the position paper, the critical role of refugee empowerment in the process of integration is emphasised. References are also made to strategies used by European countries to facilitate the development of refugee community organisations and refugee participation in public life.

ECRE puts forward a range of specific policy recommendations in relation to the legal, socio-



cultural and structural framework of integration and specific issues such as: refugee access to the labour market; discrimination in the workplace; recognition of overseas qualifications; vocational training; education; children's education; housing; health; family reunion; data on refugees; and the cost of refugee integration. It hopes that this Position will assist the ongoing process of searching for guiding principles and standards among European states and raise public awareness of the complex needs and enormous potential of refugees living in the midst of Europe's societies.

## **INTRODUCTION**

1. The European Council on Refugees and Exiles (ECRE) is a pan-European organisation concerned with the protection of and assistance to asylum seekers and refugees in Europe. Within this overall concern, ECRE promotes the integration of refugees and people granted complementary protection in European societies.
2. This revised edition of the ECRE Policy Position on the Integration of Refugees in Europe takes account of the experiences of newly emerging integration projects and networks of projects. In 1997, upon the request of non-governmental organisations such as ECRE, the European Parliament created a special budget-line with the purpose of addressing the socio-economic integration of refugees. In 2000 the European Refugee Fund was established to support states in their efforts to receive asylum seekers, facilitate the integration of refugees, and assist with voluntary return. This has resulted in increased funding for integration projects run by NGOs in Member States. ECRE set up a Task Force on Integration, in 1997, a consortium of six lead agencies and a secretariat to be responsible for addressing specific integration areas and facilitating networking among providers.<sup>6</sup> This has been followed by a second project: Good Practice in the reception and integration of refugees: networking across Europe in 2001-2, which co-ordinated a similar consortium focussing on specialised issues in integration. The findings of both projects have informed ECRE's Position on the Integration of Refugees in Europe (December 2002). This edition also reflects the effect of other practical and policy developments, both at the national and the

European level, on our understanding of good practice in integration policy. It applauds the commitment, made in paragraph 4 of the conclusions of the Tampere Summit 1999, that: "A common approach must also be developed to ensure the integration into our societies of those third country nationals who are lawfully resident in the Union."

3. This paper should be read in conjunction with the ECRE Positions on the Reception of Asylum Seekers (November 2001), Asylum Seeking and Refugee Women (1997), ECRE's paper: The Promise of Protection (2001), the ECRE Good Practice Guides on the Integration of Refugees in the European Union, and in the light of other ECRE policy statements.<sup>7</sup>

## **GENERAL REMARKS**

### *Definition and scope*

4. The integration of refugees in European countries is subject to considerable variations in national practice reflecting differences in approaches to social welfare and protection as well as differences in national perceptions of what is, or should be, a desirable social order. While the issue of integration has gained increasing prominence in refugee debate in national and international fora, there are as yet few established international principles governing this area. To this end, ECRE welcomes the plans of the European Commission to publish a Communication on the Integration of third country nationals.
5. Integration is here defined as a process of change that is:
  - a) *dynamic and two-way*: it places demands on both receiving societies and the individuals and/or the communities concerned. From a refugee perspective, integration requires a preparedness to adapt to the lifestyle of the host society without having to lose one's own cultural identity.<sup>8</sup> From the point of view of the host society, it requires a willingness to adapt public institutions to changes in the population profile, accept refugees as part of the national community, and take action to facilitate access to resources and decision-making processes.
  - b) *long term*: from a psychological perspective, it often starts at the time of arrival in the country of final destination and is

concluded when a refugee becomes an *active* member of that society from a legal, social, economic, educational and cultural perspective. It is often the case that the integration process extends beyond the first generation of refugees.

c) *multi-dimensional*: it relates both to the conditions for and actual participation in all aspects of the economic, social, cultural, civil and political life of the country of durable asylum as well as to refugees' own perception of acceptance by and membership in the host society.

6. ECRE recommends that the objective of integration programmes and policies is the establishment of a mutual and responsible relationship between refugees and their communities, civil society and host states. This should encourage self-determination and sustainable self-sufficiency for refugees while at the same time promoting positive action in the public and government domain.
7. ECRE proposes that integration interventions should be based upon a set of substantive rights and responsibilities conferred to refugees on the basis of equality with nationals of European societies rather than fulfilment of citizenship or national/ethnic membership criteria.<sup>9</sup> Public discourse on refugee integration should acknowledge the permanent presence of refugees and the positive contributions they can make in the economic, social and cultural life of the countries they live in.
8. It further recommends that European and national actions/programmes on refugee integration build upon the skills and potential of refugees themselves and seek to promote:
  - a) *the active participation of refugees* in a common sphere of public social life which is not segregated from the wider society and within a context of provision of social welfare in parity with nationals (in terms of income, education, accommodation and health services);
  - b) *respect for differences and diversity* in relation to religious beliefs, political opinions, cultural affiliations, personal and cultural identities as manifested both in the private and public spheres of life;
  - c) *self-development* by enabling refugees to use their skills and knowledge, engage in meaningful employment and achieve self-sufficiency either personally or as a member of their family or ethnic group.

9. This policy position is concerned specifically with the integration of people in need of international protection residing in European states. It acknowledges that refugee integration is closely related to the phase of reception and the quality and length of the asylum determination procedure<sup>10</sup>. Within this context, ECRE recommends that the phase of reception be recognised as an integral part of the integration process of refugees, given the potential impact of the reception phase on the process of integration of those eventually granted leave to settle in a European country.<sup>11</sup>
10. While the Directive laying down minimum standards in reception of asylum seekers in EU Member States, generally provides a good standard of reception for those applying for asylum under the Geneva Convention who are admitted into the regular determination procedure, ECRE regrets that it allows for a high degree of national discretion in the implementation of its provisions. ECRE believes there needs to be further commitments made to ensuring the rights of asylum seekers to employment, education, freedom of movement and material reception provisions, in order to ensure their welfare, to enable them to pursue their asylum applications and to prepare them for possible integration in case of a positive decision on their applications.

## **THE LEGAL FRAMEWORK OF INTEGRATION**

### *International & National Instruments*

11. The Universal Declaration of Human Rights together with the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and other international legal instruments<sup>12</sup> provide an adequate international legal framework for the integration of recognised refugees in Europe. At national level, a number of European states have sought to interpret their obligations under the 1951 Convention<sup>13</sup> liberally and have at times introduced generous national legal frameworks to promote the integration of recognised refugees in their society.
12. The efficacy of both international and national legal frameworks of integration however, depends on the proportion of asylum seekers

whose refugee status is recognised under the 1951 Convention and to whom asylum is granted. Most European countries have low recognition rates and grant inferior legal statuses to persons not falling within an often limited or even restrictive interpretation of the 1951 Convention definition. The socio-economic rights of people afforded complementary protection are often limited.<sup>14</sup> The European Union has outlined the rights accruing to Convention refugees and those with subsidiary protection status in the draft Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees<sup>15</sup>. ECRE regrets that the draft text does not propose equal rights for those with Convention status and those with subsidiary protection status. UNHCR<sup>16</sup> do not yet have a formal position on either the integration rights of Convention refugees or the socio-economic entitlements of persons with a complementary protection status.

#### *Recommendations*

13. ECRE proposes that European states should adopt a *full and inclusive* interpretation of the refugee definition in the 1951 Convention and its Protocol, and refrain from granting a lesser status to persons fulfilling the criteria of the Convention.
14. It recommends that any socio-economic rights accruing to people with full refugee status should be granted to all persons afforded complementary protection.<sup>17</sup> It further proposes that within the context of the Amsterdam Treaty and the Tampere conclusions, the European Union<sup>18</sup> promotes the rights of persons with complementary forms of protection on the basis of international and Council of Europe legal instruments, human rights law standards and best practice.<sup>19</sup>
15. There is a need to make the range of international legal instruments relating to refugee integration fully effective. ECRE recommends that the following measures should be considered wherever necessary by states:
  - a) ratification of, or accession to, relevant European agreements and conventions relating to refugees;<sup>20</sup>

- b) ratification of conventions and acceptance of recommendations of the International Labour Organisation as they relate to refugees;<sup>21</sup>
  - c) ratification of the November 1995 Additional Protocol Amending the European Social Charter establishing a collective complaints procedure;<sup>22</sup>
  - d) accession to the recently ratified December 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
16. States should also fully implement Council instruments relating to equality of treatment for third country nationals legally resident in the EU, that provide an additional legal basis for promoting the integration of refugees:
    - a) Council Directive 2000/43/EC implements the principle of equal treatment between persons irrespective of racial and ethnic origin.
    - b) Council Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation
    - c) Council Decision 2000/750/EC establishes a community action programme to combat discrimination.

