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SCANDINAVIAN HUMAN RIGHTS LAWYERS

STUDY REPORT

THE INTEGRATION OF REFUGEES IN ROMANIA, BELGIUM, GERMANY, SPAIN AND SWEDEN

April 2017

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INTRODUCTION

The number of people seeking refugee status in Europe has soared over recent years. The refugees live year after year with little hope of ever returning home. Some cannot because their countries are engulfed by endless conflict or because they fear persecution if they were to return.

For the majority of refugees in Europe, integration is the most durable solution, but it is a complex and gradual process with legal, economic, social and cultural dimensions. It imposes considerable demands on both the individual and the receiving society.

Despite the difficulties and challenges, effective integration of the refugees needs to be pursued as a key component of a successful refugee protection regime. This may require that the governments devote higher level of resources, better integration programs that respond to refugees needs.

Comprehensive integration concepts need to be developed in a timely manner and in the framework of the subsidiarity principle at European, national, local level, targeting all integration aspects. It is important that the EU laws transposed by the member states and the EU Programs are fully utilized.

Integration policy which complements a protection status in the EU and which allows all newcomers, including refugees, to become economically productive leads to self-reliance, dignity, and social interaction and is beneficial to individuals and the receiving society. A society with large under-productive segments will not only be economically divided, but also socially and often geographically segregated. Getting integration right is therefore key to both a successful Europe and to an effective protection system for refugees in Europe.

The aim of the study is to highlight the existing programs, gaps and develop a set of recommendations which can underpin future strategies in relation to integration policies, programs.

The study had been elaborated as part of the transnational project ***Enhance professionals' knowledge for a sustainable refugees' integration***, financed by the **Erasmus Program Strategic Partnerships, VET Action.** The project is coordinated by the Romanian organization Association Pro Refugiu, in partnership with Caritas International Belgium, Passage gGmbH Germany, Scandinavian Human Rights Lawyers Sweden and Trabe Iniciativas para la Economia Social y Solidaria Spain.

For the elaboration of the study report several methods were used to collect data, such as desk research (analyze legislation, national strategies, previous studies/publications etc), interviews with stakeholders (institutions and NGOs), interviews with refugees. It present relevant information on different types of programs (education & vocational training, labor, social, health, legal) and a set of recommendations based on each country profile.

CHAPTER 1
ROMANIA

Section 1 Statistics

In Romania, starting with 1991 and until 31 December 2014, a total number of 25.135 foreign citizens requested asylum, from which 5.242 persons obtained a form of protection (refugee status or subsidiary protection). During 2011-2012 it was recorded an inflow of asylum seekers from North Africa, based on the events from that region. Starting with 2013, there was an increase of the rate of admissibility, the majority of asylum seekers obtaining a form of protection were from Syria. An important number of asylum seekers were adult persons.

Asylum Seekers Age at the time of demanding asylum (2013-2014)

Age	2013	2014
0-13	310	232
14-17	89	152
18-34	722	829
35-64	362	320
≥ 65	16	14

Beneficiaries of an international form of protection (2014)

Origin Country	Refugees	Subsidiary Protection	Total
Syria	180	292	472
Irak	70	12	82
Afganistan	33	28	61
Ukraine	0	15	15
Stateless	2	8	10
Other countries	54	19	73

Beneficiaries of an international form of protection (2015)

Origin Country	Women	Men	Total
Afganistan	6	12	18
Stateless	1	7	8
Congo	1	2	3
Cuba	2	0	2
Egypt	0	1	1
Irak	8	18	26
Russian Federation	3	1	4
Iran	0	1	1
Libya	1	2	3
Pakistan	0	6	6
Palestine	0	1	1
Syria	82	107	189
Somalia	1	0	1
Ukraine	3	2	5

Section 2 Legal Assistance Program

In Romania there is a legislative and institutional framework through which are implemented the integration policies for the beneficiaries of a form of protection (refugee status / subsidiary protection). The coordination and monitoring belongs to the Interior Ministry through the General Inspectorate for Immigration that has also the attribution to provide through its regional structures specific services for the integration in the Romanian society of the foreigners beneficiaries of a form of protection. Also the non-governmental organizations have an active role, over the years implementing constantly programs, projects having as objective the integration in the Romanian society of this target group.

Recognition of the refugee status or the subsidiary protection, confers a number of rights, such as:

- Stay of the Romanian territory and obtain residence permit and travel document.
- Chose the residence place and free traveling, in the conditions established by the law.
- To be employed, carry out liberal professions, legal acts, commercial acts, independent economic activities in the same conditions as the Romanian citizens.
- Benefit from intellectual property protection.
- Benefit from social and health security.
- Access to all forms of education.
- Protection of personal data.
- Free access to court.
- Access in acquiring housing.
- Demand monthly financial support, on a determined period of time.
- Participate at integration programs.

Along with the access to these rights, in practice appear also legal problems that require specialized support. During the years the projects implemented by non-governmental organizations, funded from various sources (including by the Asylum, Migration and Integration Fund), the legal assistance services were mainly focused on the asylum seekers (support in the administrative and court phases), on foreigners who have been issued return decisions to their origin countries. In practice we observe that the beneficiaries of a protection form do not receive a constant legal support, on a long term.

A refugee / a beneficiary of subsidiary protection is a vulnerable person also as result of the fact he / she do not have solid legal knowledge on the rights, on the legal procedures to be undertaken if these rights are not respected. We do not refer only to persons that recently had obtained a form of protection, but also to the ones that are on the Romanian territory for a longer period of time.

The limited financial resources of many beneficiaries of a protection form do not allow them to hire lawyers, so the remaining options are, to request the support of a non-governmental organization (if it has collaboration with specialized lawyers) or to benefit from the legal aid of public lawyers in the case of the court procedures.

The human resource of specialized lawyers for the beneficiaries of a protection form is a limited one comparing with the total number of the existent target group in Romania. As lawyer, to assist a refugee, do not mean only to have knowledge of refugee rights, but also to be aware that having a refugee client means many times a different approach, including a behavioral one, comparing with a Romanian client. The refugees do not speak fluently Romanian language, so the lawyer has to be able to provide complete information using a simple language; also the refugees has a different cultural background to which the lawyer needs to pay attention in order for the professional relation lawyer-client refugee to take place in optimal conditions with positive results in solving that particular legal problem for which the legal aid was required.

There are multiple causes for which there is a limited human resource of lawyers specialized in refugees' assistance. It is beneficial that the lawyer's specialization in assisting this target group, to start from the early phases on the profession. In the case of junior and senior lawyers, they do not benefit from constant training on refugee law. Usually the professional trainings (organized by local bars, or by the

territorial structures of the National Institute for Training of Lawyers) are focused on other legal themes, the problematic of the refugees is quite limited approached.

The majority of the projects focused on legal aid targeted the asylum seekers (and less the beneficiaries of a protection form) and were implemented in general by a limited number of non-governmental organizations. These projects were focused on providing legal aid on a determined period of time, a certain number of trainings for a limited number of refugees. In order to develop at national level, a human resource of lawyers specialized in refugees' assistance, it is necessary the development of long-term sustainable actions, projects, and this also implies a solid partnership between General Inspectorate for Immigration and non-governmental organizations on one hand and regulatory bodies of lawyers profession and (local bars) and the training bodies (National Institute for Training of lawyers and its territorial centers).

National Normative Acts

Law 46/1991 for Romania's accession to the 1951 Convention on Refugees.

Law 122/2006 on asylum in Romania, as amended and supplemented.

Government Ordinance 44/2004 regarding social integration of foreigners who obtained an international form of protection or a right to stay in Romania, as well as the citizens EU member states and of the European Economic Space.

Law 291/2008 for the ratification of the Agreement between Romania Government and United Nations High Commissioners for Refugees and International Organization for Migration, regarding the temporary evaluation in Romania of persons in urgent need for international protections and their subsequent relocation, signed at Bucharest 8 May 2008.

Section 3 Access to Labor Market

Access to the labor market is crucial for the beneficiaries of a form of international protection (refugee status / subsidiary protection status) in order to start a new life, to integrate in the society of the host country, to be protected against poverty, exclusion, financial dependence.

According with the national protection, foreigners beneficiaries of a form of international protection, have access to labor market, acces to the unemployment insurance system, measures to prevent unemployment and to stimulate labor, in the same conditions as the Romanian citizens.

Based on the legal proceedings, foreigners who obtained refugee status or another form of protection, registered in the evidence of the National Agency for Employment, as persons in search of a job, benefit from the provisions of Law no. 76/2002 on the unemployment insurance system and stimulation of employment, as amended and supplemented.

The National Agency for Employment is the institution having as objectives institutionalizing social dialogue regarding employment and vocational trainings, implementation of strategies and of social protection measures for the unemployed persons. Among its attributions are:

- Organization, provision, funding of training services for unemployed persons.
- Orientation of the unemployed persons and the mediation between them and the employers in order to ensure a balance between the demand and the supply of work .
- Organize the payment service, recording of aid, benefits and allowences from the unemployment inssurance budget.

- Provide counseling, information, work mediation services (including the centralization of job demand and job offering), training services through its teritorial agencies.

The National Agency for Employment has in its charge the Bucharest Agency, 41 country agencies, 8 country centers for training services for unemployed persons, 8 regional centers for adult training services and also a national center for professional trainin gof its own staff.

In the period 2014-2016, the staff of the National Agency for Employment, did not participated at trainings, conferences in the country or abroad, having as theme the integration on the labor market for the beneficiaries of international protection.

The National Agency for Employment had few data regarding the number of the beneficiaries of a form of international protection registered as persons in search of a job and of the number of those who actually have a job.

YEAR	Beneficiaries of a form of international protection, registered as persons in search of a job	Beneficiaries of a form of international protection, registered as persons who actually have a job
2014	34	3 men
2015	19	4 (3 men, 1 women)
2016	17	2 men

From analyzing the data, it can be observed a low number of beneficiaries who have a job, in comparison with the total number of the target group found on Romanian territory, according with the data mentioned in Chapter Statistics.

Based on the information provided by the National Agency for Employment, from 2012 until 2016, the institution did not implemented projects, actions having as main objective the integration on the labor market for the refugees or for the beneficiaries of another form of international protection.

The legislation provides same rights and treatment as in the case of the Romanian citizens, but in practice there are multiple obstacles that in the end lead to a low number of beneficiaries integrated on the labor market. Among the obstacles we can enumerate:

- Linguistic and cultural barriers.
- Low knowledge level of the rights and the obligations (both from employers and service providers and from the beneficiaries of international protection)
- The level of distrust of the Romanian employers, towards foreigners.
- Limited specialized assistance, counselling provided to the target group. In the absence of state consolidated assistance structures actual providing effective support, the non-governmental organizations intervene by offering assistance, counselling, in general through implemented projects.
- However, this type of project-based approach may be insufficient, because it is an ad-hoc approach and on a limited duration.
- Lack of documents certifying education and training.

Formal recognition of skills and qualifications acquired abroad is a prerequisite in finding a good job in the host country. The equivalence and the recognition of professional qualifications are almost impossible in the absence of official documents from the country of origin. The Ministry of Education in collaboration with the Ministry of Interior elaborated a special methodology for of secondary education in the case of the beneficiaries of international protection who do not have documents, in order to facilitate their access to employment or to further studies.

Setting up a business is also more difficult for these foreigners comparing withthe Romanian citizens. For example, the beneficiaries of a form of international protection often do not meet the conditions to request a bank credit, do not have the necessary information on the procedure to obtain a

grant, do not benefit from support in the elaboration of a business plan, no information of the national market, on taxation and on the regulatory framework.

Specialized assistance for entrepreneurs (beneficiaries of international protection) is very rare in Romania.

Among the beneficiaries of a form of international protection, that can be found in Romania, there is a high level of dissatisfaction as result of: low opportunities to find a good paid job, according with the professional knowledge level; lack of comprehensive information regarding the rights, the procedures to be followed to identify jobs, performing an independent professions, opening a business. As methods to collect the feedback were used the focus groups and the individual interviews.

Section 4 Social Programs

Foreigners who obtained a form of protection in Romania (refugee status, subsidiary protection) can access social and health services "under the same conditions established by law for Romanian citizens." As a result of this, there are few programs which exclusively address refugees and the existing ones provide assistance on short-term inappropriate in view of the real needs of this category of persons. Majority of programs - for refugees - implemented by NGOs aimed information and counseling activities, social dialogue, cultural orientation Romanian language courses and addresses to a lesser extent the direct needs of this category, which concern: medical intervention and treatment, psychotherapy, material support, assistance in renting a home etc.

The most important ongoing program to integrate refugees is coordinated by the General Inspectorate for Immigration (GII). It aims to help foreigners with a form of protection, in the first part of their stay in Romania, after obtaining the form of protection, in the process of acquiring skills and knowledge necessary to adapt to the specific Romanian society. Integration program consists of:

- providing free access to one Romanian language course (beginner level)
- participation in cultural orientation sessions and counseling sessions,
- accommodation in a center within GII program
- and, immediate after obtaining a form of protection, provision of financial assistance under the same conditions and with the amount available to asylum seekers, for a period of up to 2 months, until they obtain the irredeemable grant provided by law.

The Integration program lasts a maximum of one year and it is conducted by an individual integration plan, drawn up for each adult by specialized personnel from the GII regional centers. Integration officers aimed at implementing the activities set out in the plan, benefiting from support provided by NGOs carrying out projects financed by the European Refugee Fund and other private funds. Special cases (unaccompanied minors, disabled people, people who have reached retirement age and do not receive pension, pregnant women, single parents with minor children, victims of trafficking and victims of torture, rape or other serious forms of psychological, or sexual violence) may benefit from the extension of integration and free accommodation in GII centers, indefinitely, until the end of the situation of vulnerability.

During participation in the government program of integration, individuals that have obtained a form of protection, which do not belong to the category of vulnerable cases, may benefit from accommodation at surcharge and subject to availability, in one of the GII Regional Centres.

Beneficiaries of a form of protection may qualify for a grant awarded by the Ministry of Labor, Family, and Social Protection, which can be obtained for a period of 6 months with the possibility of extension for another three months, granted, upon request, by each family member, after a social investigation.

Additionally, beneficiaries of a form of protection may apply for obtaining state social allowances for people with low incomes. Unfortunately, the process is difficult because refugees cannot obtain the documents required to be included in the system. Because of the situation in countries of origin (armed conflicts and / or lack of institutional system) from which the majority of people who were granted a form of protection in Romania originate, either birth certificates are not issued or they do not have it on their possession, being unable to recover them. Thus, in many cases, the only documents certifying their identities are issued by the General Inspectorate for Immigration and Civil Service, where the event took place on Romanian territory.

Access to Housing

Under current legislation, foreigners who obtained a form of protection in Romania have the right to social housing, under the same conditions as Romanian citizens. In practice, however, there is a shortage in the availability of social housing, so the only option remains accommodation in a center managed by GII, at surcharge for refugees enrolled in the integration program and free for persons belonging to vulnerable groups (unaccompanied minors, disabled people, people who have reached retirement age and do not receive pension, pregnant women, single parents with minor children, victims of trafficking and victims of torture, rape or other serious forms of psychological, physical or sexual violence).

Beneficiaries of a form of protection may require a subsidization of 50% of the rent for a year, if they complete the integration program and have no access to social housing. However, official reports show that, during the last years, there have not been filed any formal requests, due to lack of information from the government and NGOs.

There have been, over the years, several programs implemented by NGOs for a determined period, that helped international protection beneficiaries by paying a percentage of up to 50% of the rent house they in which they lived. However, the programs have had a short duration and the number of beneficiaries assisted was relatively low.

Good Practice
Housing
Once they leave the accommodation and reception centers, or directly at recognizing, or after integration program, beneficiaries of international protection are at particular risk of homelessness. Must be provided all necessary information and sufficient time for them to find adequate housing. Romania offers to beneficiaries of international protection the opportunity to stay in the accommodation centers, while participating in the integration program (which lasts for one year) during which they can search for a home.

Section 5 Educational Programs

Learning the Romanian language is one of the main challenges faced by the foreign citizens in the integration process in Romanian society, and not knowing the Romanian language is a barrier to them in accessing certain rights and opportunities.

