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# The integration of applicants for international protection in the labour market

## National contribution from the Netherlands

Final Version, 30 November 2022

# 1. INTRODUCTION

This is the national contribution of the European Migration Network (EMN) National Contact Point (NCP) for the Netherlands to the 2022 EMN study 'Integration of applicants for international protection in the labour market'. This report reflects the legislation, policies and measures that had been put in place in the Netherlands existing laws, policies and measures regarding the labour market integration of applicants, as well as good practices and challenges in the period of January 2017- June 2022. Other NCPs in EMN Member and Observer Countries have produced similar reports on this topic, based on developments within the respective Member or Observer Country. The national contributions have been prepared on the basis of a common EMN template with study specifications to ensure, to the extent possible, comparability between the Member States.

Disclaimer: The information in chapter 2 and 4 has been provided primarily for the purpose of contributing to this EMN Study. The EMN NCP for the Netherlands has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the Netherlands.

## 2. TOP-LINE FACTSHEET

This study aims to gather information on the labour market access of applicants for international protection and to identify existing laws, policies and measures regarding the labour market integration of applicants, as well as good practices and challenges in the period of January 2017- June 2022.

EMN Netherlands, as the Dutch national contact point for the EMN, is responsible for providing objective, reliable, comparable and up-to-date information on national migration and asylum policy in the Netherlands to the EMN. In this research, EMN Netherlands has examined Dutch policy, current debates and measures on the labour market integration of applicants of international protection. The study is based on desk research (e.g. literature, legal and policy documents), interviews with representatives of the ministry of Social Affairs and Employment (*Sociale Zaken en Werkgelegenheid* – SZW), the ministry of Justice and Security (*Justitie en Veiligheid* – J&V) and the Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang Asielzoekers* – COA), as well as written input from the ministry of Education, Culture and Science (*Onderwijs Cultuur en Wetenschap* – OCW), Nuffic (the Dutch organisation for internationalisation in education), and the Dutch Council for Refugees (*VluchtelingenWerk Nederland* – VWN).

### **Public debate**

The public and political debate regarding the labour market integration of applicants for international protection in the Netherlands centres around two arguments. It is agreed on that early access to the labour market is good for the integration of the applicant in the Dutch society and beneficial for the future of the applicant if international protection is granted. On the other hand, the bond that may be created with the Netherlands through early access to the labour market can lead to disappointment if the application is rejected. The current labour shortage and the special status of displaced persons from Ukraine are new elements in the debate to allow applicants for international protection to participate more or earlier in the application process in the labour market.

### **Integration policies**

Applicants for international protection are not specifically addressed in national integration policies in regard to labour market integration. Labour market integration of third-country nationals is part of the general integration policy in the Netherlands. However, this policy does not apply to applicants for international protection. Some support is provided by the COA (e.g. through caseworkers, Participation Desks or job fairs), NGOs and Employer Service Points.

### **Data**

The number of applicants for international protection in the Netherlands increased yearly between 2017 and 2021, with the exception of 2020 due to the COVID-19 pandemic. The

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number of grants and refusals of applications for a work permit (*tewerkstellingsvergunning* – TWV) by applicants for international protection has increased yearly between 2017 and 2021.

### **Accessing the labour market**

The access to employment and self-employment for applicants of international protection is regulated in the Aliens Employment Act. It does not make a distinction between employment or self-employment. Applicants for international protection can work starting 6 months after their application has been submitted, for a maximum of 24 weeks per year. A work permit (TWV) is required. Applicants residing in a reception centre are required to contribute part of their salary to the COA as compensation for reception costs. Voluntary work is possible from the beginning of the procedure.

### **Support measures**

There are only a few integration measures available specifically addressing applicants for international protection. Applicants who are likely to obtain a residence permit are eligible for language classes. The aim of these classes is to be able to function in Dutch society on a basic level, so labour market integration is not a direct aim. Secondly, when assigning asylum seekers who are likely to obtain a residence permit to a reception centre, the COA strives to take into account prior work experience and level of education, to promote integration and participation in the future. Finally, Participation Counters can be found in 38 reception centres. They provide information and counselling for (voluntary) work and other integration activities to applicants and beneficiaries of international protection residing in the centre.