#### *Nationality & Citizenship*

17. The acquisition of citizenship has been identified as the "most potent measure of integration into a host society by foreign nationals".<sup>23</sup> Not only, does it represent a means to integration but for some people it might signify the end of the integration process per se.
18. There are considerable differences in European states' citizenship and naturalisation criteria and procedures reflecting distinct historical experiences as countries of emigration or immigration, different concepts of nationhood and inclusionary or exclusionary policies towards long-term residents. Some countries tend to prioritise the principle of blood relation with a citizen of the state (principle of *ius sanguinis*), whereas others stress the importance of territorial affiliation (the principle of *ius soli*). There is an emerging trend in some countries to link permanent residence and naturalisation to other criteria relating to proving a capacity for "good citizenship" which may require the successful completion of citizenship programmes and/or passing a "citizenship test".<sup>24</sup>

## *Recommendations*

19. While recognizing that a secure, long-term and automatically renewable residence permit, which flows from refugee status, is paramount, ECRE also considers citizenship to be an important policy instrument for facilitating integration and acknowledging full refugee membership in the society of durable asylum. It proposes that European governments give consideration to Article 34 of the Convention Relating to the Status of Refugees<sup>25</sup> and the Council of Europe's Recommendation 564 (1969) on the Acquisition by Refugees of the Nationality of Their Country of Residence and in particular facilitate the naturalisation of refugees by:
  - a) taking into account the total period of residence of a person in a country of durable asylum including periods under Temporary Protection or as a registered asylum seeker;
  - b) removing or at least reducing legal obstacles to naturalisation, such as the minimum period of residence when it exceeds five years, or requirements that applicants should prove loss of former nationality;
  - c) allowing people to continue holding their original nationality when possible;
  - d) enabling refugee children to obtain at birth the nationality of the country in which they were born, and where their parents have been granted protection;
  - e) removing administrative obstacles by introducing accessible procedures, transparent criteria for acceptance and low procedural fees when they exceed the financial possibilities of refugees.
20. It further recommends that European states accede to the United Nations Convention of 1961 on the Reduction of Statelessness and treat *de facto* stateless refugees as though they were stateless *de jure*.<sup>26</sup>
21. In terms of facilitating naturalisation, ECRE believes that emphasis should be placed on providing support through government sponsored integration programmes with the aim of successfully integrating individuals as soon as possible after they have received the right to remain in the country of asylum. Language tuition, education on citizenship and social responsibility should form part of the integration programme. Integration programmes should incorporate methods for assessing the

progress made by participants in order to inform further service provision, particularly in regard to the length of time that services are provided, and a successfully completed programme could form the basis for meeting the citizenship criteria. ECRE therefore considers the introduction of distinct citizenship programmes unnecessary, believing them to be too late in the integration process to be efficient.

22. ECRE recognises that states need to assess the suitability of applicants for citizenship, and urges governments to clearly and openly explain their criteria and how judgements are made. Applicants should have the right to appeal and to benefit from further integration support in case of a negative decision. ECRE believes that the basis for assessment should be limited to whether the applicant understands and demonstrates a commitment to good citizenship and social responsibility, and has a basic understanding of the language of the host community.

ECRE understands good citizenship to include an understanding of and respect for the national law and the local community and avoidance of anti-social behaviour.<sup>27</sup> ECRE does not believe that good citizenship requires involvement in any particular social activity or the acquisition of any particular skills. The concepts of good citizenship and social responsibility should be consistently and equally applied to both nationals and citizenship applicants and any requirements imposed by governments on citizenship applicants should be proportional to equivalent expectations of nationals. ECRE believes that lack of language ability alone is not an appropriate reason for refusing citizenship, and in particular elderly, disabled and illiterate should be exempt from such language requirements.

## ***Freedom of Movement and Travel Documents***

23. Under the Treaty on European Union, a range of supranational citizenship rights have been conferred to nationals of EU Member States.<sup>28</sup>

## *Recommendations*

24. ECRE recommends that the European Union undertakes to guarantee freedom of movement and equality of treatment in parity with nationals of EU countries to persons whose

Convention or complementary protection status has been recognised by an EU Member State.<sup>29</sup> Throughout Europe, individual states should ensure that they adopt measures to facilitate travel for refugees residing in their territory, particularly those, whose families are dispersed across national boundaries. To this end, states should use discretion in imposing financial criteria on travel permits for refugees, and avoid disallowing refugees to travel on financial grounds.

25. As an interim measure, refugees and people with complementary protection should be given access to simplified procedures for obtaining travel documents<sup>30</sup> and transferring rights of residence to other European countries on proof of family and cultural ties or an employment offer.<sup>31</sup>

### **Voting Rights**

#### *Recommendations*

26. In some European countries, there exist arrangements that enable refugees and other permanent residents to stand for or vote in local and regional elections. ECRE considers that refugee access to local decision-making processes and the political life of the country of durable asylum is key to ensuring a two-way process of integration involving refugees and host societies on an equitable basis.
27. In accordance with Article 6 of the Council of Europe's Convention on the Participation of Foreigners in Public Life at Local Level (1992), it recommends that European states grant refugees and people with complementary protection status<sup>32</sup> the right to vote and stand for election in local and regional authority elections once they fulfil the legal requirements applying to nationals and have been resident in the state concerned for a minimum period of two years preceding the elections.
28. In order to familiarise refugees with political processes in the country of durable asylum and facilitate refugee representation and participation in local public affairs, ECRE also recommends that institutional arrangements should be made for refugee involvement and participation in local consultative fora/councils<sup>33</sup> and/or the activities of local non-governmental organisations. In all cases,

information should be available to refugees as to their rights and obligations in relation to public life in the country of asylum.

29. Article 8b (2) of the Treaty on European Union establishes the right of every citizen of the European Union to vote and stand as a candidate in elections to the European Parliament in the Member State in which s/he resides under the same conditions as nationals of that State. ECRE recommends that all third country nationals, including refugees and people with complementary protection, are granted the right to vote and stand as a candidate at European elections after five years of residing in an EU Member State.<sup>34</sup>

### **Anti-discrimination & Equality**

30. Over the last few years, there has been an emergence of a climate of intolerance and xenophobia in some European countries. During the 1990s, this has been particularly prominent in countries in Central and Eastern Europe where migration movements represent a recent phenomenon.<sup>35</sup> Regrettably, in more recent years politicians and political parties in favour of restricting asylum and immigration have become prominent in certain Member States with a tradition of accepting significant numbers of refugees.
31. Article 13 of the Treaty of Amsterdam established the power of the European Union to act against discrimination based on, *inter alia*, racial or ethnic origin, religion or belief. In 2000 measures were agreed laying out rights in this area. Council Directive 2000/43/EC implements the principle of equal treatment between persons irrespective of racial and ethnic origin. Council Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation, and Council Decision 2000/750/EC establishes a community action programme to combat discrimination. These require Member States in their national laws to combat discrimination on the grounds of racial and ethnic origin, and put into effect the principle of equal treatment. For employment purposes, they also set the framework for combating discrimination based on religion or belief, disability, age, and sexual orientation.

32. At a national level, since the introduction of the International Convention on the Elimination of All Forms of Racial Discrimination in 1965,<sup>36</sup> many European states have adopted a wide range of approaches to promote equality and fight discrimination. Some countries have introduced measures that promote multiculturalism and acknowledge the presence of minorities and/or provide support for cultural growth and expression by refugee/migrant groups. Other countries have implemented programmes aimed at raising public awareness to combat racism and xenophobia, and allowing for preferential action for second generation refugees/immigrants.<sup>37</sup>

### *Recommendations*

33. The development of an inclusive and welcoming society is a key prerequisite to the successful integration of refugees. Governments and decision-makers should provide political leadership and set the tone in public debate on non-discrimination and equal opportunities.

34. ECRE urges states to facilitate prompt transposition of Directives relating to anti-discrimination, and to ensure that their national legislation reflects a generous interpretation of these Directives. ECRE recommends that States work to ensure that refugees are made aware of and can access their rights. This should include provision of information about European and national anti-discrimination legislation in a language which individuals understand.

35. Given the role of education in shaping public perceptions, training on human rights and refugee issues should be incorporated in relevant educational curricula. Intercultural education at schools and colleges and in the workplace should aim at promoting respect for differences, highlighting the benefits of cultural diversity and preparing people to live in an increasingly diverse society and economy.

36. Refugees and local communities should be supported in adapting to changes in their environment and engaging in constructive dialogue and co-operation at local and national level.

37. The Council of Europe should consider the development of a programme of activities educating the European public on cultural

diversity issues. At the same time, UNHCR, NGOs and other social partners should continue playing a role in Europe-wide public awareness campaigns and the development of information/education materials on refugee issues.

38. European governments should seek to introduce national anti-discrimination legislation and systems to monitor refugee access to the labour and housing markets as well as to health, social and other community services. Provisions should also be made for the introduction of easily accessible complaints systems and legal enforcement mechanisms. Emphasis should be given to providing intercultural training to members of law enforcement professions. All such measures should parallel those in place for ethnic minorities or migrant groups in individual countries.