Within the Integration Program coordinated by GII, Romanian language courses are held twice a week at a local school, each session lasting about two hours. The courses are for a period of one year, and not organized taking into account the level of knowledge of Romanian language that the participants own. Thus, although the courses are offered free of charge, they tend to have a low participation rate. The reasons behind this situation:

- Classes provide a basic level of study of the Romanian language. Some beneficiaries of international protection are able to quickly learn the concepts taught, already having some previous linguistic knowledge. The courses do not take account of these differences, the concepts taught being equal for all participants.
- The homogeneity of group (women and men) in the classroom discourages some women, coming from traditional cultures, to attend classes.
- Teachers are not specialized in working with migrants, and lacking financial incentives for teaching overtime.
- Free Romanian language courses are available only during the integration program of the beneficiary of international protection. Women with small children may find it difficult to attend classes during this time, no longer having the benefit of these courses after the program ended.
- Disinterest to attend classes and learn Romanian, motivated by the fact that some refugees wish to leave Romania, permanently or temporarily (seeking employment, family reunification or be with other fellow nationals).
- Some beneficiaries of international protection have low levels of literacy, which makes learning the Romanian language very difficult. There are no literacy programs as part of the integration program. However, beneficiaries of international protection have access to the learning program "Second Chance" component of the program "Access to education for disadvantaged groups", aimed at people who have passed school age and who have not completed various levels of study.

Additional courses of Romanian language are organized periodically by NGOs, which beneficiaries can access from the previous period to obtain a form of protection.

Recognition and equivalence of diplomas study / qualification is a difficult process and rarely beneficiaries of international protection choose to continue the steps in this direction. Obstacles are:

- Many foreigners do not have in their possession the education degrees from the country of origin, and even in the few cases in which they have the diplomas, they are not over legalized or contain the Apostille, as required by the National Centre for Recognition and Equivalence of Diplomas, so it cannot be recognized by the Romanian state.
- Both an Apostille (which, as a rule, is performed by the embassy of the origin country) and over legalization (which involves formalities both in the country of origin and in Romania) are expensive procedures, which often exceed the financial possibilities of beneficiaries.
- Over legalization is a lengthy procedure that involves contact with several institutions and therefore the payment of many taxes.
- For beneficiaries, citizens of countries that are not in diplomatic relations with Romania and who, therefore, have no diplomatic representation on the Romanian territory, the procedure is more complicated and involves higher costs.

- For beneficiaries from areas of conflict, who do not have all the documents requested during the procedure for granting a form of protection, documents that can no longer be procured, over legalization formalities are almost impossible to fulfill.
- At the same time, certain educational institutions in the third countries have no equivalent in the Romanian education system, such as the recognition of education is not possible.
-

Good Practice

Education
In Romania, the children beneficiaries of international protection may participate, as observers, in school and extracurricular activities during the integration program. Activities are organized and implemented by the school where they are enrolled. At the end of the introductory lesson, an evaluation team, made up of the school principal and several teachers, determine the level of linguistic and general knowledge of the child. This will decide on the class in which the student will be placed in the next school year. The motivation of immigration authorities and policy makers at the local schools that have decided to involve children, beneficiaries of international protection, in these activities remains at a fairly low. Schools, in their majority, do not benefit from adequate staff and are not prepared to offer these children the support they need in the light of their special education needs.

Section 6 Healthcare Assistance

To qualify for healthcare, foreigners who obtained a form of protection must pay health insurance contribution, like any Romanian citizen. Regarding emergency care, it is free, as much as for Romanian citizens.

Counseling and psychotherapy are reimbursed in small extent by health care insurance and it is difficult to obtain, even by Romanian citizens.

Although there are no official statistics concerning the number of refugees who hold a state medical insurance, unofficial data show a low number of people benefiting from this facility.

The reasons behind this situation include:

- The process of compiling a file and apply for a health care insurance is difficult because of the misinterpretation of the law by the health insurance staff, with regard to the necessary documents proving identity - personal code; in the documents of refugees, these data are present in a different from form those of Romanian citizens and that leads to confusion.
- People who do not work legally, do not have a contract of employment, automatically do not benefit from health insurance.
- The reluctance of the target group without legal work contract, to pay health insurance contribution.

For these reasons difficult situations often arise when medical needs appear, and refugees have to pay some monies that are beyond their actual means. In recent years, there have been programs coordinated by NGOs, through which beneficiaries of a form of protection had free access to some healthcare services and treatment and psychological counseling and psychotherapy. The limits of these programs are that: they have a temporary duration, there is no continuity, the amount of money allocated per beneficiary is reduced, do not cover all medical specialties, the waiting time for the beneficiary is high etc.

Good Practice
Health
In Bucharest there is a medical center for torture victims recover (administered by a national foundation - Foundation ICAR) which offers medical and psychological services including for international protection beneficiaries. Thus, refugees and subsidiary protection holders can choose to sign up for family physicians working with the NGO, who specialize in working with refugees and are ready to assist them paying attention to the specific needs of this category of people.

Section 7 Training Programs for Professionals Assisting Refugees

Over the past five years were organized by NGOs, a significant number of continuous training - non-formal, non-accredited - for professionals working in the field of asylum and migration. The beneficiaries of these courses were, mostly, workers of the NGOs who organized the courses (psychologists, social workers, physicians, legal advisers), and aimed to increase the level of knowledge, skills and developing a multidisciplinary intervention model in assisting migrants. The specifics of these meetings between experts consisted of: training, professional supervision, exchange of expertise between Romanian and partners from European countries specialists, etc.

So far, we cannot say that there are - in the medical, mental health and social care field of education - standardized national classes, accredited, organized by state institutions, to address the exclusive the topic of assisting refugees. (There is, however modules addressing these issues are present in the curriculum of the Faculty of Social Assistance in Bucharest, available to students enrolled).

Section 8 Recommendations

Legal assistance for the beneficiaries of international protection:

- Increase the numbe rof lawyers specialzied in providing counselling and assitance services for the tagret group.
- Anual organization of training courses for lawyers, by the local bars, by the National Institute for Training of Lawyers.
- Consolidation of partnership between non-governmental organziations having as target groups the beneficiaries of international protection and the bodies that regulate the lawyers profession, at local and national level.

Access to the labor market for the beneficiaries of international protection:

- Simplify the access to jobs.
- Provide counselling and targeted measures to facilitate access to the labor market. The inclusion of the beneficiaries of international protection, as disadvantaged group, in search of jobs, in the strategy and in the national plan on employment.
- Facilitate self-employment, entrepreneurship.
- Providers of vocational training and of further education forms related to employment, become aware of the specific situation of beneficiaries of international protection as a vulnerable group and adapt their type of services to their needs.

Education

- The introduction of formal programs, targeted and systematic of guidance and / or school initiation for children and their parents, who are beneficiaries of international protection.
- Increasing the hours of language learning and improving their quality, including exploring the opportunity to continue language learning after completing the initially course.
- Conducting the Romanian language courses following a uniform training curriculum across country, grouping of the students on the age and gender and creating modules depending on the degree of knowledge of the Romanian language.
- Awareness, guidance and providing specialized training to schools and teachers on the specific needs of international protection beneficiaries.

Financial aid and Housing

- Informing beneficiaries of international protection in a clear manner about available assistance for housing, be it short term or long term, in cash or in kind.
- Beneficiaries of international protection should receive extensive assistance, including financial aid, to enable them to move into independent housing.
- To support people throughout the integration program is necessary to increase the period of non-refundable granting up to 12 months vs. 9 months now.

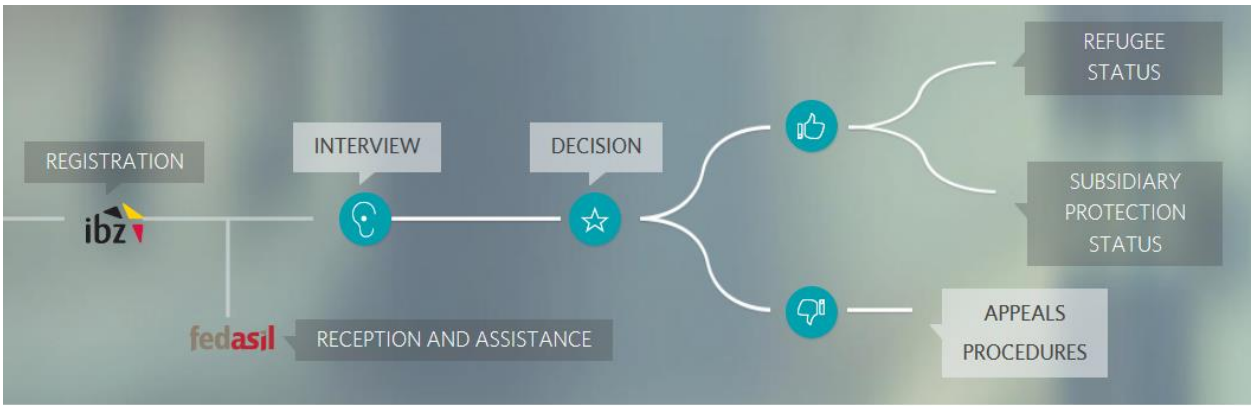
Medical and mental health

- Creating training programs for mental health professionals, so that there exist a proper human resource to meet the needs of beneficiaries of international protection.
- Creation of a specialized medical unit to assist the refugees - taking into account the cultural differences - in a public hospital.
- Informing health insurance staff and institutions that are part of the medical system on refugee identification documents so as to avoid misinterpretation of the law.

CHAPTER 2
BELGIUM

Section 1 Statistics

1.1.Asylum procedure



Asylum figures

The year 2015 was for many EU countries marked by an increase in the number of asylum applications. Belgium was not different. The Immigration Office (IO) registered 44.760 asylum seekers for a total of 35.476 asylum files. The number almost doubled compared with the previous year (22.848 applications).

Asylum applications	Number of files	% of applications
Number of asylum applications	35.476	
First asylum applications	31.285	88,2%
Multiple asylum applications	4.191	11,8%
Unaccompanied foreign minors	3.099	8,7%
CGRS decisions	**Number of decisions (per file)**	**% of decisions**
Multiple asylum applications		
Taking an asylum application into consideration	1.470	
Refusal to take an asylum application into consideration	2.098	
Final decisions	13.369	
Recognition of refugee status	6.757	50,5%
Subsidiary Protection (SP)	1.365	10,2%
Refusal to grant refugee status and SP for divers reasons *	4940	37%
Exclusion of refugee status and SP	67	0,5%
Renunciation, art. 55 (regularization), withdrawal of status, abolition of status	240	1,8%

* Technical refusal, application into consideration, (EU, safe coutries, refugee in other EU country)

Source: IO and Office of the Commissioner General for Refugees and Stateless Persons (CGRS)

1.2. Profiles of the asylum seekers

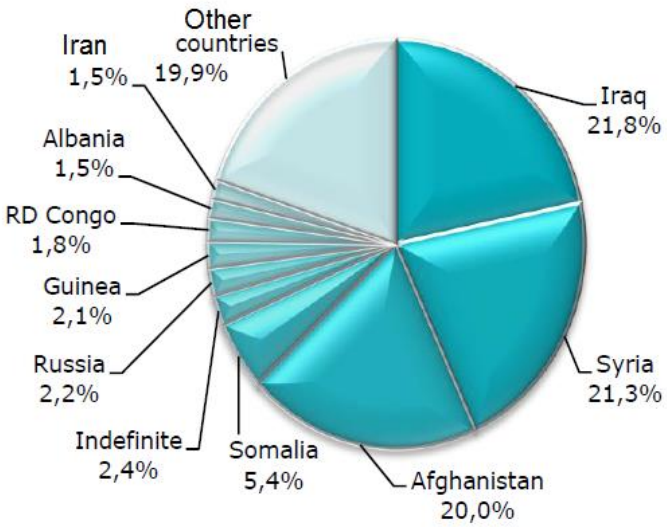
1.2.1 Countries of origin

In 2015, 134 different nationalities were identified among the 35.476 asylum applications. Given the long list of countries, we can't list them all. Below you will find the 10 most represented countries.

Iraq, Syria and Afghanistan are far ahead of the other nationalities, representing 60% of all registered applications.

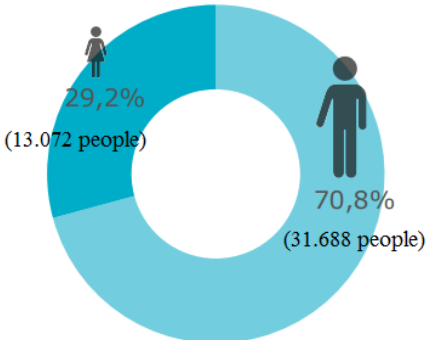
Top 10 of countries of origin

	Country of origin	Number
1	Iraq	7.722
2	Syria	7.554
3	Afghanistan	7.099
4	Somalia	1.932
5	Indefinite	846
6	Russia	777
7	Guinea	752
8	RD Congo	650
9	Albania	538
10	Iran	537
	Other countries	7.069
Total 2015		**35.476**

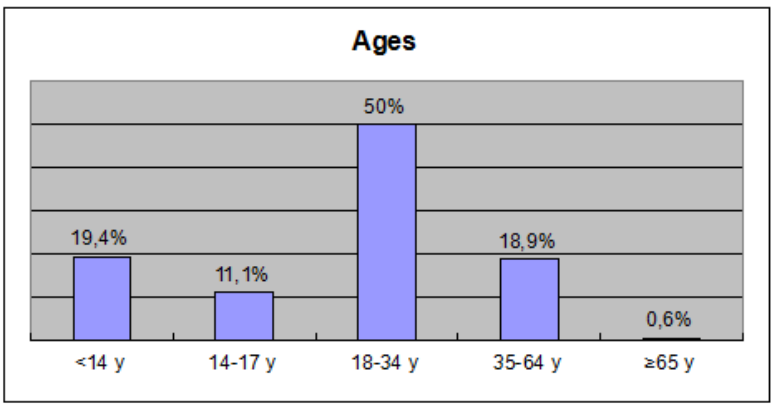


Source: IO and CGRS

1.2.2 Gender and age



The large majority of asylum seekers in Belgium are young men between the age of 18 and 34 years. The gender-ages profile is different for each country and reflects the common family composition. Afghans, Syrians and Iraqis are mostly isolated man while the gender distribution is close to balance in countries such as Russia, Guinea and DR Congo.



The second largest age group are children younger than 14 years. Adding to this the 14-17 years brings the percentage of minors asylum seekers to 30,5%.

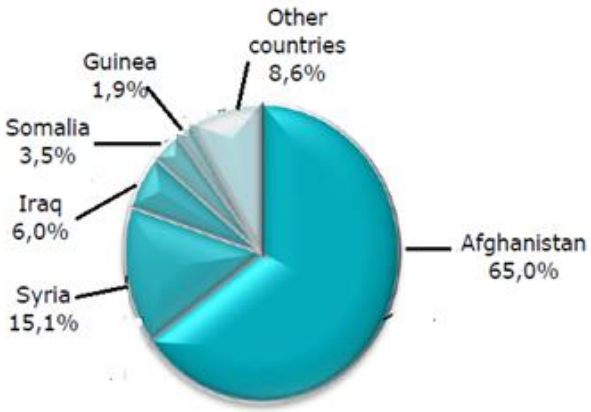
1.2.3 Unaccompanied minors

The rise of asylum seekers in 2015 is also visible among unaccompanied minors. 3.099 applications were registered, almost seven times the number of the previous year, 470 applications. The male female ratio is 92,5% boys and 7,5% girls. Their nationality distribution reflects the global top 3 countries mentioned above, 85,9% of unaccompanied minors comes from Afghanistan, Syria and Iraq.

Top 5 countries of origin of unaccompanied foreign minors

Country of origin	Number
1 Afghanistan	2.013
2 Syria	467
3 Iraq	185
4 Somalia	108
5 Guinea	60
Other countries	266
Total 2015	**3.099**

Source: IO and CGRS



1.2.4 Other vulnerable groups

Unfortunately the official statistics of IO and CGRS only identifies the "unaccompanied minors" as vulnerable groups. No details are given about asylum seekers with other specific vulnerabilities such as a handicap, illiteracy, etc.