### **Good practices and challenges**

The COA proposed two of its projects as good practices for providing information on the Dutch labour market to applicants for international protection. The first project, “Kijkje in de keuken” was intended for applicants who were likely to receive a residence permit. Its aim was to bring applicants in contact with employers and familiarise them with the Dutch labour market. Due to Covid-19 the physical part of the project could not take place, this was replaced by digital work visits and a workshop. And as an alternative programme five videos have been developed that explain the Dutch labour market which can be used in integration courses. The project “Participatie en Taal” resulted in the establishment of 38 Participation Counters, whose services are available to all persons residing at reception centres (mainly applicants for international protection, but also beneficiaries). They offer possibilities for sports, recreation, language acquisition, volunteering and guidance towards paid work. Currently COA is looking into expanding the number of locations and providing more efforts for pathways to paid work.

The following challenges have been identified retrieved from literature or in a group interview with representatives of the Ministry of Social Affairs and Employment, Ministry of Justice and Security and the COA, and written information provided by the Dutch Council for Refugees::

Legal obstacles for accessing paid employment as the applicants are only allowed to work for 24 weeks six months after applying for international protection and internships not allowed unless the applicant is under 18 years of age or following vocational training.

Practical challenges can be the limited knowledge of Dutch and the housing situation of applicants. Reception centres are often located in remote locations and it is often unpredictable for how long an applicant will remain in a reception centre. Also the obligatory financial contribution to contribute to the reception costs can be demotivating for applicants. Furthermore the delayed registration in the Municipal Records Database can be an obstacle to participate in the labour market. The last challenges identified are the lack of support and information provision for applicants wanting to access the labour market.

## **3. CONCEPT NOTE**

### **BACKGROUND AND RATIONALE FOR THE STUDY**

The study focuses on the integration of applicants for international protection in the labour market.

As stated in the EU Action plan on Integration and Inclusion 2021-2027 “The EU’s work on integration and inclusion is underpinned by a shared set of principles and values, which should also guide the work of EU Member States when they design, implement or review their

strategies for integration.”<sup>1</sup> Research has shown that labour market integration is one of the key elements of migrant integration and successful participation in society. For many migrants, building a new life entails the important aspect of finding appropriate work in the host country, because it is related to their economic independence, health and overall wellbeing.<sup>2</sup>

In the EU, access to the labour market is a shared competence, regulated for different groups under various legislative acts. For applicants of international protection access to the labour market is regulated under Reception Conditions Directive Recast (2013/33/EU).<sup>3</sup> The idea of allowing access to the labour market for the applicants of international protection is connected with the aim of promoting the self-sufficiency of applicants even whilst their applications are being processed. This contributes also to having better prospects for eventual integration of those who will ultimately be granted protection.<sup>4</sup>

Hence, access to the labour market with an aim to increase applicants' self-reliance and possible integration prospects is regulated in EU Member States by the Reception Conditions Directive Recast (2013/33/EU) currently in force. However, in terms of practical implementation, EU Member States have considerable flexibility in deciding whether to allow this access once the nine months deadline set as a maximum in the Reception Conditions Directive Recast (2013/33/EU) is reached, directly after the application is lodged, or sometime in between. Although almost all EU Member States give applicants access to the labour market during the asylum procedure, the period after which access to employment is granted, varies considerably from one Member State to another.<sup>5</sup>

EU Member States experienced an unprecedented influx of incoming applicants for international protection in the period of 2014-2016,<sup>6</sup> which, in addition to immense pressure on the asylum systems, also led to changes in the integration programmes and activities offered to applicants for international protection. According to the results of a study carried out

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<sup>1</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action plan on Integration and Inclusion 2021-2027, COM(2020) 758 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0758&from=EN>, last accessed on 28 July 2022.

<sup>2</sup> Dustmann, C., Fasani, F., Frattini, T., Minale, L., Schönberg, U., Sunde, U., and Trigari, A. 'On the economics and politics of refugee migration' (2017), *Economic Policy*, 32, p. 497. de Vroome, T., and van Tubergen, F. 'The employment experience of refugees in the Netherlands' (2010), 44, p. 376. Ager, A., and Strang, A. 'Understanding integration: A conceptual framework' (2008), *Journal of Refugee Studies*, 21, p.166.

<sup>3</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) OJ L 180, 29.6.2013, p. 96–116.

<sup>4</sup> Recital 23 in the Directive 2013/33/EU.