39. In the case of identification of distinct refugee disadvantage in a particular service sector, consideration should be given to the development of positive action initiatives to ensure the equal enjoyment of rights of refugees and members of the host society.<sup>38</sup>

## **THE SOCIO-CULTURAL FRAMEWORK OF INTEGRATION<sup>39</sup>**

### *Cultural Diversity*

40. The European Economic and Social Committee considers that: “*cultural diversity is a characteristic feature of a democratic, pluralist Europe...culturally enriching our societies. Culture must not be seen as something static, but rather as constantly evolving and being enriched by a wide range of contributions.*”<sup>40</sup>

41. European societies differ considerably in the degree to which they embrace cultural diversity and the ways they deal with refugees and foreigners in general. Some societies endorse acceptance and promote tolerance of difference, while in others, there is an expectation of assimilation into the dominant culture. In some countries, a pluralistic approach and commitment to multiculturalism underpins all refugee integration activities and programmes. The role of public sphere institutions<sup>41</sup> also differs considerably depending on the historical,

cultural and political traditions of individual European countries.

42. Cultural integration is a complex dynamic and can be a lifelong process for refugees, particularly for vulnerable groups such as the traumatised and the elderly, who may seek security in the continuation of cultural traditions. Experience has shown that where refugees are marginalised – through negative media reports, lack of educational and employment opportunities and hostility from local communities, there is less socio-cultural integration.

### *The Role of Civil Society*<sup>42</sup>

43. Across Europe, non-governmental organisations often play a central role in advocating on behalf of refugees, promoting tolerance and providing specific information and integration services. At times, they also contribute to the development of opportunities for different groups in local communities to learn about others and to interact with them. In countries with a strong tradition of volunteerism, NGOs are involved in recruitment, training and management of volunteers.
44. These varied roles are also carried out by religious organisations. In addition religious organisations can be especially important in locating concern for refugees within the moral code of their faith, and in promoting religious tolerance, respect and understanding between members of different faiths. In fact, refugees are already making a vital contribution to the renewal of many religious communities.
45. A major role in the socio-cultural integration of refugees is also played by the media. This role ranges from positive to negative. In some cases, the media may perpetuate negative stereotypes of refugees or "foreigners" in general. They play a key role in the fight for equal rights by exposing racism and discrimination and "mirroring" inequalities. In their role as purveyors of art - television, radio, music recordings - the media can also contribute to the way refugees may or may not participate in the cultural evolution of the society they live in.

### *Recommendations*

46. ECRE emphasises the importance of close links and multi-sector alliances of social actors involved in refugee issues. Such alliances should seek the involvement of representatives of the media, political parties, local municipalities and businesses, the police, local/national non-governmental organisations and other associations. They should be developed in partnership with refugee community representatives.
47. In close consultation with refugees, non-governmental and church organisations need to play a central role in refugee integration debates by appraising public policy responses, mediating between host and refugee communities and seeking to influence public opinion. Their work should seek to mobilise resources from all sectors of the society and the wider public.
48. A key priority for the non-governmental sector across Europe should be the participation of refugees as service users and providers in the conception, development, organisation and evaluation of integration services and policies. With regard to policy and service evaluation, ECRE proposes that providers of integration services, in close consultation with refugees and/or their community representatives, undertake to develop commonly agreed criteria for assessing the quality and effectiveness of integration interventions at national and European level.
49. Such criteria could be based upon objective and/or subjective considerations and include: labour market position and earnings capacity; legal status/residence rights; political rights; knowledge of the language of the host country; levels of participation in social and cultural activities; degree of refugee satisfaction with life in host country; levels of refugee recognition and appreciation of values, norms and attitudes of host society; public attitudes towards refugees; and host society recognition of and respect for the values and beliefs of refugee populations.
50. Social cohesion is best served by an inclusive and welcoming approach to cultural diversity, which emphasises shared values (including a commitment to human rights) and allows

individuals to confidently develop their personal identity in the host country based on their experience of two national cultures, and of other cultural affiliations such as membership of religious or social groups that cut across national cultures. There is the need to promote positive images of refugees and their contribution to society and formulate media messages based upon well-documented and comprehensive information, to improve public perceptions of refugees.

51. ECRE believes that governments should take responsibility for ensuring accurate and balanced public information. Governments should identify and counteract misinformation, in particular where it incites fear and mistrust of refugees. There is also clearly a role for the European non-governmental sector in the development of information/media strategies, which build upon quality material and thorough research presented in a user-friendly format. The potential of cultural events and other communication tools (drama, literature, film, sports) should be explored further.
52. Some trade unions have played an important role in promoting positive attitudes and dispelling prejudice in the workplace. ECRE recommends that trade unions undertake to educate their members on "diversity management"<sup>43</sup> in the work place and involve employees with a refugee background in their activities as members and/or elected representatives. They should also engage in lobbying major employers and/or employers' associations and highlighting the potential contributions refugees can make in the workplace.

### ***Refugees as Social Actors in the Country of Asylum***

53. Refugee empowerment is critical in refugee integration. Some countries focus on the development of refugee community organisations. These provide a focal point for community activities, facilitate the development of political self-confidence, and act as intermediaries between individual refugee members and the host community. Another type of public intervention emphasises refugee self-development and expression through cultural or recreational activities.<sup>44</sup>

54. Education, training and employment policies have a significant impact on the empowerment of refugees and affect not only their economic integration but also their socio-cultural integration. The extent to which education, training and employment are accessible to refugees, whatever their religious, cultural or ethnic background, contributes to how far refugees are able to take advantage of opportunities available to nationals and to fully participate in the host society without losing their own cultural or religious identity. In addition, it is worth bearing in mind that in areas of socio-economic disadvantage, refugees and the host community often have common concerns and needs in terms of education, training, and housing.

### ***Recommendations***

55. In order to promote the active participation of refugees in European host societies, ECRE stresses the importance of enabling refugees to use their own resources and skills to help each other, particularly newcomers, and represent their interests and those of their family and community to service providers and decision makers.
56. National funding should be made available to facilitate the development of refugee organisations and self-help groups as well as the co-ordination of refugee organisations' activities at regional and national level.
57. Special consideration should be given to supporting initiatives which recognise the problems of exclusion faced by refugee women, young people and older refugees, and which promote the participation of these groups in decisions affecting their lives and provide them with facilities to meet and engage in the public sphere in their own right.
58. European Union financial support should be provided for activities which enable refugees to network with each other and with host society institutions at local, regional, national and European level.



## **THE STRUCTURAL FRAMEWORK OF INTEGRATION**

### *Institutional Arrangements*

59. Refugees face a number of barriers to integration resulting from their experiences of flight and involuntary exile; lack of knowledge of the language of the host country; isolation and separation from family members; problems of adjustment during the first years; and physical and mental health problems relating to past trauma and the trauma of exile, torture and other forms of violence including sexual violence. They also encounter a range of social, economic and legal disadvantages, particularly in the reception phase, as a result of increasingly hostile national policies and practices of service providers in European states.
60. Failure by governments to address the structural barriers to integration can exacerbate the marginalisation of refugees and impact negatively on society as a whole. Where individuals are unable to become self sufficient and build links with the local community, chronic dependency on state or voluntary services and ghettoisation and other social problems, including criminal activity are more likely, in turn creating further public hostility and mistrust.

### *Recommendations*

61. ECRE proposes that within the spirit of the 1951 Convention, European governments recognise refugees as "individuals with special needs" and therefore distinct service requirements during the process of their integration in a host society. Assessment of needs, and the provision of appropriate services, should take place upon status recognition and be subject to periodic review. Interventions should take into account their individual needs, based upon a recognition of the diversity of refugee populations. In some cases, it should be acknowledged that interventions might be necessary long term, or require introduction at a later stage of the integration process.
62. Government action should consist of two inter-linked strategies: a) preparing individual refugees to function in society, fulfil their legal obligations and actively participate in the socio-

economic development of the community they live in;<sup>45</sup> but also b) making the economic, social, cultural and physical environment more accessible and welcoming to refugees.