1.3. Asylum decisions by CGRS

In 2015, the level of protection[1] granted in asylum files was of 52,7%. A remarkable increase compared to 2014 (37,7%). This is mainly due to the increase of asylum applications from countries with a great protection need such as Syria and Eritrea, considering their socio-politic situation[2]. Out of the 16.937 final decisions made by CGRS 39,9% were granted a refugee status and 8,1% a subsidiary protection.

Decisions refugee status and subsidiary protection	Number of files	Number of persons
Recognition of refugee	6.757	9.150
Granting of subsidiary protection	1.365	1.648
Total	**8.122**	**10.798**

Top 10 decisions of recognition of refugee status

Country of origin	Number of recognitions
1 Syria	2.443
2 Eritrea	593
3 Indefinite	572
4 Iraq	527
5 Afghanistan	414
6 Guinea	328
7 Somalia	193
8 Iran	190
9 Russia	166
10 RD Congo	148
Other countries	1.183
Total 2015	**6.757**

Decisions of granting of subsidiary protection

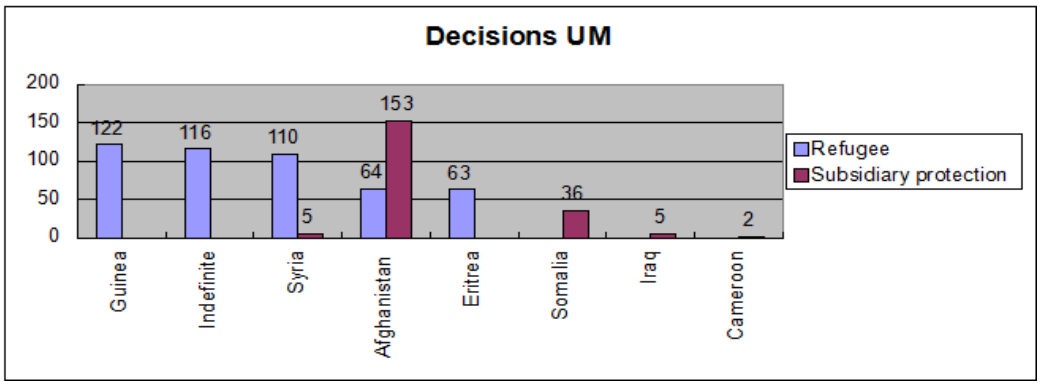
Country of origin	Number of granting
1 Afghanistan	378
2 Iraq	286
3 Syria	283
4 Somalia	265
5 Ukraine	35
Other countries	118
Total 2015	**1.365**

[1] The ratio of the number of granted protection statuses (refugee or subsidiary protection) compared to the total number of final decisions.
[2] CGRS, Annual report 2015, p.26

Source: IO and CGRS

The top 3 countries with the highest asylum applications are also the ones with the highest recognition rate: 2.726 Syrians, 813 Iraqis and 792 Afghans.

As for unaccompanied minors, 752 were recognized as refugees and 208 were granted subsidiary protection.



Section 2 Social Programs

Integration matters are regional matters in Belgium. There is therefore no complete uniformity in the operation of the services in the different regions unless it involves elements that are determined by law.

1.1. Housing counseling

After the registration of their asylum application, the applicants can request a place in a reception center managed by Fedasil[3]. From the moment asylum seekers receive an approval of their application, they have two months to find an accommodation and to leave the center. Although they get some support from social workers in the center or other local social services, refugees are responsible for their own search. Because of their poor financial situation combined with other realities (being a foreigner, unemployed, big family, etc.), they often have difficulties finding housing within the given period. This is usually a very difficult and challenging period. It is because of these challenges that Caritas started the "Housing café" project to help refugees or beneficiaries of subsidiary protection in their search of housing. The search is done in collaboration with volunteers. At the moment that they find an accommodation, they are entitled to a rental guarantee and installation fee granted by the public social welfare center CPAS/OCMW/ÖSHZ[4] of their place of residency.

[3] Federal agency for the reception of asylum seekers.
[4] **CPAS (**Centre public d'action sociale) in the French-speaking region, **OCMW** ('Openbaar centrum voor maatschappelijk welzijn) in the Dutch-speaking region and **ÖSHZ** (Öffentliches Sozialhilfezentrum) in the German-speaking region.

2.1.Welfare

2.1.1. Social security

Belgium has a very extensive social security system accessible to all its residents. The residence status of foreigners determines which benefits they are entitled to. Those who have been recognized as refugees or benefit from a subsidiary protection have, under certain conditions, access to all allowances and social services.

The social contributions payed by workers and employers makes it possible for Belgium to have such an extensive social security. The overall social security fund is then divided and managed by offices responsible for the following benefits:

- allowances in the event of sickness
- allowances in the event of incapacity for work because of illness or invalidity
- allowances in the event of accidents at work
- allowances in the event of industrial disease
- unemployment benefits
- family allowances
- pensions

All Belgians, refugees or beneficiaries of subsidiary protection are entitled to the above benefits from the moment they contribute as employees to the social security system. The only exceptions are family allowances. They can assert the right to the guaranteed family allowance for their children from the moment they receive their residence status, even if they are not yet employed.

2.1.2. Financial assistance

All refugees or beneficiaries of subsidiary protection are entitled to financial assistance from the moment they cease to benefit from material aid granted during the asylum procedure. To assert this right they must apply for financial assistance at the public social welfare center, CPAS/OCMW/ÖSHZ, in their place of residency. Because the CPAS/OCMW/ÖSHZ grants assistance starting from the day of the application for support, it must be done as soon as the rental agreement is signed.

The social worker responsible for their file will do a social screening to evaluate the family and the applicant's financial situation. After approval the refugee receives a monthly financial support as long as he doesn't have another income. The granted amount is determined by law and is the same for both Belgians and non-Belgians. It only varies according to the family composition.

Family composition	**Cohabiting person**	**Single person**	**Family responsibilities**
Amount valid from 01/06/2016	578,27 €	867,40 €	1.156,53 €

Source: FPS Social Integration, amount is regularly indexed by the government.

2.1.3. Social services

There exist many social services in Belgium, each with their specific vision and goals. In principle everyone, refugees included, are entitled to their services if their request matches their offer and conditions. The CPAS/OCMW/ÖSHZ is the largest public social welfare center of the country which provides a wide range of services - such as financial/material support, housekeeping for elders, etc. - to ensure a life with dignity for vulnerable people. As is the case with financial application, the social worker

does a social screening in order to find the adequate situation. For example financial assistance, childcare, food aid, etc.

2.2.Civic orientation

Civic orientation courses are organized for asylum seekers, recognized refugees and beneficiaries of subsidiary protection in their own languages, depending on the available interpreters, in order to explain the functioning of the various Belgium services such as health insurance, child benefits, school system, transport, etc. The course has not been conceived and implemented in a similar way across Belgium. At first it was only mandatory in Flanders (since 2004), In 2016 the Walloon and Brussels government adopted the decree aiming to introduce a mandatory integration program. This obligation applies only to non-EU foreigners who are registered for the first time in the National Register and have a residence permit of more than three months. They must be at least 18 years and not older than 65 years Citizenship

After a continuous legal residence of five years (period asylum procedure not included), refugees or beneficiaries of subsidiary protection can apply for the Belgian citizenship. In order to be eligible, one must meet all of the following conditions:

1. Be at least 18 years old
2. Have a legally valid and unlimited residence permit at the time of the request
3. Have a legal stay in Belgium of minimum five years
4. You can prove your social integration
5. You can prove your economic participation.

According to the personal situation of the applicant, certain documents are requested to complete the application.

Concerning the children of the applicant, minors will automatically get Belgian citizenship if one parent acquires Belgian nationality. Adult children must submit an application in their own name.

Section 3 Health Programs

3.1. General healthcare

Belgium's healthcare is known to be very accessible, not only for Belgian citizens but for all residents. The payment system may differ depending on the patient's residence permit. In the case of undocumented migrants, the State shall only intervene for the cost of emergency medical care.

Refugees or beneficiaries of subsidiary protection have access to the same system as the Belgians. They must join a health insurance fund which will (always) intervene in their medical costs. The monthly contribution depends on the family composition and their financial situation. If the family does not have the necessary funds to pay their contributions, the CPAS/OCMW/ÖSHZ can intervene for a limited period to make sure they are insured.

Whether the health problems are due to an illness or an accident, insured persons are eligible for a range of support measures. Everyone is entitled to (partial) reimbursement of their medial consultations, treatments, medications and of hospitalization costs from their healthcare insurance. For some treatments, people with modest incomes receive a full refund. This is often the case for those who receive financial assistance from the CPAS/OCMW/ÖSHZ.

3.2. Psychological counseling

Belgium has several services that are specialized in psychological counseling of refugees. The professionals working here take into account the specific vulnerabilities and cultural background of this group. If necessary, cultural mediators and interpreters are assigned to the file to improve the quality of the counseling. You can find these services almost in all major Belgian cities: Brussels, Antwerp, Gent, Liège, etc.

During the asylum procedure, all medical costs, including psychological counseling, are at the expenses of Fedasil. Once the refugees leave the asylum center, they are covered by social security and healthcare insurance.

Section 4 Educational and Vocational Training Programs

4.1. Language course for minors

Belgium organizes special education for foreigner children who don't speak Dutch, French or German. These classes are accessible to children who have been living in Belgium for less than a year for up to a year and. Their purpose is to help pupils achieve, in the shortest possible time, a sufficient level of language that would make it possible for them to successfully follow lessons in general education.

A distinction is made between the language classes in the primary and secondary education. The program in primary school consists of 1 or 2 years, with the possibility of a follow-up year. The school organizing this is free to include these children in an existing class, or to create a separate class for newcomers. In the case of the secondary school, the language lessons are organized for one year. After this there are oriented to the general education.

4.2. Language course for adults

Asylum seekers have the possibility to enroll and start language courses according to their school level and available places in the local language school. This becomes a obligation from the moment they receive recognition as refugee or were granted a subsidiary protection. Those with financial assistance from the CPAS/OCMW/ÖSHZ are obliged to regularly attend language courses. Unless having a valid reason, non-compliance with this condition is considered to be a reluctance to improve his chances in the labor market. For this reason the granting of the financial assistance may be interrupted.

Refugees living in Flanders must learn Dutch; those in Wallonia must learn French. The Brussels residents have a choice between the two languages.

4.3.Vocational training and Equivalence of diploma

To maximize their chances on the labor market, and in addition to language courses, refugees have access to different types of trainings. Young people under 25 who have not yet obtained a higher degree have the possibility to continue their studies as part of an individualized social integration project designed in consultation with the CPAS/OCMW/ÖSHZ. Those older than 25 don't have easy access to studies, especially when depending on financial assistance. The focus is on job search or short vocational trainings organized by different services.

Refugees who hold a diploma from their country of origin can apply for its recognition at the Ministries of Education and Training. The recognition is based on the duration of the studies, the amount of hours, the content of the course, etc. Beside the original diploma, the applicant have to present all kind of documents such us detailed syllabus, content of courses, obtained results, etc. Many applicants find

themselves stuck at this level of the procedure because they have difficulty obtaining the requested documents, often destroyed or lost during their displacement. It is after analyzing the content of the file that the request can be rejected, partially or fully granted. Although there is no certainty of obtaining the Equivalence of diploma, it is worth trying.

Section 5 Employment

There is no specific public service that assists refugees and beneficiaries of subsidiary protection in their search for work. Instead they have access to all general services related to employment in Belgium. However there are some NGOs and non-profit organizations that accompany foreigners on different aspects of their lives: health, children, work, etc.

Both refugees and beneficiaries of subsidiary protection are allowed to work in Belgium, the main difference being the need of a work permit. The latter needs it in order to be employed, given his limited residence permit.

5.1. Services

The first step on the labor market is to register as a jobseeker at the VDAB, Forem or ADG[5]. These are regional public services which match the demand with supply on the labor market. They have the task to mediate and guide jobseekers to work. Different trainings are organized here to help them increase their skills and competences. For instance: How to write a professional application letter? How to present yourself at a job application? How to look for job offers, etc. Much professional trainings are also organized in collaboration with specialized schools or companies, mainly of short duration and focused on gaining work experience. These sometimes include internships or corporate trainings.

In addition to the above-mentioned services, there exist many private employment agencies where anyone can register as a jobseeker, including refugees and beneficiaries of subsidiary protection. Their focus is on the local market. They work on behalf of various companies and look for candidates who best fit the required job description.

5.1. Article 60

Many refugees and beneficiaries of subsidiary protection access the labor market through the Article 60 § 7 of the Organic Law of July 8, 1976 concerning the public centers for social welfare. Employment in accordance with this article is a form of social assistance in which the CPAS/OCMW/ÖSHZ provides work to beneficiaries of financial assistance who have difficulties finding a job by themselves. The age of the candidate determines the maximum duration of the contract, which varies between 1 to 1,5 years. Regardless of whether the person is employed in the intern services of the CPAS/OCMW/ÖSHZ or was presented to other partner organization, they remain the legal employer. Throughout the duration of the employment the CPAS/OCMW/ÖSHZ is exempt from employer contributions and receives funding from the federal government.

[5] **VDAB** (Vlaamse Dienst voor Arbeidsbemiddeling en Beroepsopleiding), **ADG** (Arbeitsamt der Deutschsprachigen Gemeinschaft) at the Dutch-speaking side and **Forem** on the French side

Section 6 Training Programs for Professionals Assisting Refugees

There is no mandatory training for professionals working with refugees. According to the sector, they can take additional training related to their work. The most common formations are related to residence status and procedures, rights of foreigners, family reunification, culturally sensitive counseling, family and religion, refugees and trauma, integration, etc.

Section 7 Recommendations

Housing

1. Develop a methodology in which the recurring discrimination on the basis of financial solvency can be avoided. Possible options would be a Centralized Rent or Loan Guarantee Fund, taking into accounts a clear definition of possible beneficiaries and a clear procedure.

Well-being

2. While psychological care and specific counseling is available in Belgium, many gaps remain. Because of the great demand, long waiting times have become the rule. There is a need for regular and continuous counseling with easier access to specialized and diverse services.

Education

3. The process of recognizing refugees' diplomas hasn't been harmonized on a national level yet. Costs and conditions differ from region to region. While the Belgian state recognizes the urgency and worth of doing so, we'd like to recommend a streamlining of this process.

Employment

4. Ensure that employment agencies cooperate closely with civil society actors in identifying skills at an early stage.
5. Foster on-the-job training to transfer knowledge of cultural and work life norms, practices, customs, and facilitate migrants' participation in volunteering opportunities and volunteering cultural exchanges.

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CHAPTER 3
GERMANY

Section 1 Statistics

This study focuses on questions of education, vocational training and employment for refugees and asylum seekers in Germany as it is proved evidence that those issues are crucial for individual participation and Integration in general and of migrants in particular into their receiving countries and societies. Nevertheless integrating refugees and asylum seekers into the European education and employment market remains a great challenge for many countries in Europe since despite the goal set by the EU member states to apply humanistic ideals such as human rights and democratic principles to refugees and asylum seekers they are still subjected to various discriminatory practices in their receiving countries (Seukwa, 2013, p 7). Research has shown that given the general precariousness of their life situation, educational and employment careers of refugees and asylum seekers in Germany develop under quite adverse conditions (Gag/Voges, 2014, Schroeder/Seukwa, 2007). Their financial situation, their residence status and other law-related issues, the stability of their social relations, their civil competences, their housing and health conditions as well as the forms of their recreational activities are significant dimensions that have an impact on the success of an educational support programme. This shows clearly the complexity of the task to deal with for a successful Integration of this target group. Since more than one decade, passage GmbH have been developing and implementing methods and strategies to effectively address the specific disadvantages that refugees and asylum seekers in Hamburg are confronted with in the process of their integration into the subsystems education/vocational training and employment. Whereby a network of heterogeneous but in their function complementary actors within a development partnership has proved to be an instrument that could help to generate innovative solutions in dealing with the complexity, the multiplicity as well as the specificity of challenges that one have to overcome to be successful in the integration of refugees and asylum seekers.