<sup>5</sup> Please see the results of relevant past ad hoc queries on that topic:

European Migration Network, 'Ad-Hoc Query on Residence permit and labour market needs'. Requested by COM on 11 December 2020. Link: [https://ec.europa.eu/home-affairs/system/files/2021-02/202075\\_residence\\_permit\\_and\\_labour\\_market\\_needs\\_en.pdf](https://ec.europa.eu/home-affairs/system/files/2021-02/202075_residence_permit_and_labour_market_needs_en.pdf)

European Migration Network, 'Ad-Hoc Query on access of international protection applicants to the labour market', Requested by LU EMN NCP on 19th July 2016. Link: [https://ec.europa.eu/home-affairs/system/files/2020-09/2016.1091b\\_lu\\_access\\_of\\_international\\_protection\\_applicants\\_to\\_the\\_labour\\_market.pdf](https://ec.europa.eu/home-affairs/system/files/2020-09/2016.1091b_lu_access_of_international_protection_applicants_to_the_labour_market.pdf)

European Migration Network, 'Ad-Hoc Query on access to the labour market for asylum seekers', Requested by AT EMN NCP on 23rd January 2015. Compilation produced on 3rd June 2015. Link: [https://ec.europa.eu/home-affairs/system/files/2020-09/654\\_emn\\_ahq\\_access\\_to\\_the\\_labour\\_market\\_for\\_asylum\\_seekers\\_wider\\_dissemination.pdf](https://ec.europa.eu/home-affairs/system/files/2020-09/654_emn_ahq_access_to_the_labour_market_for_asylum_seekers_wider_dissemination.pdf)

European Migration Network, 'Ad-Hoc Query on the rules of access to labour market for asylum seekers'. Requested by FR EMN NCP on 25th October 2010. Compilation produced on 10th December 2010. Link: [https://ec.europa.eu/home-affairs/system/files/2020-09/269\\_emn\\_ad-hoc\\_query\\_rules\\_of\\_access\\_to\\_labour\\_market\\_for\\_asylum\\_seekers\\_25oct2010\\_wider\\_disseminat\\_en.pdf](https://ec.europa.eu/home-affairs/system/files/2020-09/269_emn_ad-hoc_query_rules_of_access_to_labour_market_for_asylum_seekers_25oct2010_wider_disseminat_en.pdf)

<sup>6</sup> Overall figures of Eurostat show a total of 431 095 first time asylum applicants in 2013 and 626 960 in 2014 in the European Union. In 2015 and 2016 more than 1.2 million first time applicants for international protection were registered.

by the European Migration Network (EMN) in 2018,<sup>7</sup> one of the main areas where the changes were detected was access to the labour market, with the study reporting on different measures taken after 2015 to improve such access for applicants of international protection. For example, Belgium reduced the waiting period between the lodging of the application for international protection and access to the labour market from six to four months, while Latvia reduced this period from nine to six months. In Germany, the Integration Act of 6 August 2016 foresaw the creation of 100 000 work opportunities for applicants for international protection to bridge the long waiting period of several months between the lodging of a claim and the decision on the status. Austria and Sweden focussed on better matching of qualifications with employment and, alongside Belgium, introduced measures for a swifter recognition of applicants' qualifications. Belgium offered an alternative to the recognition of a diploma to the applicants for international protection. Namely, they introduced a trajectory which could include, depending on the profession / field of study, participation in a limited number of courses on a related master discipline, attending one or more seminars, practical training sessions, or authoring a paper. With the aim of better matching applicants' qualifications with available jobs, Sweden introduced a fast-track scheme. Finally, Finland piloted a prepaid debit card, to which the employer could transfer the salary, to overcome the obstacle posed by the fact that applicants for international protection were not allowed to open a bank account. Although, the above-mentioned study brought out several changes EU Member States carried out in the period of 2014-2016, an in-depth study for the more recent years is needed to examine further the laws, policies and practices (measures) of the EMN Member States and Observer Countries and developments when it comes to the integration in the labour market of applicants for international protection.

**As noted above, the first point of divergence between the EU Member States is when labour market access is granted. Further issues relate to variations in the laws, policies and measures which guarantee that this access, when granted, is effective.**

Under the expression 'effective access', there are several questions that need to be looked at. As the practical implementation of access to the labour market is under national laws, questions arise about whether EMN Member States and Observer countries,<sup>8</sup> for example, use labour market tests, and what kind of impact they have in practice. Another basis for divergence comes from the rights that applicants in different EU Member States are entitled to when accessing the labour market and whether they are guaranteed equal treatment with nationals of the Member State or similar to as other third-country nationals who are working in the European Union (EU) (for example under the Single Permit Directive<sup>9</sup> or the Seasonal Workers Directive).<sup>10</sup> Another issue which allows divergences between the EMN Member States and would need to be explored further, is whether applicants for international protection are excluded from some specific labour market sectors and, if so, if this is limited in time (for example in some cases for certain seasonal sectors). Another question would be on the rights of the applicants in different EU Member States as regards the length of employment permits and hence, contract duration, equal treatment for freedom of association and affiliation, education and vocational training, the recognition of professional qualifications (including formal qualifications that cannot be documented) and diplomas and social security.