63. Policy makers and service providers, particularly in the areas of health, social services, education and employment advice, should be trained in the consequences of language difficulties, physical and psychological trauma and cultural/religious differences on the integration process of refugees.
64. ECRE considers refugee integration to be the primary responsibility of national and local governments. It believes that the provision of services intended to meet the integration needs of refugees are best developed within the framework of a national integration strategy or national integration law. This should specify not only the rights and responsibilities of refugees to integration services, but also how access to them is ensured, the right to appeal against inadequate provision and the monitoring of integration services by the state and other actors, including UNHCR and NGOs.<sup>46</sup>
65. There are considerable differences in programmes and practices addressing the needs of refugees throughout Europe. Government policies and resource allocations for refugee integration need to be compatible with social protection arrangements specific to individual European countries. It is advisable that countries with extensive systems of social protection for a range of vulnerable groups develop time-limited refugee-specific policies/programmes. Such initiatives could either address refugee-specific needs or act as "bridges" to mainstream provision. They could be combined with services provided to migrant or minority groups. The overall objective should be the eventual incorporation of refugee perspective(s) in minority/equality and general policies.
66. In countries with less regulated/non group-specific social policy traditions, it might be inappropriate to establish distinct arrangements for refugees. In this case, mainstream social policy should make provisions for special interventions - rather than separate treatment - to address the potential disadvantages faced by

refugees and cater for specific needs such as in the areas of mental health or legal aid.

67. Where states develop an integration strategy aimed at all third country nationals (not only at refugees) this should be sufficiently flexible to take account of the particular disadvantages faced by refugees and seek to meet any special needs they may have.
68. In all cases interventions need to incorporate an age perspective aimed at meeting the particular needs of refugee children, young people and older refugees<sup>47</sup>. A gender perspective aimed at meeting the particular needs of refugee women should also be incorporated<sup>48</sup>, while recognising the difficulties also faced by refugee men. States should ensure the involvement of all appropriate special needs groups in the design, implementation and evaluation of integration programmes.
69. States should facilitate access to integration programmes and ensure that refugees are fully aware of the benefits of such programmes. However, ECRE is opposed to the use of sanctions against refugees who chose not to attend programmes.
70. Given the European dimension of refugee integration, ECRE proposes that structural funds should be available to support the realisation of EU-devised targets for refugee integration.<sup>49</sup> Specific funding should be set aside to continue supporting innovation in approaches to refugee socio-economic integration and information sharing and promote the development of comparative and longitudinal research on refugee integration in Europe.<sup>50</sup>
71. With regard to Central and Eastern European states, ECRE recommends that funding programmes that support development, such as TACIS and PHARE, should also support the integration of refugees and consideration should be given to establishing specific funding programmes for refugee integration in these regions. Existing funding for integration, through the European Refugee Fund and the forthcoming Fund for the Integration of Third Country Nationals, should be made fully accessible to all Member States and to Accession Countries. Provisions should also be made to ensure that Pre-Accession Structural

Instruments, set up through the EU enlargement process, be used to finance projects on refugee integration and facilitate co-operation and the sharing of good practice, between projects based in the EU and Central/Eastern Europe.

72. Integration strategies should be informed by research into the experiences of social exclusion among refugees, and resulting problems such as unemployment, poor housing, ill health, addictions, crime and isolation, and the reasons why. Such research should make best practice recommendations.

#### *Access to the Labour Market*

73. Very few European countries allow asylum seekers to work during the period they await a decision on their application for asylum. Some countries grant people the right to work after six months from applying for asylum. In others, differentiated rights are granted to asylum seekers in terms of the type of work they are entitled to and the length of time they can engage in employment.
74. Upon status recognition, most Convention refugees are automatically granted a permission to work.<sup>51</sup> In some countries however, the granting of complementary forms of protection to individuals not recognised at risk of persecution under the 1951 Convention only entails a restricted right to employment.
75. A review of recent research related to refugee employment suggests that employers are not sufficiently aware of the skills and economic potential of refugees. Some employers experience difficulties assessing overseas qualifications and work experience.<sup>52</sup>

#### *Recommendations*

76. ECRE affirms that lack of access to the labour market during the initial period of arrival in a country of asylum seriously hinders refugee integration in the long term. It recommends that any restrictions on employment be lifted at the earliest possible stage and not later than six months from the time of the initial application for asylum.<sup>53</sup> ECRE regrets that the Directive laying down minimum standards in reception of asylum seekers does not require states to allow access to employment after six months. In addition to receiving permission to work,

asylum seekers should also be supported in accessing the labour market and participating in vocational training. Family members should equally benefit from arrangements applying to principal asylum applicants.

77. ECRE argues that employment restrictions risk pushing people into illegal work or result in long-term dependency on public assistance. In particular, it views any limitations on the employment rights of Convention refugees to be in violation OF the UN Convention Relating to the Status of Refugees.<sup>54</sup> It urges national governments to grant refugees and persons with complementary protection status unconditional rights to employment and automatic access to work permits on the same basis as nationals.<sup>55</sup>
78. A great number of refugees across Europe face problems of unemployment, underemployment, downward mobility and employment insecurity despite high-level qualifications and/or re-qualification in the host country. ECRE recommends that programmes promoting refugee labour participation should be individually tailored with interventions being built upon a thorough understanding of the state of the labour market and linked to general economic regeneration/development strategies.
79. Priority should firstly be given to addressing language, communication and labour market orientation needs. A second phase could involve the development of employment access programmes, which take into account refugee skills and knowledge, past experience, professional interests and future aspirations. Attempts should be made to facilitate "on the job" learning through a mixture of work or voluntary placements and further training.
80. Special emphasis should be given to increasing refugee women's participation in employment programmes through provision of information on employment and social assistance rights and assistance with childcare or transport/mobility difficulties. Proper consideration should be given to the special needs of those who are nearing or past retirement age, including access to special employment programmes and a guaranteed minimum pension.
81. A key component of employment interventions is the establishment of partnerships between institutions such as Chambers of Commerce,

public and private sector employers, local/regional development agencies, trade unions and employment advice providers. ECRE urges Member States to develop initiatives to raise awareness of employers and ensure their recruitment policies and practices enable refugees to access jobs in both the private and public sectors. Consideration should be given to the development of mentoring schemes involving retired/active business people; workplace awareness-raising based upon "refugee success stories"; and the setting up of employment networking opportunities. At all times, refugees should be involved in the design, implementation and evaluation of strategies addressing their needs. They should also be engaged as "role models" mentoring people to jobs and self employment on the basis of their past experiences.

82. The Treaty of Amsterdam states that employment will be treated as a "common concern" by EU member states which commit themselves to co-ordinate their actions. At the EU Summit on Employment in November 1997, an agreement was reached on EU-wide Employment Guidelines which are to underpin National Action Plans on Employment. Within this context, ECRE recommends that EU wide strategies and national government measures to reduce unemployment in the European Union should pay particular attention to the employment situation of recognised refugees and people with complementary protection, and should recognise links between unemployment, discrimination and exclusion. Where these related issues are the responsibility of separate institutions, good communication and effective working relationships are vital.
83. Self-employment is an important route to the labour market and self-sufficiency for many refugees. Research shows that most refugee run businesses survive for more than three years. ECRE urges Member States to encourage and support refugees to start and sustain their own business, for example, by providing access to finance and business advice.

### *Access to Vocational Training*<sup>56</sup>

#### *Recommendations*

84. Vocational training should be seen as a tool leading to the employment of refugees rather

than an end in itself. Vocational training programmes should be in tune with the current and future needs of the labour market and be time-specific leading to either work experience placements or employment.

85. In order to facilitate refugee access to vocational training, information services should be set up in individual countries. These should aim to provide easily accessible information on mainstream and refugee-specific vocational training programmes.
86. Bridging" programmes should be established to support refugees in developing flexible training and labour market participation targets. These should consist of pre-vocational training courses, job-specific language training, labour market orientation, career advice and job search skills' development. They should be linked to employment access courses and seek to involve public and private sector employers in "on the job" training.
87. Programmes should take account of problems of accessing training such as lack of information, costs incurred for course attendance, transport costs and loss of income. Particular attention should be paid to difficulties faced by refugee women. Services should be flexible and aim to help women to overcome barriers, such as the need for child care, that impede their utilisation of training and educational opportunities. They should aim to empower women to undertake new roles in support of themselves and their families. The needs of other vulnerable groups, including the young, old and traumatised, should be taken into account.
88. Refugee involvement in vocational training and integration-related programmes should be based on trust and goodwill rather than coercion. Imposition of sanctions for non-attendance should be in parity with compliance requirements applying to nationals and should follow a careful evaluation of the format and content of training programmes.
89. Given the effect of the reception phase on long-term refugee integration and prospects for return, basic training provision should be made available to asylum seekers as soon as they submit an application. Such training should focus on the development of skills or knowledge which could be equally useful in the

case of settlement in the host country, preparation for return and reintegration in the country of origin or resettlement in a third country. It should be sufficiently flexible to take account of the skill profile and professional background of individual refugees.

90. Through the European Social Fund, the European Commission has funded a number of vocational training programmes targeting refugees living in EU countries. It also funds the EQUAL Programme, which provides assistance for asylum seekers, refugees and other disadvantaged groups, to improve access to training and employment. National governments should be encouraged to use their discretion under the new structural funds to support the continuing development of vocational training resources and access to employment for refugees. Similar arrangements should be made for accession countries within the context of EU enlargement.