Sharing the knowledge drawn from this long and extensive practical experience justify the choice of focusing in the German report the issues of education/vocational training and employment. Evaluation documents as well as other available publications on this practical experience constitute one of the main empirical bases for this report. Another important empirical source is problem centred face to face interviews with 15 refugees and asylum seekers participating in education and VET provisions within the running network Project “FLUCHTort Hamburg 5.0” [Safe Haven Hamburg].[6] Data on their transnational biographies, their competences and qualifications they bring with them as well as data on the way these competences are utilized or not by education and VET Programs in Germany have been collected, including the individual expectations regarding their integration and their future prospects. By doing so we intended to render account of the challenges and success of integration work in the field of education and VET from the genuine perspective of the beneficiaries i.e. refugees and asylum seekers.

Cooperation with a wide range of stakeholders is another source of information on the life situations of refugees and the impact of existing support programmes in Hamburg. This networking involves various players in strategic cooperation, including employment administration, all the relevant departments of the city authorities, and other education providers and NGOs (list of participating institutions see annex).

[6] We would like to thank Guido Cremerius, Eva-Maria Meier and Jana Röger for supporting us in order to interview refugees and asylum seekers and collecting data.

Germany has long been a land of immigration, considering the varied composition of the population. Somewhat more than 17 million people have a migration background[7] (data for 2015); that corresponds to about one fifth of the total population, whereby more than half of these have German nationality (Die Beauftragte, 2016, p. 14). Germany has become currently again a major recipient of asylum applications, with 202,834 claimants in 2014 and 476,649 in 2015. The age group of young people and young adults (16-to-25 year old) accounted for about 29% of asylum applicants in 2015 (BAMF, 2016). Overall, 890,000 asylum seekers were counted in Germany in the year, 2015 (Die Beauftragte, 2016, p. 1).

As of August 2016, more than 50,000 people who came to Germany as refugees were living in Hamburg. They either have leave to stay for reasons of international law, or humanitarian or political reasons, or they have a permit to stay; just under half of them are still in the asylum application process or have "Duldung" or "tolerated status", i.e. their deportation is suspended (see 2. Social).

At Federal level, Syria tops the list of countries of origin of the refugees, while in Hamburg the asylum seekers and refugees mainly come from the following countries:

Main country of origin	No. of persons
Afghanistan	15,300
Syria	9,071
Iran	4,040
Iraq	3,302
Eritrea	1,583

Own table. Source: Central Register of Foreigners, status 31/08/2016

Analysis of the total number of refugees living in Hamburg shows that (in 2015) the majority (almost 65%) are males; 25% are under-age (Bürgerschaft, 2016). No data are available on employment/unemployment rates, because only a fraction of the refugees living in Hamburg (an in Germany as a whole) are registered in the labour employment system.

A particularly vulnerable group is that of the unaccompanied child refugees. The data show a steady increase since 2008. The figures also make it clear that unaccompanied children and adolescents mainly head for the big cities (cf. Espenhorst & Kemper, 2015). In 2015, registrations in Hamburg included 6,808 persons who declared themselves to be underage. Following age examination, only 2,574 of them were taken into the care of the Youth Services. The figures was up by 294% year-on-year, and care had to be provided for a total of well over 1,000 child refugees for whom there was not enough capacity (Landesbetrieb Erziehung und Beratung, 2016). In 2016 the main countries of origin were Afghanistan (33%) and East Africa with Somalia and Eritrea (31%).

[7] The definition of the Federal Statistical Office is that migration background is when a person was not born in the territory of what is now the Federal Republic of Germany, and migrated to Germany in 1950 or later, and/or the person does not have German nationality and has not been naturalised. In addition, German nationals have a migration background if one or more parents fulfil one or both of the above conditions.

Section 2 Social Programs

Reception in Germany

The German "Asylverfahrensgesetz" [Asylum Procedure Act] provides for asylum seekers to be allocated to the Laender on the basis of specified criteria. Each Land has to take a certain quota in relation to its population ('Königstein quota'). The quota for Hamburg is 2.5% (in 2016). The "Asylverfahrensgesetz" [Asylum Procedure Act] also stipulates that asylum seekers must be accommodated for up to 6 weeks, but not more than 3 months, at a reception facility responsible for them. If a person applies there with an asylum application, the first step is to determine which reception facility is responsible for him/her, and that is done with the "EASY" system.[8] The "Bundesamt für Migration und Flüchtlinge" [Federal Office for Migration and Refugees] is responsible for conducting asylum proceedings.

Refugees are granted a right of stay for the duration of the asylum proceedings. On recognition of entitlement to asylum (Art. 16 GG, Basic Law) and on recognition of refugee status, refugees receive a refugee passport for a maximum of three years. Many of those who come to Germany are not granted asylum. Without recognition, refugees are required to leave the country again. Many of them get *'tolerated'* status (limited leave to stay, subject to review), because deportation is not possible on humanitarian grounds. But this *'Duldung' [toleration]* does not give them a right to residence, it is only a time-limited suspension of the deportation of a person who cannot leave the country. Still in 2006, there were 200,000 persons who have been in this status for many years and the restrictive practice of the authorities leaves people in this status which lacks perspectives of integration for many years.

Accommodation in Hamburg

As of summer 2016 the Hamburg districts have a total of about 38,000 places available in public accommodation. These are first reception centres and follow-up institutions, which are mainly operated by a social services provider of the City of Hamburg. They comprise accommodation containers, pavilion villages, modular buildings, and complete accommodation units.[9] Until recently, many refugees were also accommodated in tents or disused DIY centres, because it was not possible to provide the necessary capacities so quickly in densely populated urban areas. Accommodation and social management is provided to give the refugees initial advice and orientation.

Special situation of unaccompanied underage refugees in Hamburg

Unaccompanied underage refugees need provisions appropriate to their age and their psycho-social situation when seeking refuge in another country. However they have to undergo age examination after their entry into Germany. If an unaccompanied underage refugee arrives in Hamburg, he/she reports either direct to the responsible Central Residence Office, or direct to the Youth Service. The "Kinder- und Jugendhilfegesetz (KJHG) [Youth Service is required pursuant to the Children and Young People Support Act] to take unaccompanied underage refugees into care. In this case the Court for Family Matters is informed without delay, and the appointment of a legal guardian is proposed (Gag, 2013).

[8] An asylum seeker is allocated to a certain institution for initial reception. This allocation is effected on the basis of several criteria, and is determined by means of the "EASY „system. The EASY system is an IT application for initial distribution of asylum seekers in the Laender.

[9] See Freie und Hansestadt Hamburg (2016); http://www.hamburg.de/fluechtlinge-unterbringung-standorte/

Section 3 Health Programs

For the first 15 months of their stay in Germany, refugees and asylum seekers are subject to considerable restrictions in terms of their rights and their self-determination, under the terms of the Asylum Procedure Act, the Residence Act and the Asylum Seeker Act. These restrictions come from the conditions applicable to initial allocation, accommodation specification, residence requirement, employment ban, and on social services and medical provisions. During this period, refugees are entitled to refund of costs only for essential treatment of "acute illness and pain" (Kleefeld, Wolff & de Carlo, 2016). That includes provisions associated with pregnancy and other preventive measures. Other health provisions such as medicines and health aids is on a voluntary basis only, to be decided by the social services. The legal regulations for issue of health cards were set up by the Federal Government in 2015, but it is up to the individual Laender in Germany to introduce them and thus to permit unbureaucratic access to services. The City of Hamburg introduced the Health Card in 2012, giving asylum seekers access to services of the statutory health insurance organisations as soon as they enter Germany.

Psychotherapeutic treatment, which is essential for some refugees in view of what they experienced during their flight, is mostly not covered, because it is wrongly assessed as not requiring acute treatment. That means that many post-traumatic symptoms and other mental illnesses are not treated. There is also the problem of an insufficient number of expert staff to provide therapeutic treatment, including treatment in the language of the refugees.

Section 4 Educational and Vocational Training – Employment

Refugees without a secure right of stay were not included in publicly funded programs for vocational educational and language training and labour market integration until just over 10 years ago. For decades, German asylum and refugee policy was characterized by a substantial degree of exclusion, reaching its culmination in the 1990s when the inflow of refugees to Germany was even greater than it is today.

Due to this legal framework, refugees and asylum seekers had no access to education and training or to the labour market for many years. The focus here is also on the sub-group of persons who are not officially recognised as refugees, but rather as asylum seekers, tolerated persons, and persons having a right of stay for humanitarian reasons.

In particular, people in the asylum application process and people with tolerated status have been excluded in social policy and by legal regulations in Germany, and subjected to discrimination in many ways.

At the same time, in recent times there has also been growing support by the civil population due to the current massive rise in flows of refugees. For the last 15 years, a slow process of paradigm shift has been taking place on the part of government, with respect of the participation of this group in education and the labour market as well as a change of climate among the civils society and on policy level in general.

Target group oriented programmes and approaches

The implementation of innovative promotion instruments is generating major impulses for practice and policy. One important development had been set in motion by the European Community initiative EQUAL – for the first time in Germany, it set up a range of education and employment policy tools for school and vocational support for refugees, asylum seekers and tolerated persons (2002-2007). Important pioneering work was done also in Hamburg by the initiation and installation of large networks

(development partnerships). As the successor programme to GI EQUAL, the Federal Ministry of Labour and Social Affairs set up the "ESF - Federal right-to-residence programme" in 2008 and the ESF Federal Integration Guideline with the priority area "Integration of Asylum Seekers and refugees (IvAF)" which is running from 2015 until 2019. The current programme is aiming at labour market integration, training, resumption of school education for young and adult refugees and asylum seekers. At present, 41 projects networks with a total of approximately 300 individual sub-projects have been approved.

Since then, FLUCHTort Hamburg [SAFE HAVEN Hamburg] network has operated as a cooperation association with a number of organisers of practical work in further vocational training and in support to refugees, together with strategic partners from the authorities, the labour administrations, and business companies. It functions as a subsystem at the interface between formal and non-formal programmes of the regular system of vocational education, and supports vocational integration of refugees and asylum seekers in Hamburg. There is a network of refugee organisations, educational providers and school establishments on the one hand and business companies, the Jobs Agency and the public authorities on the other hand; they are successfully implementing an integrated action approach which is based on the life situation of refugees. This networking and cooperation within a system is building bridges and removing barriers by optimising transitions between counselling, vocational pre-qualification and training. The sub-projects are offering: Guidance, language and vocational training, internships and placement in vocational education and the world of work, Mentoring, Raising awareness and collaboration with stakeholders and enterprises.

This is supported by new forms of cooperation tackling obstacles with the intention of generating new stimuli for change in government and administrations and giving access to the target group, and facilitating routes to training and qualification.

State of the art in policy in the regular system

- Language training: "Integration courses" - Asylum applicants and other groups of individuals with good prospects to remain may be admitted to attend an integration course, assuming places are available on the courses (from January 2017 Integration Act [Integrationsgesetz]. There are also programs available (nationwide) for vocational language promotion for migrants and Asylum applicants targeted at the special communicative requirements at the workplace.
- Advice, training and placement by jobcenters: There are special measures and courses for asylum seekers (only for those who have good prospects to remain) to promote labor market integration.
- Transitional system for lateral entrants (16-18 years old) subject to compulsory schooling in Hamburg[10]: There are special courses in vocational schools provided for migrants and asylum applicants where the language of country of origin is not German. These courses take two years for full-time participants.

Hidden treasures – resource approach

Another main challenge related to the Integration of Refugees and asylum seekers into the education, VET and employment that have been tackled by the means of the network approach implemented in Hamburg is to overcome the disadvantages relative to the change of context in migration situation. These contexts which are located in nation states are structuring for contents and the value attributed to education and VET provisions i.e. for qualifications and competencies in a given place and space. Thus the change of context due to transnational Migration or flight constitute a spatial discontinuity that could seriously endangered the qualifications and competencies acquired by Refugees prior to flight. In other words this challenge is related to the resource approach understood as acknowledgment and utilization of the competencies refugees bring with them. The starting point of the approach is, among other things, the fact confirmed by many empirical studies we have carried out over the years that refugees

[10] Hamburg is a federal state. The educational policies of the 16 states are independent, so that are different schooling concepts for education of young refugees from one state to another.

and asylum seekers have a wide array of skills and competences, which they have acquired in formal, non-formal and in-formal educational sectors due to their primary, and sometimes secondary, socialization in the various contexts existing in their home countries as well as due to their transnational backgrounds and experiences while fleeing. (cf. Seukwa, 2006, Schroeder & Seukwa, 2007, Niedrig & Seukwa, 2010).

The systematic consideration of these individual resources and competences shall thus be the theoretical basis for examining the success of any kind of education, social pedagogy, social work or labour market support program aimed at reducing the individual effects of the structural disadvantages refugees have to face. This contributes, among other things to preventing the downgrading of refugees in the formal and non-formal education and VET systems of the receiving European countries, which is usually the result of a wrong assessment of their qualifications and competences, as well as the unnecessary prolongation of the time this target group spends in the education system. In turn, the advantages of making use of the resources already available, inter alia by including the qualifications and competences acquired in the countries of origin and during the flight in integration-related work, are obvious. The transnational experience of flight under quite adverse conditions can thus be viewed as a biographical resource, which may manifest itself in resilience capabilities regarding all the challenges which go together with the existing conditions of a refugee in everyday life. Moreover, the capitalization of all learning experiences made by the refugee in the course of time in integration work also contributes to promoting lifelong learning for this target group – despite biographical breaks and disruptions related to the flight.

Utilizing the available competencies of refugees through network

In the following we will illustrate how the resource approach is implemented within the Hamburg network , using the voices of refugees and asylum seekers that we interviewed for the sake of this report.

The 15 individuals interviewed are mainly in the 30-35 age group, including 3 women. They come from Eritrea, Iran, Iraq, Syria, Afghanistan, Guinea and Mali. Apart from their mother tongue(s), many of them also speak the language of transit countries, some of them growing up there for a number of years, and in a few cases attending school there, and gaining work experience. Some of them came to Germany just a few years ago, while two of them have already been resident here for more than 30 years, having entered the country as underage unaccompanied refugees without their family.

The interviews show that access to and learning of German is mainly dependent on country of origin and perspectives for right of stay (different residence status). Only the refugees from Iran, Iraq, Eritrea, Syria and Somalia have a high recognition rate of more than 50%, giving them the opportunity to attend integration courses with 900 hours of teaching. Subject to certain conditions, all the others can access the programme set up by the City of Hamburg, with a volume of 300 hours of teaching[11], but that is not enough to gain access to training or the labour market. *"300 hours were not so great, because there was no continuation [...]. Then there was a 6 month break, and I went to the Central Library, and I am still attending a German course run by volunteers"* (Omar).[12] The networks take on the task of finding individual paths for the refugees, providing a systematic chain of support as far as possible, so that the refugees can build on their own individual skills and open up a way forward. That includes initiating procedures for recognition of professional qualifications previously obtained. For example for Abdulla from Syria, who has a degree in pharmacology and practical experience in this field of work, and ran his own pharmacy for nearly three years. *"They always just say 'You'll have to wait', and that gets on my nerves! I have now been waiting for the decision on recognition for 10 months. They were satisfied with me at the Job Centre, and I always said I have a course, or a placement, or an internship, and they said*

[11] Provided that tolerated status is valid for 6 months.
[12] All names changed for anonymity.

