

A BEGINNING HAS BEEN MADE

New Opportunities for Vocational Integration in the Thematic Field of Asylum

Summary of the Memorandum by the Development Partnerships
of the National Thematic Network on Asylum in the European Community
Initiative EQUAL (2002-2007)

EQUAL: Development and testing of new labour market-policy models

Asylum seekers and refugees possess know-how, knowledge, skills and experience which need to be recognised and promoted. Persons with an uncertain residence status, especially asylum seekers, “tolerated” persons (*Geduldete*)¹ and victims of trafficking have been – and in part still are – largely excluded from access to education, training and employment in Germany as a result of legal conditions. A possibility was created for the first time in 2002 within the framework of the European Community Initiative EQUAL to test models for integrating asylum seekers and “tolerated” persons in the labour market. In 16 networks, Development Partnerships in the thematic field of asylum² with more than 100 sub-projects, evidence was produced that it is possible to place these persons in training positions and occupations and that people with an uncertain residence status can successfully contribute their wide-ranging potential to the German labour market.

Satisfying the right to education, training and gainful employment for asylum seekers and “tolerated” persons is the main theme in the Memorandum, which was submitted by the Development Partnerships at the end of the second funding period of EQUAL. The projects and networks in the EQUAL programme feel encouraged in their demands by the various political and statutory initiatives through which people with uncertain residence status have recently been provided the opportunity to gain access to the labour market:

With the Second Amending Act to the Immigration Act, a “grandfather clause” (*Altfallregelung*) has been created under which a residence permit is to be issued under certain circumstances and in certain cases after eight years of “tolerated” residence (after six years’ time in the case of families). In addition, “tolerated” persons are to receive access to the labour market after four years’ residence through a change in the Employment Procedure Regulation (*Beschäftigungsverfahrensverordnung*) by means of a general waiver of the so-called “priority review” (*Vorrangprüfung*).³

These arrangements pay heed to the recognition that many “tolerated” persons have a future in Germany and that their integration in German society needs to be promoted.

It is established in the National Integration Plan that an improvement of integration of people with migration backgrounds in the labour market is highly desirable both for social as well as economic reasons.⁴

Experience and recommendations

It would appear that the systematic exclusion of asylum seekers and “tolerated” persons from the labour market is no longer in line with political and legal objectives. The Development Partnerships in the thematic field of asylum have tested numerous innovative approaches to the integration of target groups in the labour market in six years of project work. For this reason they are able to make important suggestions regarding the integration of asylum seekers and “tolerated” persons in education, training and employment.

In this sense, the Memorandum “A beginning has been made” not only intends to provide a conclusion on the activities of Development Partnerships. It is also aimed at showing the various actors in the fields of policy-making, public administration and business possible options for action to be taken. At the top of the list is the recommendation that forms of cooperation successfully tested in the networks in the form of Development Partnerships in the thematic field of asylum should serve as model for future programmes. After this, numerous examples of good practice are to be presented and detailed recommendations forwarded in summary form for an improvement in labour market integration of asylum seekers and “tolerated” persons in various thematic fields:

Thematic field ① Elimination of access barriers to the labour market

In this thematic field, Development Partnerships advocate inter alia the elimination of legal barriers such as, for in-

stance, the “priority review” (*Vorrangprüfung*) and arrangements according to which “tolerated” persons are excluded from the labour market if their deportation cannot take place for reasons for which they are responsible. The aforementioned changes in laws aimed at enabling access to the labour market should not become a dead letter as a result of these or other restrictions. Young people should generally be offered the possibility of attending upper level secondary schools, to receive training or obtain a university degree. For victims of trafficking, a residence status should be created in which they are offered access to the labour market independently of their willingness to act as witnesses in criminal procedures.

Thematic field ②

Education and training strategies oriented towards living situations

One of the main recommendations from this thematic field is that programmes generally offered in secondary schools and support for vocational education need to be adjusted to meet the individual needs of the target groups. Initial and continuing education programmes for asylum seekers and “tolerated” persons should be supplemented with additional programmes (literacy, tutoring support, learning techniques and language courses) as well as social education and medical support. A system which records competencies together with special supplemental training programmes should be used to make possible the recognition of existing qualifications. Measures promoting returnees should promote the attainment of qualifications for the labour market in the country of residence as well as the country of origin along the lines of a “double option”.

Thematic field ③

Interaction between access to the labour market and health care

The recommendations made by this thematic field are oriented towards the imperative that participation in society and people’s health situations need to be viewed as interdependent factors. Health problems, which frequently afflict asylum seekers and “tolerated” persons as a result of their exodus and their living situation, must be taken into account when it comes to promoting access to training, education and employment. Programmes promoting in-

tercultural communication need to be established in the health system. Initial and continuing training of appropriately trained personnel is assigned particular importance in this regard.

Thematic field ④

Promotion of a differentiated perception of the target group

In this thematic field the Development Partnerships present various recommendations aimed at eliminating discrimination by improving knowledge of the living situation of asylum seekers and “tolerated” persons. Thus, training programmes on this topic should be made an integral part of initial and further training measures in the relevant areas of society (the public administration, economic associations, primary and secondary schools, trade unions, etc.). Additional recommendations should focus on strengthening social participation of asylum seekers and “tolerated” persons. In this connection, one demand is that strategies for combating discrimination must not view the various forms of exclusion, possibly resulting from a lack of residence status or because of gender, cultural origin, sexual orientation, handicap, illness or age, in an isolated manner. Moreover, it should also be noted that research on the social situation of refugees needs to be intensified and carried out in a more systematic manner.

Opportunities and risks: current developments

Finally, the recommendations forwarded in the Memorandum are viewed in the context of the statutory reforms mentioned in the foregoing as well as additional current national and European initiatives (including the European funding programmes). The Memorandum comes to the conclusion that the integration of asylum seekers, “tolerated” persons and victims of trafficking can be significantly improved in terms of education, training and employment through a targeted implementation of recommendations. Policy-makers and the public administration at the Federal, Länder and local levels as well as the business community, economic chambers and trade unions are called upon to implement the new political targets of the National Integration Plan in the form of a voluntary obligation.

1) The status of “toleration” (*Duldung*) is granted to asylum seekers whose application has been rejected, if humanitarian reasons make it unreasonable to deport them (Section 53 *AuslG*). “Toleration” is not a right of residence, but simply a limited suspension of the deportation of a foreigner.

2) In the EQUAL programme, “Development Partnerships” designate the networks which coordinate the work of the sub-projects while at the same time devising measures to eliminate discrimination in the labour market working together with various actors involved in labour-market policy – from non-governmental organisations to educational facilities, business enterprises and associations, business chambers and trade unions all the way to government ministries and authorities. The EQUAL programme’s “thematic field of asylum seekers” includes the group of “tolerated” persons and victims of trafficking.

3) The Federal Employment Agency (*Agentur für Arbeit*) decides within the framework of a review of the labour market whether the employment of the applicant would have “a negative effect on the labour market” (§ 39, section 2, subsection 1, no. 1 of the Residency Act (*Aufenthaltsgesetz*). This includes a review of whether more unfavourable conditions are to apply to the job being sought in comparison to German employees. The priority review is supposed to determine whether persons with higher priority are available for the job sought by the applicant. Higher priority employees may be both German nationals or foreigners who have priority status with respect to employment.

4) Federal Ministry of Labour and Social Affairs, National Integration Plan, final report by working group 3, “Gute Bildung und Ausbildung sichern, Arbeitsmarktchancen erhöhen” (“Ensuring good education and training, improving opportunities in the labour market”), Bonn 2007, p. 31.

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