#### ***Discrimination in the labour market***

91. Refugees often face problems of direct or indirect discrimination in the labour market which are difficult to prevent in practice even in countries with strong anti-discrimination legislation. European governments should seek to introduce legislation and racial harassment monitoring systems to fight discrimination in the labour market and the workplace, and promote equality of opportunity. Easily accessible complaints systems and legal enforcement mechanisms should be made available to individuals.
92. Similarly, national governments, non-governmental and church organisations have a key role to play in sensitising employers and trade unions to the existence of valuable skills and knowledge among refugees and the important contribution that they have made in the workplace. The dissemination of positive images of refugees and best practice in employment should be promoted through intercultural training and public awareness campaigns.

#### ***Recognition of Overseas Qualifications***

93. Difficulties in accessing the labour market and downward mobility represent key problems facing refugees. An additional barrier relates to

the lack of recognition of overseas qualifications and past work experience. The financial barrier to recognition of qualifications is particularly severe with cost of exams and administrative procedures sometimes being prohibitively high. In some countries, there exist systems of "certification of competencies" which aim to facilitate recognition of foreign qualifications and work experience on an individual basis. In other cases, methods, such as AP(E)L [Assessment of Prior (Experiential) Learning], have been developed to help refugees evaluate past experiences.

### *Recommendations*

94. ECRE recommends that a system of recognition of previous experience and qualifications should be set up at EU level. This should establish EU-wide verification and assessment criteria and a set of recommended practice for bridging gaps between refugee qualifications' levels and industry or education standards in countries of durable asylum. In the case of certain professions, attempts should be made for the creation of recognised "top up" courses.<sup>57</sup> All such measures should parallel those in place for third country nationals.
95. Refugee assisting NGOs and other advice providers should seek to develop a thorough understanding of mechanisms of recognition of overseas qualifications. Emphasis should also be placed on establishing the rights, if any, of some refugees with regard to the recognition of their qualifications under relevant bilateral agreements, which some European governments have signed.
96. ECRE urges Member States to rationalise the process of recognition of qualifications, by removing unnecessary restrictions, bureaucratic hurdles and complex legal and other procedures. Sufficient resources must be made available for individual refugees to support the recognition of their qualifications.<sup>58</sup>

### *Education*<sup>59</sup>

97. Education is a powerful tool in the process of adaptation and social integration.<sup>60</sup> It promotes the personal development of refugees while at the same time improving their chances to contribute to the host society through participation in the labour market.

98. Some countries organise language tuition for refugees as part of comprehensive integration programmes for newcomers. Their duration can range from three months to three years. In some cases, attendance is compulsory for those receiving social assistance. In other countries, there are no arrangements for free language classes.

### *Recommendations*

99. ECRE recommends that provision should be made for special education or language programmes for refugees during the initial phase of integration. Financial support on parity with nationals of the host country should also be available for general educational purposes and for bridging the gap between refugees' original qualifications and entry requirements for further mainstream education in the host country. Research has shown that for refugees with higher education background, following mainstream education programmes is the most successful route to find employment commensurate with their qualifications, skills and professional experience.
100. All refugees granted leave to stay in a European country should be entitled to a minimum number of hours of free language tuition. For refugees receiving social assistance, attendance of free language tuition should be a right and an obligation until a satisfactory level of language skills is reached. Special arrangements should be made for carers in terms of assistance with child-care.
101. Tuition arrangements need to be accessible and tailored to the needs and educational requirements of refugees. A range of courses should be made available including intensive/accredited courses, courses dealing with problems of literacy and/or geared towards vocational training/career development or socio-cultural orientation in the country of durable asylum.

102. Arrangements should also be in place for asylum seekers to acquire basic language skills during the initial period of arrival in the country of asylum.

## *The Education of Refugee Children*

103. Schooling is an essential part of the integration process of refugee children. By teaching a common language, providing opportunities to achieve a better socio-economic position in life and preparing pupils to live harmoniously in pluralist societies, schools play a key role not only as centres of knowledge acquisition but also as places of formal and informal preparation of refugee children to live in a new society.

### *Recommendations*

104. Intercultural training should be widely available in order to sensitise teachers and other school staff of the effect of refugee experiences on children's learning processes. Such training should form part of the teacher training curriculum. Awareness raising might also be necessary with curriculum development bodies.
105. Education departments should seek to support the development of appropriate methodologies to assess prior education gaps in refugee children's progress, recognise competency in mother tongue languages and develop benchmarks to assess the acquisition of national language skills. They should ensure that there are sufficient and appropriate resources to facilitate learning for refugee children in schools, and should consider the use of learning materials designed specifically for refugee children.
106. Refugee parents/carers should be empowered to participate in the education of their children and in managing school affairs. When possible, schools should seek to employ intercultural mediators to facilitate the introduction of newly arrived refugee children to the educational curriculum and school environment of the country of asylum.
107. There are a number of difficulties encountered by refugee young people who might be deemed too old to join children's reception classes and too young to attend adult language courses or career counselling. ECRE recommends that educational providers develop special language and educational/career guidance programmes for 14-19 year old refugees. These should act as

"bridges" to mainstream education or training provision.

## *Housing*<sup>61</sup>

108. Shelter is a basic human right and necessity. The conditions in which people live determine to a great extent their health, well-being, and ability to engage in gainful occupation, pursue self-improvement through education and recreation and in consequence attain a decent standard of living.<sup>62</sup>
109. There are considerable differences in housing provision for refugees in European states. In some countries, local municipalities allocate housing to refugees on the basis of a quota system or availability of accommodation. In other countries, refugees have to find their own housing in the private or public housing sectors. In some cases, short-term accommodation for refugees is available through reception centres, which also provide social assistance to refugees.

### *Recommendations*

110. ECRE recommends that European states guarantee the basic human right of "shelter" to all persons in need of international protection independently of their status.
111. It recommends that Convention refugees and people with a complementary protection status are given choice as to where to settle and enjoy full access to housing rights.<sup>63</sup> This should include housing rights relating to security of tenure, environmental health and safety, and the prevention of harassment, on the same basis as nationals. Upon receiving a permission to stay, people accommodated in reception centres should be given all necessary information to make an "informed decision" following full consideration of the type and location of housing which might be available to them.
112. In the case of countries with centralised systems of refugee allocation in public housing, consideration should be given to the presence of family ties or community links in the area where refugees are to be settled, as well as to employment and educational opportunities and the availability of integration facilities. In all cases, refugees

should be involved in decisions affecting their livelihoods. Past experiences of successes or failures in refugee settlement need to also be taken into account.

113. Among the key prerequisites to enabling refugees to exercise choice are: access to information about housing options and the profile of individual regions; financial resources in the form of income support and housing assistance; and an unrestricted right to employment.
114. Entitlements to housing allowances and other social benefits should not be tied to residence in a specific geographical area. No differential treatment should be applied to Convention refugees, persons granted complementary protection and nationals of the country of durable asylum.
115. Direct and indirect discrimination in the housing sector needs to be tackled. European governments should introduce anti-discrimination legislation to be supported in its implementation by funding provision for developing mediation services, establishing systems of monitoring racial harassment incidents and dealing with problems of spatial segregation.
116. Consideration should also be given to the establishment of programmes to sensitise refugees as to their rights and obligations under housing legislation. In order to facilitate access to the private rental market, funds should be made available to non-governmental organisations to enable them to develop refugee rent-guarantee schemes.
117. Local government, service providers and the wider public should be informed of the presence and needs of refugee populations moving into their area. Public awareness activities should focus on increasing understanding among the general public, building links between refugees and local inhabitants and highlighting the positive contributions refugees can make if made to feel welcome and included.
118. Politicians and public opinion leaders should provide leadership to the debate with non-governmental organisations and local authorities playing a key mediation role.

Priority should be given to programmes orienting refugees to the customs and way of living of the host populations.

119. European governments/regional bodies should introduce regulations linked to funding criteria for urban renewal programmes in order to encourage local authorities and other providers to consult with local communities (including refugee residents) on the implementation of urban policies.

#### *Health*<sup>64</sup>

120. According to the definition of the World Health Organisation (WHO), health is "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."<sup>65</sup> People's quality of life and capacity for personal development depend on their physical social and mental well-being.
121. Refugees can suffer from a range of health problems relating to their experiences of war, political persecution, torture and imprisonment and the conditions of flight from their country of origin. Their state of health can also be affected by multiple deprivation experiences,<sup>66</sup> prolonged separation from family members, difficulties with cultural adaptation and lack of perspective of one's future during lengthy asylum determination procedures and once they have been granted leave to remain in a European country. The health of refugees is likely to deteriorate under inadequate reception conditions, especially, but not only, for those with existing health problems.<sup>67</sup>
122. There are differences in health provision for refugees in European countries. In some countries, people have restricted access to the national health systems during the asylum phase or when granted complementary protection. In other countries, they are entitled to services on the same grounds as nationals.
123. In the case of recognised refugees, the granting of health rights does not always imply the full enjoyment of such rights. Access to services is often hindered by inflexible administrative procedures, financial requirements (like co-payments), limited or no refugee understanding of national health systems and lack of awareness of refugee

needs and care expectations by doctors and other medical professionals.