'That was very quick'. They are nice people, but useful would not be the right word for them. My German friends and others in the network were much more helpful" (Abdulla). Following intensive job counselling in the network's project, and an internship placement at a pharmacy in Hamburg, Abdulla decided to get education/training as a Pharmaceutical/Technical Assistant. *"The pharmacy in Syria was very small, and I did not have an administration system there. Here everything is big and technical well equipped. I have a lot to learn, such as the laws on medical products, and practical work. My plan is to continue my training, and if I can't get recognition of my qualification, I can rely on the training. […]My training has been in progress since 1 September; I was up to level B1 when I started. I found it very hard going, but so did the other trainees, who were born here. The problem is the language. I think the school is very good, and they do lots of pharmaceutical preparation – it is very intensive to do the training in two years, and get the counselling."* Recognition of qualifications from the countries of origin often has little chance of success, especially if the applicant cannot submit documents, and they cannot be obtained from the country for political reasons. The following quote, commenting on a transnational education and employment biography, shows the breaks caused by migration: *"I studied agricultural sciences in Eritrea and was in research for two years, and then I emigrated to Israel. I was not able to work in my profession there – it is a small country with a large population. I was employed at a warehouse for two years as an order picker, and helped out in a café for two years. I passed the university entrance tests in Israel, but I had no documents. The embassy couldn't help me, because I was in opposition to the government and they wanted money, and I cannot support the government. So I have to start again – German up to C1 and then university"* (Zion). An individual who had been in a senior position as a tailor, with many years of job experience, and who had been trained as a tailor and designer in Teheran, was able to use his vocational skills very much sooner, and to take up his professional activity again in Germany after a relatively short period. After he gained knowledge of German in official courses and in volunteer teaching schemes, he succeeded with the help of the network in gaining access to a vocational preparation programme with individual career planning for participants. That enabled him, following a three-month internship, to get a job with a social start-up (passage) which had discovered his talents: *"1 day of probation went very well – I had sewn a nice bag in just over 20 minutes, good quality. The boss said I evidently had a lot of experience. I had no documents – in Iran it is not possible for an Afghan to get any documents. So there is nothing I can submit for recognition, but I can prove that I can do the work. […] I had my own company as a fashion designer, and lots of experience; I had many interns myself, and I was like a teacher for them. The quality differs between Iran and Germany – in Germany the quality is higher. My boss is very satisfied. I am quick, and I can also do the drawings for other interns, not just the sewing. I know how a machine works, and I can teach others. I have a lot of experience in all these areas. I would like to have my own business as I used to have, but with a group, not alone"* (Khalid).

Young refugees who cannot present a national passport, and who also have a "weak" status in terms of leave to stay ("Duldung") generally have problems in access to education and training, because they do not have a work permit, and they are suspected of concealing their identity. They also face the threat of deportation to their country of origin, in view of their "tolerated" status. They need special support to gain access to education and training programmes, and to develop their prospects following school. A young man who attended a high school in Guinea on an irregular basis and who also qualified as a glazier and worked in that sector came to Germany alone at the age of 16. He gained a junior high school leaving certificate at a Hamburg vocational training school. But transition from school to work proved difficult, because the vocational schools are not sufficiently prepared for this kind of student, because his family situation is very difficult, and because the brief period of two years learning the German language is not enough for some students. The young man also suffers from mental problems, which cause additional difficulties in his life situation. Thanks to efforts by the network, he was able to get into various internships and training places, and in the end Farid was able to get a realistic view of a number of training areas and to find out what vocation was right for him; after an internship in an automobile business, and training at a restaurant, he now wants to work in a caring profession and has

good prospects for an internship in a caring organisation. With the help of the network, he has succeeded in developing his vocational prospects over a very long period, despite difficult circumstances and the constant threat of having to leave Germany. *"I did not want to try work as a car mechanic, I wanted to try carpentry. But that did not work out, so I looked for a company near where I live. I was lucky. Then I wanted to become a chef, and the network helped me to find an internship and training. The training there was not real training – I enjoy cooking, but not standing in the kitchen all day. What I found there was unpaid overtime, working from 14:00 to 23:00. You continually have to do overtime. You have to be on full power all the time – they don't like it if you're not a good employee. School and job is not the same. I was only working there, not getting training. And I could not use what I learned there. Maybe I have the luck to stay here, and maybe I'll go back to my country to help others. You can find a lot more opportunities here than in Africa. […] If I have learnt something here, I will have better chances in Guinea. It is helpful for me that I have people behind me – they tell me I will manage it. You know that. And it is motivating for me."* (Farid).

These voices give an idea of the way in the Hamburg network the competencies refugees acquired prior to flight are recaptured and made use of in the process of their integration in the German VET system as well as in to the labour market. These competencies thus became valuable resources for integration under quite adverse living conditions as it is the case for refugees with uncertain legal status in Germany. Due to this adversity a combination of various types of social pedagogical schemes (e.g. counselling and advise, training and mentoring, psychological support, etc.) which are well coordinated and synchronized is required to successfully tackle all the structural disadvantages which finally drives to the exclusion of refugees and thus to make use of their competences.

New challenges and barriers

Due to the relative high number of refugees and asylum seekers reaching European countries and specially Germany in the year 2015 and the enormous solidarity among the German civil society toward them, a significant change of government policy has taken place in Germany. Some serious legislative barriers for refugees have been eliminated with the implementation of the leave to stay regulations.

But there have also been some setbacks in current policy developments since it is primarily those refugees who have a "good perspective for leave to stay" who can benefit from the new funding schemes and programmes. What does that mean? The Federal Government has defined which countries of origin are eligible to give refugees a "good perspective". Currently they are Syria, Iran, Iraq, Eritrea and Somalia. That applies in particular to language programmes. A number of third countries have also been designated as "safe countries of origin" (e.g. the Balkan states), i.e. that means refugees who enter Germany from these countries have no chance of participating in language courses, let alone of getting a work permit, and have to wait in departure centres for their deportation.

Therefore it is clear that the area of 'Labour market integration of refugees and participation in vocational training' is still an experimental field. This is the context in which the Hamburg Network is working. It develops individual access routes for participation in education and training, takes up the refugee's existing skills, and thus improves employment perspectives. It makes use both of the internal resources and of external measures, to build a systematic chain of support. The educational careers of the interviewees show that there are still problems and gaps, some of these on the part of employment administration, despite the increase in official support methods.

Section 5 Training programs for professionals assisting refugees

In the course of the major influx of refugees in 2015, a large movement of solidarity developed within civil society throughout Germany, to help refugees on their arrival here and to enable them to find their feet in Germany. It would not have been possible to manage the wave of immigration without this broad support within the regions and local communities.

That applies equally to the City of Hamburg. An incredible number of imaginative initiatives sprang up in all parts of the city, aimed at greeting refugees with a new "welcome culture". Various groups take on the task of covering the wide range of needs, which cannot be met to the same extent by the city or its social services. A host of volunteers take on distribution of donated clothes, look after children and families, find accommodation, provide counselling in all kinds of life situations, organise leisure activities, help with language learning, and organise social encounters with the local population. Their activities provide an important bridging function between refugees and the people of Hamburg, to compensate for inadequate housing conditions in accommodation which is often isolated and permits no privacy.

A number of activities for volunteers are provided by various players in order to strengthen volunteer commitment and improve the quality of the support systems. Two examples are described below:

Hamburg hilft ("Hamburg helps"): The City of Hamburg operates a website showing all the initiatives and institutions in an atlas, to promote networking. Public funding has also been provided, to be used in a coordinated programme across Hamburg's seven districts to set up and operate initiatives in the social area, normally close to the refugee accommodation centres. A group of Hamburg's charitable foundations has set up a joint fund to provide financial assistance to these activities, with an unbureaucratic application procedure. Information events are held once or twice a year, with thematic workshops to keep volunteers up to date on current issues on provision for and integration of refugees. An exchange system has been set up to enhance networking and sharing of information among the initiatives.

Flüchtlingslotsen ("Refugee Pilots"): The Diakonisches Werk coordinates the work of volunteer refugee guides, who are mostly recruited via the church communities. Volunteers can do on-the-job training for example, to learn how the relevant authorities and counselling services work. They can also get an introduction to asylum law and social law, information on entitlements and labour market access. Another goal of this programme is to create an opportunity for reflection, so that the volunteers can learn to recognise where professional counselling and intervention are needed.

Section 6 Recommendations

1. Discrimination through unequal treatment

In Germany, and also in Hamburg, a debate is currently in progress on which refugees from which countries should be given easier access to integration programmes. The country of origin and the prospects for the outcome of the asylum procedure are essential parts of that, i.e. people are talking about which countries are to be designated as "safe" and which "unsafe". The following countries are unquestionably considered "unsafe": Syria, Iraq, Iran, Somalia and Eritrea. All other countries, in

particular the Balkan States, are considered to have acceptable and safe conditions of life. This gives rise to the danger firstly that the individual right of asylum will be undermined, and secondly that exclusion of integration measures will once more "produce" a group of migrants who are left out because of exclusion measures, and have to live from public funds, because for various reasons they cannot be deported, lose their eligibility for the labour market, and are maybe also considered to be criminals.

In order to avoid these negative effects for the social and systemic integration of asylum seekers as well as for the welfare system and the social peace, it is necessary to open integration programmes as soon as possible to all asylum seekers indifferently of their countries of origin. It is established evidence that price of non- integration is too high for the welcome societies.

2. *Young refugees and asylum seekers - Transition sector from School to vocational training*

Germany is a federal state. The educational policies of the 16 states (Länder) are autonomous, so that there are different rules for education of young refugees from one state to another. Correspondingly, access to the German education system is difficult for those who enter Germany only in their youth. In Hamburg, the (vocational) compulsory schooling, as in most federal states (Bundesländer), is limited to the age of 18. As a result, young refugees who are older than 18 years by the time they arrived in Germany are no longer able to enter the Hamburg vocational school system in order to complete a school leaving certificate, which, however, is generally an important prerequisite for getting into a vocational training.

Since young refugees are not always able to spend the period necessary to complete their education due to migration-related breaks in their educational pathway, compulsory schooling should be extended to an age of at least 25 years in order to enable the subsequent acquisition of school qualification.

3. Refugees and asylum seekers with special needs

So far there are very few studies on the life situation of migrants and refugees and asylum seekers with disabilities in Germany. On the other hand the Participation Report considers that 2.5 million people with migration background have a disability. First case studies in the network FLUCHTort Hamburg have shown that there are major social exclusions in the interaction of right of stay and disability (Gag & Schroeder 2015, Weiser 2016). A legal expert report drawn up in Hamburg, giving a detailed overview of legal entitlements and exclusion mechanisms underlined these findings (Weiser 2016). Moreover, support takes place in two separate care structures, each with a lack of knowledge about the living conditions and legal situation of the clientele.

These subjects have to be examined in more detail (accessability) and the collaboration between actors working in the field of disabilities and in the field of migration/flight has to be increased in order to improve access to education and the labor market for refugees with a disability.

4. European perspective

Synergy effects could be achieved when combining the support measures in the VET systems with comprehensive programmes for fighting poverty in the regions. Especially for the economically weaker countries, this would mean that even the limited financial means available could contribute to the successful integration of refugees and asylum seekers. The imbalances in the reception of refugees, which are the result of the closed-door policy adopted by the EU towards the influx of refugees and which are to be observed in some member states due to their geographical location, however, cannot be overcome with it.

Adjusting structural imbalances in the European member states and their labour markets by means of a "fair" harmonisation strategy in order to give refugees and asylum seekers the opportunity to develop their full potential and to be able to participate in education, training and employment.

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Annex:

Passage is also managing the "Hamburg Refugees and Migration Network" (www.vernetzung-migration-hamburg.de) and is connected with many authorities and players in training and counselling work, and other institutes and organizations in the field of migration:

Agentur für Arbeit [Labor agency]

Jobcenter team.arbeit.hamburg [jobcenter]

Behörde für Inneres und Sport [Ministry of Interior and Sports]

Ausländerbehörde [Foreigners' registration office]

Behörde für Schule und Berufsbildung [Ministry of Schools and Vocational Education]

Hamburger Institut für Berufliche Bildung [Hamburg Institute for Vocational Education and Training]

Behörde für Arbeit, Soziales, Familie und Integration [Ministry for Labor, Social Affairs, Family and Integration]

Bezirksämter (Integrationsfachstellen) [District Offices – departments for integration]

Senatskanzlei (Unterstützung für den Bürgermeister) Senate Chancellery[(support for the First Mayor]

Bildungsträger im Bereich der Beratung und Beruflichen Bildung [Institutes in the field of counseling and vocational training]

Migrantenselbstorganisationen [Migrant self-organization/ Community organizations]

Wirtschaftsbetriebe [Companies]

Handelskammer [Chamber of Commerce]

Handwerkskammer [Chamber of Crafts]

CHAPTER 4
SPAIN

Section 1 Statistics

Spain is one of the EU countries with less affluence of asylum seekers. Despite the fact that it is one of the Southern EU countries with wider borders with third countries[13], figures compared to those of countries like Germany, Sweden or even France, are very limited.

The following chart shows the scarce acceptance of asylum petitions made by the Spanish government: only **220 people** got the **refugee card** and only **800** had access to the **subsidiary protection** during 2015. These figures are even more reduced than those from 2014. Even though 2015 and 2014 figures are higher compared to those of the previous years, they are still far from the global 60% average of accepted petitions of the international scene.

Historical series of the international protection petitions resolutions in Spain

Year	Petitions processed	Refugees petitions accepted	Subsidiary Protection petitions accepted	Humanitarian Reasons petitions accepted	Petitions Denied	%Petitions Accepted
2015	**3.240**	**220**	**800**	**0**	**2.220**	**31,48 %**
2014	3.620	385	1.200	0	2.035	44 %
2013	2.365	205	325	5	1.835	22,61 %
2012	2.202	220	298	13	1.680	23,79 %
2011	3.141	326	670	18	1.979	32,99 %
2010	2.840	260	565	20	1.995	29,75 %
2009	2.795	179	162	8	2.446	12,84 %
2008	2.656	151	110	16	2.379	10,42 %

Source: Eurostat 2015

[13] Because of being a peninsula and also because of the two Spanish territories situated in the African continent, Ceuta and Melilla, both of them bordering Morocco.

It is important to remark this situation in relation with the changes experienced in 2015 due to humanitarian crisis derived from the Syrian war and the Ukrainian armed conflict.

The number of asylum seekers arriving to Spain during this year was the highest ever registered: **14.881**, -out of which **9.054 were men** and **5827 were women**-. In 2016 the situation was very similar with **16.435** international protection petitions.

Nº of asylum petitions received by the Spanish Office of Asylum

Year	International protection petitions	Dublin Convention petitions received by Spain	Stateless petitions
2012	**2.588**	3.250	479
2013	**4.513**	3.567	1.142
2014	**5.952**	5.052	1.334
2015	**14.887**	5.270	1.151
2016 (*)	**16.435**	5.672	1.366

Source: General Secretary of Immigration and Emigration, Ministry of Employment and Social Security of Spain. (*) Data from 2016 are still not completed.

The following charts illustrates the evolution of the situation from 2014 till 2015 among the most numerous nationalities of asylum seekers arrived to Spain:

Asylum seekers per nationality in Spain 2014 and 2015[14]

2014		2015	
Country	**Nº of Asylum Seekers**	**Country**	**Nº of Asylum Seekers**
Syria	1.681	Syria	5.720
Ukraine	946	Ukraine	3.345
Mali	620	Palestine	805
Algeria	309	Algeria	675
Palestine	209	Venezuela	580
Nigeria	161	Morocco	410
Pakistan	144	China	250
Somalia	126	Mali	220
Venezuela	124	Nigeria	215
Iraq	115	Somalia	150
Morocco	101	Cameroon	145
Afghanistan	98	Honduras	145

Source: Eurostat 2015

Figures indicate that the number of asylum seekers not only from Syria and Ukraine, but also from Palestine, Algeria and Venezuela increased from 2014 to 2015. Petitions from China increased for the first time and others like those from Mali decreased. According to NGOs reports, the reduction of petitions from sub-Saharan countries is related with the denial of petitions and the restrictive policy applied by the Spanish Government in the border checkpoints situated in the cities of Ceuta and Melilla[15].

[14] Eurostat 2015: http://www.accem.es/es/en-detalle/refugio/refugiados-datos-espana-y-ue.
[15] 2016 Report: Situation of refugees in Spain, CEAR, 2016.

Section 2 Features of the Spanish Asylum System

The asylum system in Spain began with the first Refugees and Asylum Seekers Law, in 1984[16]. After a legislative reform that took place in 1994, a new legal text was approved in 2009: the Law 12/2009, of October 30th, regulating the right to asylum and the subsidiary protection until now[17]. An interesting aspect of this law is that it included the possibility of applying for asylum on gender grounds[18]. In many cases related to gender violence asylum was applied in terms of being a "specific social group", so that it could be included in the requirements recognized by the Geneva Convention 1951.

This law also updated Spanish legislation to the Common European Asylum System and, at the same time, eliminated the possibility of making asylum petitions at Spanish embassies. Nowadays, the Spanish asylum system still needs to incorporate the latest EU Directives on Asylum.

Competences to implement this legislation are distributed between the Ministry of Employment and Social Security and the Ministry of Interior. The first one is in charge of organizing and managing the Asylum system in terms of reception and integration of asylum seekers and refugees. These tasks are developed together with NGOs. The role of the Ministry, through its General Directorate for Migrations is promoted either directly -especially in the so-called "reception phase"-, or through the funding of NGOs specialized in asylum, - in the reception phase and in the integration one-.

The Ministry of Interior is in charge of processing the asylum petitions. The proposal for acceptance or denial of each one of them is done by the Asylum Office, - O.A.R.-. They are also in charge of implementing the necessary procedures related to the approval, - providing the refugee card and allowing access to residence and work permit, etc-, and those related to the denial. The deliberative body in charge of the final approval or denial of each petition is the Inter-Ministerial Commission for Asylum and Refugees, "C.I.A.R.". Several ministries join this Commission dependent from the Ministry of Interior: Ministries of Foreign Affairs, Employment and Social Security, Justice and Health, Social Services and Equality.

According to social entities and civil society, the Spanish Asylum system is a very rigid one, as it does not include the necessary flexibility to provide a good assistance to the different situations experienced by refugees and asylum seekers.

As mentioned before, the number of petitions accepted - 220 with refugee card and 800 with subsidiary protection-,compared to those made during 2015, -14.881- was extremely scarce. This means that up to **13.861** had their petition **denied**. Comparing figures from 2014 and 2015, the percentage of people who saw their international protection rejected rose from 56,14% in 2014 to 68,52% in 2015[19] In other words: seven out of ten petitions were rejected during 2015[20]. As most of the applications during this year took place in Ceuta and Melilla´s checkpoints, applicants did not even enter Spain. However, for those who asked for asylum once being in the Spanish territory, - either entering with a tourist visa or being in an irregular situation-, petitions denied had two implications. One of them was the need to leave the country, either through the return programs led by NGOs and financed by the State or by their own means. The other one was the choice of remaining in Spain in irregular situation, that is, as an irregular immigrant. In this case, the person or family could be forced to leave the country in case the police had identified them. However, they could also remain "undercover" during three years and then ask for a residence permit according to the Immigration Law[21].

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[16] Ley 5/1984, de 26 de marzo, reguladora del derecho de asilo y de la condición de refugiado.
[17] Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria.
[18] This Law includes the developments already foreseen by the L.O. 3/2007 Law on Women and Men effective Equality.
[19] 2016 Report: Situation of refugees in Spain and Europe. Executive Summary, CEAR, 2016.
[20] https://www.cear.es/reubicados-reasentados-las-claves-para-hablar-sobre-la-situacion-de-los-refugiados-en-espana-y-europa/
[21] According to the Law 4/2000 of 11th January, foreigners able to demonstrate that they have lived during three years in Spain and that have enough financial means, or a contract or savings or specific situation stated by this law, could ask for a residence permit through this so-called "settle-down" option, a means to legalize the situation of irregular immigrants. Family ties could also be considered according to this law as a way to legalize their situation.

Regarding **Resettlement and relocation**, Spain was committed to resettle 1.449 out of 22.504 asylum seekers and to relocate 14.931 out of 160.000 asylum seekers[22], - according to the EU agreements of July and September 2015-. By the end of December 2016 only 609 asylum seekers were relocated from Italy and 289 were resettled from Turkey and Lebanon, - 717 Syrians, 117 Iraqis and 64 Eritreans[23].

The following chart illustrates the different ways to apply for international protection in Spain[24].

Where to ask for international protection **- At an Spanish border checkpoint if arriving to Spain you cannot enter in Spain** **- At the Office for Asylum (OAR)** **- At Foreigners Offices** **- At authorized Police Stations - with specialized in immigration and asylum services-** **- At Foreigners Internment Centers (CIE)**
When to ask for international protection **- At Spanish territory.- 1 month[25] after entering Spain or since the situation justifying the application of asylum takes place.**
Procedure phases - *Phase 1.- Admission in process* • **Petitions in the Spanish territory.- Admission or denial in 1 month. In case of denial the person should leave the country unless he/she has authorization to remain in Spain. Denial could be appeal in court.** • **Petitions in border checkpoints.- Admission or denial y 4 days. In case of denial an appeal could be done and authorities need to take a final decision in 2 days. If also denied, the person must leave the country. This decision could also be appealed in court.** • **Petitions in Foreigners Interment Centers (CIE).- Similar to that of checkpoints.** - *Phase 2.- Eligibility* • **Admission in process in checkpoints or in Spanish territory: they will be more deeply analyzed to take a final decision. Authorities have 6 months to do so and 3 months in those cases declared as "urgent cases"[26].** • **Authorities need to inform of any delays taking place once the 6 month-deadline occurs.** • **If final decision is acceptance the person will be granted the refugee status of the subsidiary protection.** • **If final decision is a denial of the application the person should leave the country, unless he/she has authorization to remain in Spain. This decision could be appealed in court.**
The "red card", the refugee card and the subsidiary protection card **- The red card.- Granted to asylum seekers in the admission process phase if their petition is not denied. It provides a residence authorization. After 6 months since the petition of the red card a work permit is provided in case authorities did not have the case analyzed and the decision made, - final acceptance or denial of the petition[27]-.**

[22] https://www.cear.es/reubicados-reasentados-las-claves-para-hablar-sobre-la-situacion-de-los-refugiados-en-espana-y-europa/

[23] http://www.expansion.com/economia/politica/2016/12/31/586796c546163f73568b45f1.html

[24] http://www.interior.gob.es/documents/642012/1557834/10971.pdf/6b313dab-c420-4ca8-b645-536af49721de

[25] Application of this criteria is quite flexible in daily practice. Authorities allow to present petitions later than that 1 month.

[26] Daily practice is as follows: asylum seekers are granted a "red card" when their petition of international protection is being analyzed for a final acceptance or denial. During that time and until the CIAR -Inter-ministries Commission for Asylum and Refugees- takes a final decision to grant or denied the international protection, this red card will be renovated once every six months. From day 181 the red card will also provide and authorization to work in Spain.

[27] According to the interviews held for this report, this situation is quite common. Authorities take more than 6 months in taking their final decision over numerous cases. People then could remain with the red card even more than two years. However, this delay in relation to their administrative situation has important implications to their lives, as they could confront a final denial after having gone through and integration process in the host country.

- The refugee card.- Granted to asylum seekers after the admission process and once their petition is classified as "refugee status". Provides both with a residence and work permit. **- The subsidiary protection card.- Granted to asylum seekers after the admission process and once their petition is classified as "subsidiary protection". Provides both with a residence and work permit.**
International protection rights **- No return to the origin country** **- Residence and work permit** **- Identity card and, eventually, authorization to travel** **- Direct family reunification** **- Access to public employment services, education, health, housing and social services, programs addressed to people victim of gender violence, social security, integration programs, vocational training and apprenticeship, academic and professional certificates recognition** **- Access to specific integration programs and voluntary return programs** **- Reduction in the period to obtain the Spanish nationality**
Social programs for asylum seekers **- Basic needs are covered** **- Work permit after 6 months having their admission process accepted and with no final decision already taken by authorities** **- Public social, education and health services.**

Section 3 Programs for Asylum Seekers and Refugees

Introduction and General Characteristics of Programs

Programs addressed to the integration of asylum seekers and refugees are known as ***"Social Intervention Programs"***. They have three common characteristics:

- They are organized in three phases: reception, integration and autonomy.
- They work with a multidisciplinary approach.
- They work with individual insertion itineraries for each person.

Since 2014, they are organized according to different phases: **reception, integration and autonomy.** Asylum seekers will go through these during the first 18 months to 24 months from their arrival to Spain[28]. Hence, it could be said that programs are structured to provide a good response to the following steps in the asylum seekers/refugee path:

- **Phase I.- Reception.-** This phase takes up to 6 months, and up to 9 months for the most vulnerable cases. It begins once the request or application for asylum is accepted by the Spanish Office of Asylum and Refuge (OAR) of the Ministry of Interior. During this phase asylum seekers have the possibility to participate in so-called "Reception Programs" that include different programs/actions. The main ones are those related to legal assistance, health and social issues, accommodation and language training.

- **Phase II.- Integration.-** This phase takes up to 6 months. The type of actions initiated in the first phase continues here to help asylum seekers to develop the skills and abilities necessary to live on their own. Participants also receive economic support, and have access to training and skills development to achieve social integration and be able to look for a job.

[28] This phase takes 18 months. However, it could be extended up to 24 months for the most vulnerable cases.

- **Phase III.- Autonomy.-** This phase takes up to 6 months. Training focuses in developing the necessary skills to have access to employment. Legal and social assistance is maintained, but gradually reduced. Accommodation too. Depending on the situation of each person, assistance could be extended up to complete another 6 months.

Before 2014 the system was more flexible in terms of time. Funding from the Ministry of Employment and Social Security is now organized according to this new structure, which does not always fit the needs of asylum seekers, specially family groups with children and those in a more vulnerable situation, -due to the lack of skills, knowledge of the language, trauma, etc.-

Asylum seekers and refugees are able to access the existing programs in any of the phases.

- **The multidisciplinary approach**.- Teamwork and a multidisciplinary approach to the social intervention implemented to assist asylum seekers and refugees are a common methodological aspect.

Therefore, when talking about health or employment programs, this feature should be taken into account. The assistance might be specific in a particular area, established by a specific professional - from the legal, health, psycho-social or psychological field-, but it is part of a comprehensive approach.

- **The individual insertion itinerary**.- Actions implemented in the different programs are organized according to an individual assistance that takes into account the specific situation and needs of each individual. Access to the different programs in therefore implemented according to each person circumstances and the objectives proposed together by the multidisciplinary team and the person in order to promote his or her inclusion, integration and autonomy.

When referring to the programs addressed to asylum seekers and refugees we are talking about those actions developed by social entities and NGOs. Though some services are provided by other entities, both public and private, - such as public hospital or a private business that make a contract to a refugee-, it is mainly the NGOs that coordinate and develop the framework and main actions into which these other activities are included.

One of the most significant elements in the Spanish scenario is the emergence of neighborhood networks (self-managed networks- non formal organizations) focused in helping refugees, giving them orientation, social support, pocket money, even housing and legal assistance.

The next chapters illustrate the characteristics of the different programs addressed to asylum seekers and refugees.

Section 4 Social Programs

Social entities and NGOs working with asylum seekers and refugees usually divide their actions and programs in two fields: the field of ***advocacy*** and the field of ***social assistance*** addressed to these groups. Social or programs would be part of the "assistance" branch. They could include information and orientation services and psychosocial and psychological assistance to asylum seekers and refugees. Hence, the group of professionals working in this type of programs includes mainly lawyers, social workers and psychologists.

Professionals provide assistance throughout the three phases mentioned above. As the methodology implemented is based on a holistic approach, all actions are connected: housing, processing of the refugee card, family reunification, access to language classes, vocational training, health care and education, etc.

Family reunification

Family reunification is not possible for a person that is accepted as asylum seeker but does not have his/her refugee card already approved. Therefore, each member of the family makes the asylum seeker petition individually and once they are accepted they are able to communicate that their relatives are already in Spanish territory. Only those that have been already granted with the refugee status or the subsidiary protection status are able to directly ask for family reunification.

Housing and accommodation

Housing in the ***first phase or reception phase*** is organized both in centers of reception and flats. The General Directorate of Migrations participates directly in this phase with four Refugees reception centers[29], - CAR- situated in the provinces of Madrid (2), Valencia and Seville. The Ministry also provides funding for reception centers and flats managed by different NGO specialized in the field of asylum. It is possible to extent this period to 9 months for the most vulnerable cases.

The ***second phase or integration phase*** is a transition period that includes accommodation and other economic aid to asylum seekers so that they are able to rent a flat with other colleagues or with their families. At this phase they will have a work permit, either as asylum seekers with the "red card" or already having being granted the status of refugee or that of the subsidiary protection. Ideally, they will be acquiring or had already acquired the competences to be able to look for a job, - both training and language skills-.

The ***third phase or autonomy phase*** initiates once the person is able to leave on his/her own, having a work permit and also a job. Social integration enterprises are key to facilitate asylum seekers beginning in the Spanish labour market. Specific economic aid in this phase is reduced. Nonetheless, asylum seekers and refugees, - as mentioned before, at this stage they could already have the refugee or subsidiary protection status or not-, could also have access to other social services economic subsidies that, together with their jobs, enable them to be economically independent.

However, even in this case, access to housing is extremely difficult, due to the renting requirements. According to legislation, landlords usually ask for a payslip and one or two months of renting paid in advanced as a guarantee. Negotiation with landlords on this issue nowadays, even for the social entities, is reported to be very tough. Prices are also very high, - the minimum wage is 707,70 € and an average rent for a 2 rooms flat in big cities as Madrid or Barcelona is around 700 €-. Solidarity of civil society in this delicate issue has aroused. Citizens are helping asylum seekers and refugees at this phase, providing room in their own places or renting flats or rooms at a low price - see Section 9-.

The lack of enough shelters and flats within the reception and integration network of entities makes transition between phases, especially when it comes to autonomy a bit complex. It has many implications for the integration process as the time needed in each case to avoid a precarious autonomy is different from the one proposed by the system, - which is also directly related to the scarce resources available-. Again, solidarity of civil society is a field that is helping to provide some solutions to this situation.

Section 5 Health Programs

Asylum seekers have access to the National Health Systems since their arrival to Spain. Autonomous Communities are in charge of providing this access in their territories. Even though access is universal, there is a period between the health card request processing and its emission that could take

[29] http://extranjeros.empleo.gob.es/es/ProteccionAsilo/car/

up to two months. During this period, access is guaranteed but there is no obligation to keep a health record from the person, considered as a "temporary resident" meanwhile[30].

The NGOs and social entities working with asylum seekers and refugees help them to get their health card and act as "mediators" between them and local health centers and hospitals.

Regarding specialized assistance, these entities have specific methodologies and professionals to provide psychological support to asylum seekers and refugees. These professionals are specifically trained in trauma recovery therapies addressed to victims of torture and human rights violations. The methodologies followed contribute to the process of identification, analysis and recovery through which the person goes through.

Specialized services include those addressed to women victims of human trafficking. The new protocol together with the experience of women organizations and entities working in this field is enabling to unveil the situation of women and girls that are not always identified as asylum seekers or refugees at an early stage.

According to each individual case psychological assistance is provided in any of the phases of the integration process and other health services are contacted when necessary.

Entities consider not only the individual psychological therapy as a means to promote people´s resilience and/or recovery from the trauma experienced. There is also a psycho-social approach in their methodologies of work that encompasses aspects like the accommodation places -reception centers, apartments, etc., the assistance provided by lawyers, social workers, etc. The whole social intervention is organized in such a way that professionals approach to asylum seekers and refugees include specific training in psychological and psycho-social skills.

Section 6 Educational and Vocational Training Programs

Education includes that of the boys and girls under 18 years old and that of the adults. It is a right for any children under 18 years old to access education. NGOs try that children and adolescent could go to school or high school as soon as possible. Some entities point out that this access is enabled in a period of less than 0 days since they have their asylum application approved. Education of adults and even that of children begins with learning the language since their participation in the Phase I actions and programs. Language programs are basic for integration, to acquire autonomy and to be able to find a job. But language is also basic at a first stage. Even though the entities also count with teams of translators and interpreters that help when asylum seekers and refugees still do not know the Spanish language well, -specially for legal and health issues at the very beginning-, language learning is clearly encouraged and promoted. Language teachers´ teams are organized with staff and also with volunteers. Funding to improve competences in Spanish has been improved lately.

Education for children and learning the language are actions that begin as soon as possible within Phase I. Children education is concerned by the different phases of the asylum process, that could entail the need to change from one neighborhood to another and therefore from one school to another.