124. Language difficulties can also constitute an important barrier to refugee health access. In some countries, interpreting services are available as part of the national health system. These are not always easily accessible or appropriate to refugee needs. In other countries, there is no interpreting assistance.
125. Among some refugee communities in Europe, female genital mutilation (FGM) represents a major health concern. It is a controversial issue generating strong reactions from both refugee communities and health professionals. It involves immediate health risks for those subjected to it and has long-term physical and psychological implications.
126. In most European countries, NGOs as well as church organisations play a significant role in providing counselling, psychological and social support and medical treatment to refugees in need. In some countries,<sup>68</sup> they are fully or partly funded by the state; in other countries,<sup>69</sup> they rely on private donations and voluntary work.

### *Recommendations*

127. ECRE considers that limited or no access to health provision together with lack of adequate and healthy reception conditions during the initial phase of arrival can seriously undermine refugee long-term mental and physical health and integration prospects. It proposes that physical and mental health services, for both urgent and chronic needs, should be made available to asylum seekers upon arrival in European countries of asylum. Health assessments should be conducted by suitably qualified professionals and to the same standards as provided for nationals. Asylum seekers should have informed choices in their treatment.
128. When developing strategies to facilitate refugee access and use of health services, primary consideration should be given to adopting working methods, which create trust between health providers and refugees. In order to overcome barriers to health access, key priority should also be given to the establishment of interpreting and mediation services as well as the promotion of health education and prevention programmes (including oral and written information material) aimed at refugees generally but also targeted at specific vulnerable groups.
129. ECRE suggests that specialised refugee services should form a permanent part of mainstream health provision and benefit from long-term public support. They should act as "bridges" to mainstream provision and focus on specific care and treatment needs resulting from experiences in the country of origin and during a refugee's flight to safety and reception in host country.
130. Physical and mental health interventions need to take into account the range of circumstances of a refugee's life. Health providers should seek as far as it is possible to develop culturally sensitive services that reconcile European norms of health with non-Western health orientations. Training for professionals, including doctors, nurses, interpreters and others, on refugee and cross-cultural issues should be made available at educational establishments and in the workplace. The involvement of refugees and/or their community representatives as trainers should be considered as appropriate.
131. Refugee women of all ages should be fully informed of the range of health services in the country of asylum and be given the option of being attended by female medical professionals. Care should be taken to explain to women their choices concerning reproductive health and family planning, and other issues relating to parenthood and family life, including information on the services available and the laws relating to abortion.
132. In the case of refugee communities where female genital mutilation (FGM) might be common, health authorities should seek to develop health awareness programmes targeting groups traditionally practising FGM.
133. Health providers should adopt a common agreement on the care standards applying to refugees with mental health problems. Provisions should be made to meet the particular needs of refugees who have experienced torture or other trauma and to make services accessible to them. Special assistance, treatment and rehabilitation



programmes should be made freely available and should cater for families as a whole where this is requested. Any arrangements should be age and gender-sensitive and take into account the effect of experiences of flight and exile on refugee short and long term well-being.

## ***Family Reunion***

### *Recommendations*

134. The principle of family unity and respect for family life is firmly established in international practice.<sup>70</sup> ECRE recommends that family reunion should not be limited to people meeting the criteria of the 1951 Convention but also be extended to people granted a complementary protection status.<sup>71</sup>
135. European governments should not impose restrictions on the right to family reunification of refugees and people with complementary protection status relating to length of residence, employment status, access to housing and earning capacity, or availability of documentation proving family links.<sup>72</sup>
136. Attempts should be made to ensure that refugee families reunite with the least possible delay and at a minimum within the first six months from status determination.
137. The right to family reunion should not be limited to immediate members of family.<sup>73</sup> Procedures should be in place to facilitate access to family reunification for:
  - a) Descendants of legally married partners who are less than 21 years of age or dependent on the principal applicant;
  - b) Dependent relatives in the ascending line of legally married partners;
  - c) Partners in a durable form of cohabitation who are not legally married or cannot legally marry and the children under the age of 21 descending from them;
  - d) Children who are de facto members of a household through adoption, fostering or other forms of care arrangements, although not descending from a marriage or a relationship pertaining to the household;
  - e) Same-sex partners in a durable form of cohabitation;
  - f) All dependent relatives in the ascending or descending line of cohabiting partners;

- g) Dependent siblings when humanitarian reasons are invoked; and
- h) Relatives on whom the principle applicant is dependent due to health, age, disability or other reasons.<sup>74</sup>

138. Family members should be granted the same legal status and entitlements as the individual refugee(s) they are joining. They should have equal access to the labour market, educational and health facilities and other benefits available to people with a similar status. Access to specific integration programmes should also be guaranteed.
139. Special consideration should be given to the family reunion requirements of unaccompanied refugee children<sup>75</sup> and elderly refugees.

## ***Data on Refugees***

### *Recommendations*

140. In most European countries, there is little information on the socio-economic situation of Convention refugees and persons afforded complementary protection. ECRE proposes that European governments should give consideration to the development of centralised information resources on refugees. Such resources would facilitate the collating of relevant statistical data and enable European governments and non-governmental organisations to critically assess the quality and effectiveness of refugee integration programmes.
141. Data collection should be on a longitudinal basis and allow for analysis of the situation of second-generation refugees, respecting the need for confidentiality.
142. Any introduction of systems to monitor refugee integration in Europe should be preceded, when relevant, by consultations with refugees and/or their representatives at national level. These should aim to establish *acceptable* methods of statistical information collation in order to justify and implement special measures in favour of refugees.
143. In order to improve the accessibility of research, ECRE recommends that provisions should be made for the compilation of short

summary descriptions of research findings in English, French and Russian.

### ***Financing Integration***

144. There are considerable variations in the level of resources used by European governments to promote refugee integration. These often reflect differences in social protection systems across Europe. Some countries spend a high proportion of the Gross Domestic Product (GDP) on social welfare and have well-developed refugee integration and general welfare programmes. Other countries have less developed social protection and integration systems reflecting welfare expenditure levels below 22% of their GDP. With growing problems of social exclusion and marginalisation of indigenous as well as immigrant populations in Europe, there is increasing government and public concern as to the level of resources used to facilitate refugee integration.

### ***Recommendations***

145. ECRE believes that the financing of refugee integration is a key government responsibility. When calculating the cost of refugee integration programmes, European governments should take into consideration the long-term economic and social costs associated with risks of refugee marginalisation in the case of public non-intervention at an early stage. Given the European dimension of refugee integration and on the basis of solidarity across Europe, structural and targeted EU funding needs to continue being available to realise EU-wide targets of refugee integration.

146. Considerable investment needs to be made in services during the reception phase in order to enable people to develop the necessary skills and knowledge, which facilitate integration in the host country in the case of a positive asylum decision.

147. Investment should also be made in educational measures to enable people to gain qualifications useful for rebuilding their home country in case of return.

*December 2002*

## ANNEX

### **TABLE ONE: Relevant International Instruments**

Universal Declaration of Human Rights (1948)

International Covenant on Economic, Social and Cultural Rights (1966)

International Covenant on Civil and Political Rights (1966)

1951 Convention Relating to the Status of Refugees and the 1967 Protocol

International Convention on the Elimination of All Forms of Racial Discrimination (1965)

Convention on the Rights of the Child (1989)

UNESCO Convention against Discrimination in Education (1960)

European Social Charter (1961)

Additional Protocol to the European Social Charter (1995)

European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

European Convention on Social Security (1972)

European Agreement on Transfer of Responsibility for Refugees (1980)

### **TABLE TWO: Relevant EU Directives and Decisions**

#### **Directives and Decisions agreed by the Council**

Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. 2000/43/EC

Council Directive establishing a general framework of equal treatment in employment and occupation 2000/78/EC

Council Decision establishing a Community action programme to combat discrimination. 2000/750/EC

Council Directive laying down minimum standards on the reception of applicants for asylum in Member States, 28 November 2002; Council of the European Union 15398/02 (ASILE 78)

#### **Directives proposed by the Commission currently under negotiation**

Proposal for a Directive on minimum standards for the qualification and status of third country nationals and stateless persons who otherwise need international protection. 12.9.2001, COM (2001)510final.

Proposal for a Council Directive concerning the status of third country nationals who are long-term residents. 13.3.2001, COM(2001)127final.

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<sup>1</sup> Council Directive laying down minimum standards on the reception of applicants for asylum in Member States, 28 November 2002; Council of the European Union 15398/02 (ASILE 78).