Vocational training programs begin between the end of Phase I and Phase II and, anyway, when people is already able to understand and communicate in the language so as to follow these type of trainings.

Vocational training is organized with different entities providing this service. Though public training is encouraged, there are financial aids to enable the access to private training when this is adequate according to each individual itinerary.

[30] Testimony referred to the Autonomous Community of Madrid.

NGOs state that, even if there is no specific profile among asylum seekers and refugees, people with secondary education or university degrees is quite common, as they frequently asked for the recognition of their academic diplomas.

Asylum seekers interviewed for this study included three very different profiles: an Afghan women with no studies that is now working as a cook and studying primary school; a Syrian man, graphic designer that begun to work as a cook in Damascus when the war started and then got training as a cook during his reception phase in Spain and now is working as such. Finally, a Mexican man, lawyer that made several trainings in accountancy and enterprises administration and is now doing administrative work.

Section 7 Employment Programs

Language training and vocational training are conceived to promote social inclusion and integration of asylum seekers and as the necessary means to enable them to work and become economically independent.

Asylum seekers access to employment is only possible after six months, - day 181-, and living in Spain, being in the admission process and with no final decision taken by authorities in relation to the acceptance or denial of the asylum petition. This means that asylum seekers that had already been granted with the so-called "red card" with a temporary residence permit will now have a work permit.

However, the right to access public employment offices services is only granted to those people that already have a refugee card or a subsidiary protection card.

At the same time, situations faced by asylum seekers, together with the process of integration and development of a new life in Spain make sometimes difficult that they could be ready to enter labour market. Their possibilities in finding a job will depend on the language skills acquired, the previous training and the one followed in the host society and the market demand.

In relation to this, two factors should be taken into account: social and psychological vulnerability, and the time required by each specific situation. The hardness of the Spanish job market and enterprises, worsen by the economic crisis and high rate of unemployment is another element of concern.

NGOs working with asylum seekers and refugees try several ways to promote their integration in the labour market. ***Social integration enterprises*** are one of them. This type of enterprises plays a key role to ease the process of asylum seekers and refugees to become "employable" in the same conditions as a local worker. Social integration enterprises are ruled by Law 44/2007[31]. NGOs working with people in risk of social inclusion rely on these type of entities. Some have even created their own social integration enterprise, as the final step after the vocational training path. It is the case of entities such as the Spanish Commission for Refugees, CEAR. This NGO has created ***Causas CEAR***[32], a social integration enterprise that provides employment to asylum seekers in the hospitality and catering sector. Once trained, employees provide catering services in asylum seekers reception centers, - such as Getafe-Madrid and Cullera-Valencia Reception Centers, (CAR)-, and in private business, such as in the premises of a consultancy firm. Offer and demand of services addressed to asylum seekers are met and candidates are identified within the asylum seekers community instead of being hired elsewhere.

Together with social integration enterprises, contact with the public employment services is done by NGOs to provide assistance and help refugee in their process to access "normalized" work. Mediation

[31] Law 44/2007 ruling Social Integration Enterprises *" a social integration enterprise is that commercial society or cooperative society legally established that, duly qualified by the competent autonomic authorities, develops any economic activity producing goods and services and that has as social object the integration and vocational training of people living in social exclusion situations such as that of being in transition to ordinary employment"*.

[32] https://www.cear.es/sections-post/causas-cear/

with enterprises is also done to promote apprenticeships and final labour integration of asylum seekers and refugees. Awareness raising is also promoted to inform enterprises and managers about the situation of asylum seekers and also to prevent discrimination.

Employment services provided by NGOs are available not only for those asylum seekers following the three phases of the process but to any of them, - having been in touch with NGOs or social services before or not-, at anytime. Specific means to disseminate these services have been created to reach as many people as possible. It is the case of the website **www.redariadna.org**. ***Red Ariadna*** provides specific information on labour integration for asylum seekers and refugees: legislation and services available for asylum seekers and refugees contacts at the entities and NGOs working in this field, specific information for enterprises, etc.

Section 8 Training Programs for professionals assisting refugees

Both NGOs and the Spanish Administration provide training programs for professionals assisting asylum seekers and refugees. It is not a mandatory issue as such. Despite this fact, specialized NGOs, apart from hired specialized professionals, -lawyers, psychologists, social workers with a background on asylum, gender, human rights, etc-, make regular trainings to improve and update their knowledge and skills for their daily work with asylum seekers and refugees.

The Ministry of Employment and Social Security also provides training to staff specifically addressed to asylum and refugee at the General Directorate for Migrations. Also the Office for Asylum and Refugees, - O.A.R.-, dependent from the Ministry of Interior provides training to its staff.

Section 9 Citizen´s networks and local networks

The so-called "Refugees ´crisis" has encouraged Spanish citizenship solidarity with asylum seekers and refugees. Together with the political will shown by municipal authorities[33] from different cities and towns of Spain, citizenship has created their own social networks and strategies to participate in the reception and integration activities addressed to asylum seekers and refugees. The lack of political will and delays in the commitments already agreed by the Spanish government are also part of this re-appropriation and redefinition of roles that is taking place in the Spanish public, political and social arena.

Two specific movements promoted by civil society are the "***Red de Acogida Solidaria***[34]" and "***Bienvenidos Refugiados***[35]". Both organizations are secular networks promoted by citizenship and based in volunteering and donations. As mentioned in a leaflet by the Red de Acogida Solidaria "from a human point of view we accompany people escaping from war, prosecution, hunger, etc. From a political point of view, we denounce the gaps of the asylum and refugee policies both of our country and the European Union and we urge authorities to recognize and fulfill asylum seekers and refugees rights".

Red de Acogida Solidaria develops several activities related to asylum seekers and refugees social integration: reception at Mendez Álvaro bus station in Madrid city, translation services, awareness raising activities in schools and neighborhoods, civil society mobilization activities, assistance to asylum seekers in the Spanish peninsular territory and coordination with groups at national and international level.

Bienvenidos Refugiados focuses the action in three main aspects: advocacy and raising awareness activities; networking between citizens to promote volunteering, local initiatives and a network of housing and accommodation flats and premises; finally direct assistance to asylum seekers both in Spain and in Greece, including support to NGOs and volunteers in Spanish and Greece borders, fundraising and collection and shipment of clothing, toys, etc.

33 http://www.femp.es/comunicacion/noticias/red-de-municipios-de-acogida-de-refugiados-de-la-femp
34 https://www.facebook.com/Red-Solidaria-de-Acogida-944398242297256/?fref=ts
35 https://www.facebook.com/BienvenidosRefugiados; https://bienvenidosrefugiados.wordpress.com/quienessomos/

A summary relating the life story of a Syrian refugee and a Spanish citizen that is hosting him at his place is narrated at the end of this section.

These initiatives are somehow coordinated with that of specialized NGOs. This link is something still new and needs to be built up to enable quality reception and integration and to avoid situations that could increase asylum seekers vulnerability. In this sense, professionals interviewed encourage these networks but also alert about the need of a certain training on the asylum seekers situation, rights, etc and about the need of supervision, -preventing cases of abuse or neglect-.

Another way of interaction that is growing lately is that of enterprises social responsibility through their collaboration with NGOs working with asylum seekers and refugees. Information and raising awareness actions are developed, together with face-to-face activities that help to promote integration and tolerance, - eg. urban vegetable gardens where asylum seekers and citizens employed in a certain company work together[36]-.

Best practice from citizenship solidarity

The story of Kawa

Kawa is 23 years old and comes from a town nearby Aleppo, Syria. He left his mother and some of his brothers/sisters in Aleppo. He went to Lebanon to try to live and work. He has a brother living there. It was difficult. He travelled then to Algeria, where he stayed, again with another of his brothers, during nine months, and had the chance to work. After that he went to Morocco with the idea of coming to Europe. He tried to cross the border 27 times. When we finally did it, he spent the most awful 23 days of his life in the Immigrants Center for Temporary Stay of Melilla City (CETI), after which, he was transfer by Spanish authorities to Malaga City, in the Spanish peninsular territory. Three NGOs took ten of the thirty asylum seekers arrived with him and transferred them to different Spanish cities. His opportunity took place with CEAR, his city, Madrid. He spent 10 months in Getafe city Reception Center, learning Spanish and following vocational training lessons in two fields: warehouse driving and food manipulation. He also followed training on customer services with another entity and then made a one-month apprenticeship at a clothing shops chain. In the meantime he had gone through the "second phase", to live on his one in a flat, with some roommates. He had access to some aid to pay the rent and he worked in a Kebab store thanks to a friend. When subsidies for this second phase were finishing he confronted the fact that he did not have the possibility to be economically self-sufficient yet. He talked with the psychologist following his case at CEAR. This lady introduced him to Javier, who was going to become his roommate and landlord.

The Story of Javier

Javier is 50 years old and is from Madrid. He lives with his 14 year-old son in his three-bedroom flat in a neighborhood situated in the center of Madrid city. When he learnt about the Syrian war and the fleeing of civilians he decided he needed to help somehow. When he learnt that asylum seekers could arrive to Spain he called Madrid´s City Council to see what he could do. He did not get a clear answer.

Javier has a low income and thought that the only thing he could provide was a room at his flat.. Javier is a friend of the CEAR psychologist that attended Kawa. He talked to her and told her about his room and his will to do something, somehow. His psychologist friend told him then about the different ways citizens are helping NGOs and then she told him about Kawa.

The Story of Kawa and Javier

The CEAR psychologist, Kawa and Javier met twice so that Kawa and Javier got to know each other and could decide about the possibility of Kawa´s being hosted at Javier´s place. They have been living together now for more than one year.

[36] Eg. - Urban vegetable garden at Getafe, CEAR. Report: Situation of refugees in Spain and Europe, CEAR, 2016.

Kawa is working at one of CEAR´s premises, as caretaker/doorman. He continues to study Spanish and speaks it really well. He also wants to continue what he was doing when war started at Syria: his degree in English philology.

Javier is happy because he could "do something". The feeling of helplessness he had because o the lack of will and commitment of European Governments is now soften because, as he explain, it is him doing something despite the shameful performance of Spanish and European authorities. He even suggests that he is comfort by the fact that he knows "where his money goes for". He provides an room for free and it is like knowing that his taxes are really invested in helping a refugee person, indeed.

Javier also explains that what Kawa has given to him and to his 14 year-old child is more than what they give to him in many ways: friendship, a kind of "big brother" for his son, a daily life lesson of tolerance and, in the end, a bond that might take them to meet Kawa´s family in Syria once the war is over.

Also, being a father, he thinks a lot about Kawa´s mother. He feels relieved by the fact that he cares for a young man in the way he would like somebody could take care of his son in case the war was suffered by Spain instead of Syria.

He says he practices "consciousness" and thanks to this, -doing what we all could do for another human being in a vulnerable situation-, he is able to get to sleep.

Both Kawa and Javier insist on the need to create safe corridors so that civilians could flee from war and conflict zones.

Section 10 Recommendations

Some changes, positive and negative, from the past two-three years were reported both by NGOs and the Spanish Administration.

Positive news included:

- the improvement in the processing of asylum petitions from victims of human trafficking introduced by the *Protocol for the protection of victims of human trafficking*.
- the opening of the Office for international protection in Melilla´s border checkpoint (Beni-Enzar), by the Ministry of Interior in 2014.
- Ceuta and Melilla became for the first time the main entry point of asylum seekers in terms of number of people arriving to these bordering territories. The main entry point for asylum seekers petitions had always been Madrid Adolfo Suarez airport, were a specific program for asylum seekers reception is leaded by the Spanish Red Cross since more than a decade. NGOs working in Ceuta and Melilla reinforced their actions and teams to be able to provide assistance to the unusual number of asylum seekers arrived to these checkpoints.

Negative news included:

- Despite the efforts made by NGOs to improve the reception of asylum seekers in Ceuta and Melilla, the situation is still complex and the actions implemented by the Spanish administration have not been done so fast as the circumstances of families, children and women would have needed, -lack of space in the CETI, - Centers for temporary stay of immigrants-; lack of separate rooms for families; separation of families, -husbands and wives, children from their parents, etc; lack of staff to well received the asylum seekers. The risk for human trafficking, especially for women and children and especially for sexual exploitation purposes is extremely high according to NGOs. Differences in the acceptance of asylum petitions made by Syrians citizens and citizens from sub-Saharan countries, etc. had also been detected.

- A new law, the "Law for the protection of citizenship security"[37], approved in 2015, is denounced by Spanish NGOs directly working with refugees and asylum seekers as a setback against Human Rights. This text has modified the Immigration Law and established a special set of rules for Ceuta and Melilla that allow immigrants and asylum seekers return without any proceedings and protection[38].

Finally, aspects that still need to be improved included:

- The assistance to asylum seekers in the border checkpoints of Ceuta and Melilla and in the "CETI" - "Centers for temporary stay of immigrants" needs to be improved for a quicker and better response to assure that all asylum seekers are identified and that all of them receive a quality and caring assistance, especially women and children and with especial attention to the prevention and fight against the high risk of human trafficking reported.
- The Spanish Law 12/2009, of October 30th, regulating the right to asylum and the subsidiary protection still needs to develop rules related to two key aspects: the protocol on asylum petitions in Spanish Consulates and the protocol on asylum petitions from unaccompanied minors.

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- See footnotes in each page.

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- Interview to Director (woman)
- Interview to Refugee 1 (man)
- Interview to Refugee 2 (woman)
- Interview to Refugee 3 (man)

-A volunteer citizen giving accommodation and a Syrian refugee receiving accommodation from a citizen (men)

- Solidarity Network for Receiving Refugees (Red Solidaria de Acogida): a self-managed citizen network

[37] Ley Orgánica 4/2015 de 30 de marzo de protección de la seguridad ciudadana, https://www.boe.es/boe/dias/2015/03/31/pdfs/BOE-A-2015-3442.pdf

[38] Report: Situation of refugees in Spain and Europe, CEAR, 2016, page 63.

CHAPTER 5

SWEDEN

Section 1 Statistics

Sweden has been Europe´s most welcoming country for refugees during the past years and has received more refugees per capita than anywhere else in Europe. During 2015 almost the double amount applied for asylum than in the previous peak, during the early 1990s during the Balkan crisis.

During the recent two years, there has been a massive public debate in Sweden regarding refugees´ integration. The challenges at a European level are huge and the policies and laws have become living instruments that have had to relate to the new upcoming situation. This report will give a short introduction regarding certain areas, such as legal and social assistance programs, education and access to labor market and will focus on the good practice. The method for the empiric study has been interviews with a selected group of refugees and with different representatives and stakeholders that work directly with refugees.

Reasons for granting asylum seekers residence permits

Sweden has signed the UN Convention Relating to the Status of Refugees and the Migration Agency examines each asylum application individually. In a family, children may have separate and personal reasons for asylum. According to the Swedish regulations, residence permit is given to a person who is a refugee in accordance with the Swedish Alien Act and the UN Convention, or to a person in need of “subsidiary protection" in accordance with the Swedish Alien Act joint with EU regulations.

Refugee

In accordance with the UN Convention Relating to the Status of Refugees, Swedish legislation and EU regulations, a person is considered a refugee when they have well-founded reasons to fear persecution due to

- race
- nationality
- religious or political beliefs
- gender
- sexual orientation, or
- affiliation to a particular social group.

The persecution may originate with the authorities of the person’s native country but it could also be actualized when authorities are unable or unwilling to offer protection against persecution from individuals or groups. A person granted a residence permit as a refugee can request to receive a refugee status declaration – an internationally acknowledged status according to the EU regulation and the UN Convention Relating to the Status of Refugees.

Person in need of subsidiary protection

According to the Swedish regulations, a person deemed in need of subsidiary protection is one who

- is at risk of being sentenced to death
- is at risk of being subjected to corporal punishment, torture or other inhumane or degrading treatment or punishment, or
- as a civilian, is at serious risk of injury due to armed conflict.

A person that is granted a residence permit as a person in need of subsidiary protection, may receive a subsidiary protection status declaration based on the EU regulations on the area.