<sup>2</sup> Proposal for a Directive on minimum standards for the qualification and status of third country nationals and stateless persons who otherwise need international protection. 12.9.2001, COM (2001)510final.

<sup>3</sup> See also paragraph 47 of ECRE's *Position on Asylum Seeking and Refugee Women*, December 1997.

<sup>4</sup> See paragraphs 134–139 of this paper for details of the family members ECRE considers should be included.

<sup>5</sup> In particular, the achievement of the Council Directive laying down minimum standards on the reception of applicants for asylum in Member States, 28 November 2002; Council of the European Union 15398/02 (ASILE 78).

<sup>6</sup> The Task Force on Integration 1997-2000 consisted of the following ECRE member agencies: British Refugee Council: *Employment*; World University Service: *Education*; Dutch Refugee Council: *Housing*; Greek Refugee Council: *Community & Culture*; Italian Refugee Council: *Health*; and France Terre d'Asile: *Vocational Training*. The secretariat of the Task Force was based at the Overlegcentrum voor Integratie van Vluchtelingen (OCIV) in Belgium. The second project: Good Practice in the reception and integration of refugees: networking across Europe, 2001-2002, included the following ECRE agencies: Asylkoordination: *Elderly refugees*; British Refugee Council: *Employment*; Caritas Germany: *Traumatized refugees and Victims of Torture*; Italian Refugee Council: *Co-operation with Local Authorities*; Greek Council for Refugees: *Community Centres*; World University Service: *Education*.

<sup>7</sup> In particular, *Position on Refugee Children* (1996) and *Working Paper on the Need for a Supplementary Refugee Definition* (1993).

<sup>8</sup> The concept of cultural identity of refugees and host societies is often seen as static and unidirectional. The reality is often more complex. In many cases, refugees have an impact on the social cultures and structures of countries of durable asylum while at the same time, as individuals, they engage in a process of redefinition of their values as a result of changes stemming from their experiences of exile.

<sup>9</sup> The UN Convention Relating to the Status of Refugees prescribes a number of socio-economic rights to people recognised as refugees. Some of these are limited to ensuring equality of treatment with other non-nationals (i.e. Articles 17, 18, 19 on the right to work; Article 22, 2 on the right to higher education; Article 21 on the right to housing etc) while others provide for the same treatment with nationals (i.e. Article 23 on the right to public relief). For a detailed analysis of the socio-economic rights of refugees and non-nationals in Europe, see the *Research Paper on the Social and Economic Rights of Non-Nationals in Europe* commissioned by ECRE, November 1998.

<sup>10</sup> UNHCR also makes this point. See UNHCR paper EC/GC/o1/17 Sept 2001 *Global consultation on international protection: reception of asylum seekers, including standards of treatment in the context of individual asylum systems*; states: "the 1951 Convention relating to the Status of Refugees ...(remains)...an important point of departure for considering standards of treatment for the reception of asylum seekers, not least because asylum seekers may be refugees."

<sup>11</sup> For a detailed list of recommendations, see ECRE's *Position on the Reception of Asylum Seekers*, (November 2001).

<sup>12</sup> International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), European Convention for the Protection of Human Rights and Fundamental Freedoms (1950).

<sup>13</sup> Entitlements to Convention rights are granted on an incremental basis, relating to the refugee's degree of attachment to the state. Some rights accrue to refugees who are simply *present* in the territory under a state's jurisdiction [A.3 (non-discrimination), A.4 (religion), A.16 (access to the courts), A.22 (public education), A.27 (identity papers), A.33 (prohibition of expulsion)]; other rights are reserved for refugees who are *lawfully present* [A.18 (self-employment), A.26 (freedom of movement) and A.32 (expulsion)]; or who are *lawfully staying* [A.15 (right of association), A.16(2) (access to courts), A.17(1) (wage-earning employment), A.19 (liberal professions), A.21 (housing), A.23 (public relief), A.24 (labour legislation and social security), A.25 (administrative assistance) and A.28 (travel documents)]; or are *residing for an extended period* in the territory of the host state [A.17(2) (wage-earning employment), and A.7(2-5) (exemption from legislative reciprocity)].

<sup>14</sup> A notable exception is the situation in some Nordic countries where people with complementary protection are granted the same socio-economic rights as Convention refugees.

<sup>15</sup> Proposal for a Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees, in accordance with the 1951 Convention relating to the status of refugees and 1967 protocol, or as persons who otherwise need international protection. 12.9.2001, COM (2001) 510 final.

<sup>16</sup> UNHCR considers local integration to be one of the traditional durable solutions for refugees together with voluntary repatriation and resettlement (UNHCR Conclusion No. 62 (XLI)). Many examples of good practice and guiding principles for integration of resettled refugees are discussed in UNHCR's handbook on *Refugee Resettlement: An International handbook to Guide Reception and Integration* (October 2002)

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<sup>17</sup> In its February 1999 Resolution on the harmonisation of forms of protection complementing refugee status in the European Union, the European Parliament has recommended that complementary protection should be granted to the following categories: "persons who have fled their country or are unable or unwilling to return because their lives, safety or freedom are threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights and other circumstances which have seriously disturbed public order; and persons who have fled their country, and/or are unwilling to return there, owing to a well-founded fear of being tortured or of being subjected to inhuman or degrading treatment or punishment or violations of other fundamental human rights."

<sup>18</sup> The Treaty of Amsterdam prescribes that within five years after the entry into force of the Treaty, measures will be adopted to define the minimum standards for persons who otherwise need international protection (Article 63 (2) (a)).

<sup>19</sup> The Council of Europe's Recommendation 773 (1976) on De Facto Refugees recommends that states make applicable to de facto refugees (people unable or unwilling to return to their country of origin for political, religious or other valid reasons) as many articles as possible of the 1951 Convention.

<sup>20</sup> The European Convention on Social Security (14 December 1972) and the European Social Charter (1961).

<sup>21</sup> For example, Convention 97 concerning Migration for Employment; Convention 143 concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, Convention 118 concerning equality of treatment of nationals and non-nationals in social security; Convention 157 concerning the establishment of an international system for the maintenance of rights in social security etc. Further information can be found in a *Research Paper on the Social and Economic Rights of Non Nationals in Europe* commissioned by ECRE in 1998.

<sup>22</sup> The 1995 Additional Protocol Amending the European Social Charter provides for a System of Collective Complaints and encourages the Council of Europe's social partners including NGOs with consultative status to report Charter violations to the Committee of Independent Experts in the form of a complaint.

<sup>23</sup> Council of Europe, CDMG(93), 28 September 1993.

<sup>24</sup> For example, there has been political debate concerning the introduction of criteria by which the suitability of individuals for citizenship can be tested, in Austria, Belgium, Sweden and the UK.

<sup>25</sup> Article 34 recommends that states facilitate as far as possible the "assimilation and naturalisation of refugees" and "make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings".

<sup>26</sup> Council of Europe Recommendation 564 (1969), point ii.

<sup>27</sup> Article 2 of the 1951 Convention states that "Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order".

<sup>28</sup> The Treaty on European Union (1992) establishes Union citizenship rights for all persons holding the nationality of EU Member States including the right to move and reside freely within the territory of the Member States. Within the context of the Amsterdam Treaty measures on the rights and conditions by which third country nationals legally resident in one Member State may reside in another have been proposed in the Proposal for a Council Directive concerning the status of third country nationals who are long term residents. 13.3.2001 COM(2001)127final.

<sup>29</sup> ECRE believes that integration is a process that begins on arrival in the host country. Therefore, ECRE considers that freedom of movement restrictions for asylum seekers, which limit access to health care, employment opportunities and community networks are liable to create long-term problems for the integration of refugees. See ECRE (2002) *Setting Limits: Research paper on the effects of limits on the freedom of movement of asylum seekers within the borders of EU Member States*.

<sup>30</sup> Article 28 of the 1951 Convention recommends that Contracting States issue travel documents to refugees "lawfully staying in their territory". It further affirms that states "may issue such a travel document to any other refugee in their territory ...in particular shall give sympathetic consideration to the issue of such a travel document to refugees...who are unable to obtain a travel document from the country of their lawful residence".

<sup>31</sup> See also the Council of Europe's European Agreement on Transfer of Responsibility for Refugees, (1980). Also, Regulation (EEC no 1408/71) on the application of social security schemes to employed persons, self-employed persons and members of their family moving within the Community refers specifically to refugees' right to transfer social security entitlements including health care acquired through residence in a EU member state.

<sup>32</sup> See also Recommendation 773 (1976) on De Facto Refugees, II (iii) which invites governments not to subject de facto refugees to restrictions regarding their political activities - with the exception of political rights in the strict sense which depend upon possessing the nationality of the country of residence.

<sup>33</sup> See also, Article 5, Chapter B - Consultative bodies to represent foreign residents at local level of the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level.

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<sup>34</sup> As per the Starting Line Group's "Proposals for Legislative Measures to Combat Racism and to Promote Equal Rights in the European Union", 1998.

<sup>35</sup> See also UNHCR Materials of the Experts Group Meeting on Freedom of Movement and Choice of Place of Residence in the CIS, 8-10 December 1997.

<sup>36</sup> The International Convention on the Elimination of all Forms of Racial Discrimination commits all signatory states to "adopt all necessary measures for speedily eliminating racial discrimination...". A.1, 2 however state that the Convention "shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens".

<sup>37</sup> Such action has mostly focused on targeted educational/training provision for young adults and migrant women.

<sup>38</sup> The principle of positive action is established in A.1, 4 of the International Convention on the Elimination of All Forms of Racial Discrimination where it is stated that "special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination provided...they do not lead to the maintenance of separate rights for different racial groups...".

<sup>39</sup> The Greek Refugee Council has compiled detailed documents on issues relating to community integration and cultural adaptation. These can be found on the ECRE web-site <http://www.ecre.org>

<sup>40</sup> Opinion of the Economic and Social Committee on Immigration, integration and the role of civil society organisations, March 2002, SOC/075.

<sup>41</sup> Here, the term is used to describe a wide range of organisations operating in the public sphere including political parties, interest groups, welfare associations, social movements, religious bodies and the media.

<sup>42</sup> Here, civil society is defined as "a sphere of dynamic and responsive public discourse between the state, the public sphere consisting of voluntary organisations and the market sphere concerning private firms and unions".

<sup>43</sup> The term is used to refer to training directed to managers and aiming to emphasise the importance of valuing difference in the workplace. It argues that ethnic, racial and sexual groups have different cultural styles of working which should not be negatively labelled.

<sup>44</sup> The importance of these points is fully supported by UNHCR in its Agenda for Protection. See UNHCR Agenda for Protection June 2002 A/AC.96/965/Add.1 Goal 5.7 Achievement of self-reliance for refugees.

<sup>45</sup> Refugee skills and personal development could also facilitate the eventual return of refugees to their home country if the circumstances enable them to return in safety and dignity.

<sup>47</sup> UNHCR has described older refugees as: "a special group with a lower profile but with particular needs that may be equally pressing...(including)...lack of mobility, a sense of isolation and abandonment, as well as chronic dependency" UNHCR paper EC/GC/o1/17 Sept 2001 para23

<sup>48</sup> See also paragraph 47 of ECRE's *Position on Asylum Seeking and Refugee Women*, December 1997.

<sup>49</sup> The European Social Fund and the Community Initiative EQUAL now contain specific references to refugees and asylum seekers.

<sup>50</sup> In 1997, the European Commission launched the implementation of budget line B3-4113 - Measures to Assist Refugees. In Central and Eastern Europe (CEE), limited financial assistance can sometimes be provided through the PHARE-LIEN Programme.

<sup>51</sup> The only notable exception being Luxembourg where the residence permit does not entail an automatic permission to work.

<sup>52</sup> For example, see Finn Kjeller Johansen (1998), *Assessment and Recognition of Refugees Qualifications in the European Community*, Copenhagen: Danish Refugee Council; or Hernan Rosenkranz et al. (2002), *Qualifications of Refugees and Employment in Europe: A Research Report on Refugees in Belgium, Germany, Spain, Italy, the Netherlands and the United Kingdom*, London: RETAS - WUS UK

<sup>53</sup> See also paragraph 38 of ECRE's *Position on the Reception of Asylum Seekers* (November 2001).

<sup>54</sup> Article 17 of the 1951 Convention prescribes that refugees are to be accorded the best treatment given to nationals of any other country by treaty or by practice. Upon signing however, the Benelux and Scandinavian countries submitted reservations to A. 17(1) to the effect that the clause would not apply to their regional economic and customs agreements.

<sup>55</sup> See Articles 18 (self-employment), 19 (liberal professions) and 24 (1) (a) (labour legislation) UN Convention Relating to the Status of Refugees, Article 23, Universal Declaration of Human Rights, Articles 6, 7 International Covenant on Economic, Social and Cultural Rights, Article 5, International Convention on the Elimination of All Forms of Racial Discrimination, Part 1,1, European Social Charter. See also Article 24 of the Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection. 12.9.2001, COM(2001)510final

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<sup>56</sup> France Terre d' Asile has compiled detailed documents on issues relating to refugee vocational training which can be found on the ECRE web-site <http://www.ecre.org>

<sup>57</sup> See also Council of Europe European conventions in the field of recognition of academic qualifications including: No 15, European Convention on the equivalence of diplomas leading to admission to universities and its Protocol (No 49); No 21, European Convention on the equivalence of periods of university study; No 32, European Convention on the academic recognition of university qualifications; and No 138 European Convention on the general equivalence of periods of university study. The 1997 Joint Convention of the Council of Europe and UNESCO attempts to address issues relating to the recognition of previous qualifications for the purpose of education only.

<sup>58</sup> For an overview of recognition of foreign qualifications of refugees and asylum seekers in several European countries, including examples of good practice, see a research report by World University Service (2002) on *Qualifications of Refugees and Employment in Europe*.

<sup>59</sup> The World University Service (UK) has compiled detailed documents on issues relating to refugee education which can be found on the ECRE web-site <http://www.ecre.org>

<sup>60</sup> See also Article 22, UN Convention Relating to the Status of Refugees; Article 26, Universal Declaration of Human Rights; Article 13, International Covenant on Economic, Social and Cultural Rights; Article 4, UNESCO Convention against Discrimination in Education; Article 28, Convention on the Rights of the Child; Protocol No 1, Article 2, European Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>61</sup> The Dutch Refugee Council has compiled detailed documents on issues relating to refugee housing which can be found on the ECRE web-site <http://www.ecre.org>

<sup>62</sup> Article 21 of the 1951 Convention Relating to the Status of Refugees imposes a positive obligation on states to accord refugees with "treatment as favourable as possible" with regard to housing.

<sup>63</sup> Article 26, UN Convention Relating to the Status of Refugees; Article 12(1) & (3), International Covenant on Civil and Political Rights; Protocol No 4, Article 2, European Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>64</sup> The Italian Refugee Council has compiled detailed documents on issues relating to refugee health which can be found on the ECRE web-site <http://www.ecre.org>

<sup>65</sup> In 1977, the World Health Assembly decided that the major social goal of governments and WHO should be the attainment for all people of the world by the year 2000 of a level of health that would permit them to lead a socially and economically productive life. In 1981, the Assembly unanimously adopted a Global Strategy for Health for All to be implemented by the year 2000.

<sup>66</sup> Substandard housing, low income, social isolation, unemployment or underemployment.

<sup>67</sup> UNHCR paper EC/GC/o1/17 Sept 2001 Para 14 states: "due to the trauma associated with refugee flight, asylum seekers, in particular children, may suffer from physical health problems, and/or mental disorders that require prompt treatment... medical and psychological treatment should in principle be made available to those requiring upon arrival and throughout the asylum procedure. The free health care and medical consultation already available in a number of countries serves as a model for best state practice in this regard.

<sup>68</sup> Mostly in Northern Europe.

<sup>69</sup> For example in Southern and Eastern Europe.

<sup>70</sup> The 1951 Convention does not incorporate the principle of family unity in the definition of refugee. The majority of states however observe a recommendation on the protection of a refugee's family included in the Final Act of the 1951 UN Conference on the Status of Refugees and Stateless Persons. Also see Convention on the Rights of the Child, A. 10 & 20, International Covenant on Economic, Social and Cultural Rights, A. 10(1), International Covenant on Civil and Political Rights A. 17 & 23(1), Convention for the Protection of Human Rights and Fundamental Freedoms, A.8, EXCOM Conclusions No 9 (1977) and No 24 (1981). See also ECRE position on *Temporary Protection in the context of the Need for a Supplementary Refugee Definition*, March 1997, par. 24.

<sup>71</sup> Also see Conclusion No 15, EXCOM, 1979, General Principles e) about the right to family reunification not being limited to situations of permanent asylum.

<sup>72</sup> EXCOM Conclusion No 24 on Family Reunification states that "when deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the affiliation of children should not per se be considered as an impediment".

<sup>73</sup> UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status considers as a minimum requirement the inclusion of the spouse and minor children. It however acknowledges that in practice, other dependants, such as aged parents of refugees, are normally considered for family reunion if living in the same household. EXCOM Conclusion No 24 states "it is hoped that countries of asylum will apply liberal criteria in identifying those family members who can be admitted with a view to promoting a comprehensive reunification of the family".

<sup>74</sup> See ECRE Position on Refugee Family Reunification July 2000.

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<sup>75</sup> Article 22 of the Convention on the Rights of the Child prescribes that States Parties shall provide co-operation to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. See ECRE' s *Position on Refugee Children* (November 1996).