Other protection

There are exceptional cases where asylum seekers may be granted a residence permit even if they don´t need protection from persecution. These cases requires extraordinary circumstances directly linked to the personal situation of the applicants. Those situations could be for example people with very serious health issues or people subjected to human trafficking, implying that a decision to deny residence permit would conflict with Sweden's international obligations.

Children seeking asylum

According to the Swedish law and regulations, the Migration Agency has to specifically consider a child's best interests. A child's reasons for seeking asylum are to be examined individually by the Migration Agency, as they may have other or separate reasons for seeking asylum than the parents. When the reasons for seeking asylum are examined, the case officer must adapt the investigation as much as possible to the child's age, health, and maturity. Throughout the procedures and the examination, the child has the right to be accompanied by an adult during, for example a parent or other legal guardian, a custodian, and/or public counsel.

Particular vulnerable groups

In 2015, nearly 163 000 people applied for asylum in Sweden, out of these, 35,369 were unaccompanied children, mostly boys from Syria, Afghanistan and Iraq.

Unaccompanied children are a particularly vulnerable group for human trafficking and many children have disappeared after arriving in Sweden. In a statement by Europol in 2016, nearly 10 000 unaccompanied children disappeared after arrival to the EU. In light of the increasing migrant and refugee flows in 2015 the Police Authority adopted a particular policy decision which aims to strengthen the means of combatting trafficking. The decision contains a number of objectives aimed at police organization, collaboration, method and skills etc.

Following the migration crises faced by the European continent, the year 2015 ushered in record numbers for Sweden in the number of individuals applying for asylum (162 877) and furthermore, the number of applications received from Syrian asylum seekers (Table 3). Statistics show that within this number, a significantly greater proportion of asylum seekers are male (70%) (Table 1) and almost two-thirds of applicants are between 13 and 34 years old (Table 2).[39] In 2015, 1.6 million of the Swedish population were born abroad, equivalent to over 16%. Throughout the years 1980-2015, a total of 1,976,917 people were granted residence permit by the Swedish Migration Board, by which 514,621 residence permits were granted to refugees and 109,235 were granted in the year of 2015.

Table 1: Gender distribution of asylum seekers in Sweden in 2015

Gender	Quantity	Percentage distribution
Men (boys incl)	114728	70%
Women (girls included)	48149	30%
Total number of asylum applications	162877	100%

[39] All statistics are taken from the Migration Board's "*Application for Asylum received, 2015*" (2016-01-01).

Table 2: Age distribution of asylum seekers in Sweden in 2015

Age	Quantity	Percentage distribution
0-6 år	18551	11%
7-12 år	12717	8%
13-17 år	39116	24%
18-24 år	28920	18%
25-34 år	35916	22%
35-44 år	16281	10%
45-64 år	9869	6%
>64 år	1507	1%
Total	**162877**	100%

Table 3: The five most common nationalities for asylum in Sweden in 2015

Citizenship	Quantity	Percentage distribution
Syria	51338	32%
Afghanistan	41564	26%
Iraq	20857	13%
Stateless	7711	5%
Eritrea	7231	4%

A large proportion of those who sought asylum in Sweden in 2015 were children (43%), while over half were unaccompanied. The total number of unaccompanied children seeking asylum in Sweden was 35 369. Placing this number within the larger EU scale, it constitutes 40% of the total number of unaccompanied children seeking asylum in the region.

Table 4: Unaccompanied minors

Citizenship	Quantity
Afghanistan	23480
Syria	3777
Somalia	2058
Eritrea	1939
Iraq	1097

Table 5: Gender distribution of unaccompanied minors

Gender	Quantity	Percentage distribution
Girls	2847	8%
Boys	32522	92%

Section 2 Legal Assistance Program

Swedish Migration Board

The Swedish Migration Board is the authority which deals with applications from people who seek protection from persecution. When a refugee is granted a residence permit in Sweden, compensation is given from the state to the municipalities and county councils. When rejected, the Migration Agency is actively involved in the process of enforcing the individual to leave the state.

Access to a lawyer

Access to a lawyer is in most cases free of charge for the asylum seekers during the asylum process. The lawyers' level of expertise is crucial to the outcome of the asylum process and the legal counsel has the tremendous task of not only being able to display a sound legal knowledge of immigration law and rule of law but also that of a broader cultural understanding and empathy with difficult personal situations. As a new member of the Swedish society it is not easy to understand the legal system, laws, rules and culture, this can at times result in situations where refugees end up in court and in need of legal assistance. In criminal cases, a legal counsel is appointed by state authorities to assist and this service is free of charge for the asylum seekers.

Access to interpreter

The right to a free interpreter is granted to a refugee when in communication with authorities, healthcare, social authorities etc. One of the challenges faced by interpreters is the ability to mediate cultural differences when interpreting. In other words, problems may arise when for instance, a Muslim interpreter is required to interpret a Muslim who has converted to Christianity or when an interpreter has a background in the opposite side in an armed conflict. Other difficult situations could be when a man is required to interpret for a woman in cases related to sensitive issues. It has been reported by the refugees that have been interviewed during the study that interpreters have forwarded sensitive information to security forces within their homelands causing significant difficulties for relatives remaining in the home country.

Guardians

Guardianship is a Swedish program dedicated to addressing the needs of, among others, unaccompanied minors as well as refugees with disabilities. The number of unaccompanied minors having a legal guardians in Sweden has increased dramatically within the last years. The following statistics is from Uppsala, the fourth biggest city in Sweden:

- 319 unaccompanied minors 2014,
- 1358 unaccompanied minors 2015
- 2233 unaccompanied minors 2016

The legal guardian acts as a hub for all contacts around the minor and is usually the most long-term adult relationship in the minor's first years in Sweden and is responsible for ensuring that minors are not disadvantaged financially or legally, supervising housing; health care, schools, social services and finally, providing assistance in communication with lawyers and the Migration Board. The legal guardian receives a monthly salary from the municipality for carrying out these duties and is expected to always act within the best interest of the minor.

Changed age

Over the past two years, the Swedish Migration Board has altered the age of approximately 5600 unaccompanied minors seeking asylum to reflect an age of 18 and older. By law, these individuals then

lose the right to a legal guardian and are moved to adult refugee camps. This furthermore, negatively affects their chances of receiving a residence permit.

Family reunion

Unaccompanied minors who have been granted a residence permit have the opportunity to be reunited with their family in Sweden. The Migration Board and social services have the official responsibility of allocating and reuniting family members of a minor. Although not officially tasked with the responsibility, the Red Cross has played a significant role in allocating relatives and reuniting families:

- Normally dealing with 1500-2000 cases per year
- In 2015 they helped 15000 -20000 cases and the number continues to increase
- Since the end of 2016, they have included searching for family and relatives who have disappeared along the escape route.

The Red Cross or Red Crescent offices seeks to be the point at which mother's can gain information regarding their children's whereabouts and safety. A more effective and less risky approach would be to assist parents in creating a plan on how to find each other, should they be separated in their escape.

Converts

Thousands of refugees entering Sweden have converted to the Christian faith due to the freedom of religion and the right to convert to a different religion. It is extremely important to acknowledge the integration challenges faced by those who have chosen to convert. Christian converts have been subjected to threats in Swede. The organization Open Doors is currently making an empiric study on how extensive and widespread the threats have been.

Trafficking

Legal guardians and lawyers have reported testimonies from unaccompanied minors that have been victims of rape and abuse experienced along the escape route to Europe and Sweden. The Swedish National Police Coordinator against Human Trafficking, Kajsa Wahlberg, has confirmed this information and has also urged that any suspicion of abuse to be reported to the youth police. It is difficult to obtain definitive statistics on how common the problem is. According to Professor Fred Nyberg, Uppsala University, where there is trafficking and prostitution, there is almost always a link to drug abuse.

According to psychologist Niklas Möller at the Red Cross Trauma Center in Uppsala, and staff at health care centers for refugees, unaccompanied minors are on high risk of abuse and have testified to being sold into prostitution on their way to Europe.

Children marriages

EXAMPLE OF GOOD PRACTICE

For family reunification and other legal matters, refugees normally cannot get a free lawyer. However, Scandinavian Human Rights Lawyers have availed themselves to assist applicants with legal advice pro bono. Refugees point out that among the elements they appreciate the most in Sweden has been the right to education, human rights such as freedom of expression, freedom of religion, and equality.

Under the current Swedish regulations, 132 girls under the age of 18 who have married abroad are still considered as married in Sweden. However, the Sweden's Minister for Children, Åsa Regnér, has

made it clear that a no child should be treated as or considered to be married in Sweden so the regulations may change

Section 3 Access to Labour Market

Unemployment

Unemployment figures are significantly higher for refugees than for native Swedes. On the other side, unaccompanied minors have lower unemployment rates and manage to integrate better than children arriving with their parents and their adult counterparts. A large study conducted at Stockholm University has shown that unaccompanied children from Afghanistan are ready for work sooner than those from other countries.

Translations of grades and diplomas

It is difficult for refugee professionals to have their degree converted and approved in Sweden. Due to this, many incoming refugees who have had respected professions in their home country and who do not receive recognition of these qualifications often are frustrated and confused concerning the individual's identity and self-esteem.

Finding a job

A work permit is always included in a residence permit in Sweden. Most refugees get jobs through contacts, friends and their own initiative. Speaking Swedish and having a Swedish driver's license are usually requirements. Anyone who hires a new arrival in Sweden, may get a refund from the Employment Service for wage costs, often by more than half the cost.

Section 4 Social Assistance Programs

Training Specialists

In Sweden, there is a considerable lack in specialized training programs for professionals who assist refugees. However, there is a variety of short courses of 1-3 days or internal training available. These are often organized by the Guardians in collaboration with various NGO's such as the Red Cross and Save the Children. Guardians provide a mandatory 'web-based training' for all legal guardians, at least in the city of Uppsala. Staff at health centers for asylum seekers, such as midwives, doctors and nurses receive in-house training regularly in Uppsala County Council.

Section 5 Education Programs

Social services and financial aid

Refugees who have been granted a residence permit have access to all social services in Sweden which consists of care, geriatric care, support for addicts, support and services to people with disabilities and also individual and family. Financial aid is available from arrival until the refugee is self-supporting. Understanding the rules and processes for applying can be daunting at first so the legal guardian plays a crucial role.

Public health insurance system

After receiving a residence permit, refugees, obtain the same rights as Swedish citizens, to subsidized medical and dental care within the public health insurance system. They also will be able to receive child allowance, housing allowance, parental and student grants and various other contributions. Furthermore, disabled refugees are entitled to support in Sweden under the *Social Services Act* and the law on support and service for the disabled, in the same way as Swedish citizens.

Swedish citizenship

If a refugee can prove his identity, it normally takes about five years to become a Swedish citizens and obtain a Swedish passport.

Example of Good Practice

An unaccompanied minor who has been in Sweden for a few years, found 10-12 native Swedish friends at a church he has started to attend regularly. He also participates in most Swedish holidays with his friends. NGOs and particularly local churches in Sweden have taken a great responsibility regarding assistance to refugees. The church assists by offering practical help, food, clothing, visit, play for children and has a language café. Apart from the practical assistance given to refugees, the churches also act as a social support structure, by inviting refugees to fellowship in the church.

Section 6 Access to Housing

Free education

All Swedish tuition is free of charge. Swedish for Immigrants (SFI) is conducted on different levels including groups of illiterate individuals. Adult education offers training for those who are too old for primary school and secondary school. In addition, academic studies in Sweden are free - however, immigrants with dependents in their home country choose to start working early and attend vocational programs. Women seldom study further because of cultural reasons, or because they take care of children at home.

Example of Good Practice

There are free programs for self-study of the Swedish language in different levels on the internet (digitalasparet.se) which makes it possible to learn Swedish even if other options aren't available.

Section 7 Healthcare Assistance

Introduction to Swedish health care

Refugees possess the same right to health care as native Swedes. Accommodation staff and legal guardians often assist the refugee in their initial health center visit. An issue which is important to note,

is that some men keep women in their families from seeking medical care as there is a possibility that they would be examined by male staff.

Healthcare for refugees

The Health Care Center for Refugees, Cosmos, in Uppsala is one example of centers that offers a free health check services to refugees. They examine the immigrant's health, take samples for HIV, hepatitis, TB, etc. and inform them about the Swedish health care system. Staff at Cosmos acknowledge that there is a need for accommodation staff, legal guardians, teachers in school and other professionals to learn more about contagious diseases such as hepatitis, HIV and others.

Genital mutilation

It has been observed that young girls are mutilated in Sweden secretly or sent to their home country for genital mutilation. In Sweden this practice is though forbidden by law.

Mental care

Child and Adolescent Psychiatry (BUP) is aimed at children and young people aged up to 18 years old. There is an emergency department which is accessible at all times and has, over the years, mainly been used by those who are a suicide risk. Suicide among unaccompanied minors has increased in the last few years in Sweden. Red Cross Trauma Centers offers counseling to traumatized unaccompanied minors and refugees. They currently have an 8-10 month waiting list. They have two trauma centers, one in Uppsala and one in Gothenburg. The center in Uppsala receives unaccompanied minors. According to Niklas Möller a psychologist at the Trauma Center in Uppsala, the biggest need currently is for housing staff, family and relatives to receive trauma related training in order to offer support when access to the Trauma Centers are limited.

Drugs

Use of drugs such as cannabis, spice and others have increased in recent years among unaccompanied boys especially in the younger age of approximately 14-16 years. There are treatment centers availiable for young people with drug problems, but there is a shortage of treatment places available especially for the younger ages.

Example of Good Practice

An unaccompanied minor who, from childhood had perforated eardrums, received a hearing aid. In January 2017 the minor was taken into the care of health professionals who performed surgery to restore the minor's eardrum at no cost. In many of the examples of good practice, refugees attest that they are met by a positive, warm and heartfelt attitude that is crucial for the experience of good health care.

Section 8 Recommendations

Trafficking

The Swedish police has acknowledged that trafficking of unaccompanied minors is a common occurrence, however, the extent of the problem is unknown due to the fact that these crimes are rarely revealed or reported. In this regard, recommendations for improvements within this area are as follows:

- Individuals working with unaccompanied minors need to be aware of the appropriate steps to be taken when suspecting a case of trafficking.
- More resources from the police and other authorities and civil society actors to support victims of human trafficking is needed.
- More research of the connection between drugs, prostitution and trafficking is needed.

Attitude and treatment

The result of the interviews with refugees shows that in order for the integration of a refugee to be successful, it is very important for the refugees to meet with professional staff and members of society who recognize that all people have equal value and that have a non-discriminatory attitude. Individuals who are able to identify and sympathize with the plight of refugees are crucial to the successful integration of refugees. It is important to build confidence and self-esteem, to respect the need for privacy and also create a warm social climate when receiving and seeking to integrate immigrants. It is important to listen to the refugees' needs, but at the same time ensure they make their own decisions and afford them the space to change their situation. If refugees feel excluded in Swedish society, they run the risk of being vulnerable to being recruited into drug trafficking, extremism, prostitution, organized crime and similar.

Belief in the future

To make the transition and integration easier for refugees, information about Swedish society, democracy, the role of women, freedom of religion and the view of threats and violence, is of high importance. There is a need of better understanding of religion and faith. Integration cannot in any sense mean that refugees should lose their cultures in order to adapt to the new homeland culture. Instead, it is a great opportunity to bring the best from the culture from the origin country and the best in the new homeland culture. The refugees need a goal for the coming years and hope for the future.

ANNEX: List of institutions and NGOs that provided information

Child and adolescent psychiatry in Uppsala

Cosmos, a health - Care Center for Refugees in Uppsala, Eleonor Are´n

Word of Life Church, Eva Moberg

Immigration Service, National Coordinator against trafficking, Kajsa Törnquist Netz

Migration Board Reception Unit

Police, National Rapporteur on Trafficking in Human Beings, Kajsa Wahlberg

Red Cross Trauma Center in Uppsala, psychologist Niklas Möller

Red Cross, family reunification, Goran Wrede Mark

Uppsala, Social Services, Johan Edlund

Uppsala University, UFOLD, Fred Nyberg

Wittulsbergs juridiska AB, Uppsala, Bo Johan Wigfeldt

Legal Guardians Uppsala, Ida Hellrup,

Interviews with refugees