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<sup>7</sup> European Migration Network, 'Changing Influx of Asylum Seekers 2014-2016', 2018, [https://ec.europa.eu/home-affairs/system/files/2020-09/00\\_eu\\_changing\\_influx\\_study\\_synthesis\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/system/files/2020-09/00_eu_changing_influx_study_synthesis_final_en.pdf), last accessed on 28 July 2022.

<sup>8</sup> The EMN National Contact Points (EMN NCPs) coordinate the EMN activities at national level in all EU Member States (except Denmark) and the EMN observers, namely Norway, Georgia and the Republic of Moldova. For more information, please see: [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-members\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-members_en), last accessed 14 July 2022.

<sup>9</sup> Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State OJ L 343, 23.12.2011, p. 1-9.

<sup>10</sup> Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers OJ L 94, 28.3.2014, p. 375-390.

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Access to the labour market for the applicants of international protection would need to be in full compliance with labour market standards (such as a minimum wage, working conditions), which should also help to avoid distortions in the labour market. Research suggests that differences between EU Member States' rules on access to the labour market may also create incentives for secondary movements of asylum seekers.<sup>11</sup>

While several EU Member States do not apply any specific restrictions<sup>12</sup> with regard to the applicants' access to the labour market but as integration measures vary, it is important to have an up-to-date and clearer overview of the ways the integration to the labour market is currently provided and facilitated by the EMN Member States and Observer Countries.

In a study carried out by the EMN and published in 2019, which explored the labour market integration of third-country nationals in the EU Member States, the following most common obstacles were identified:<sup>13</sup>

- The accreditation of job qualifications/assessment of skills of those arriving from outside the EU;
- Tackling discrimination within recruitment processes and;
- Managing varying levels of language skills in integration measures.

These difficulties were found to be more pronounced when dealing with migrant women or vulnerable groups.<sup>14</sup> It is likely that similar difficulties can come into play when it comes to ensuring effective access to the labour market for applicants of international protection.

The integration of applicants for international protection in the labour market is a topic that has also emerged in the context of discussions on the 2016 Reception Conditions Directive Recast proposal<sup>15</sup> as one where laws and practices differ from one EU Member State to another. In a briefing<sup>16</sup> by the European Parliamentary Research Service (labour market integration of asylum-seekers and refugees) it was brought out that although national asylum rules have become more harmonised when it comes to access to the labour market to the applicants of international protection since 2013, differences in the approach to granting access persist across the EU<sup>17</sup>.

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<sup>11</sup> European Migration Network, 'EMN Policy brief on migrant's movements through the Mediterranean, 2016, <https://emnbelgium.be/publication/migrants-movements-through-mediterranean-emn-policy-brief-update>. See also: Advisory Committee on Migration Affairs, 'Advisory report: Increasing onward migration of asylum seekers in the EU', 2019, <https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/11/05/increasing-onward-migration-of-asylum-seekers-in-the-eu>, European Parliament, 'Secondary movements of asylum-seekers in the EU asylum system', 2017, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608728/EPRS\\_BRI\(2017\)608728\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608728/EPRS_BRI(2017)608728_EN.pdf), Brekke J.P., Brochmann G., 'Stuck in Transit: Secondary Migration of Asylum Seekers in Europe, National Differences, and the Dublin Regulation', (2015), *Journal of Refugee Studies*, 28 (2), p. 145.

<sup>12</sup> Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) COM(2016) 465 final 2016/0222 (COD) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0465&from=EN>

<sup>13</sup> European Migration Network, 'EMN Study on Labour Market Integration of Third-Country Nationals in EU Member States', 2019, [https://home-affairs.ec.europa.eu/news/emn-study-labour-market-integration-third-country-nationals-eu-member-states-2019-02-14\\_en](https://home-affairs.ec.europa.eu/news/emn-study-labour-market-integration-third-country-nationals-eu-member-states-2019-02-14_en), last accessed on 04 August 2022.

<sup>14</sup> This is also confirmed by other studies for example European Commission and Joint Research Centre, 'Gaps in the EU Labour Market Participation Rates: an intersectional assessment of the role of gender and migrant status', 2020, [https://publications.jrc.ec.europa.eu/repository/handle/JRC121425;EMN\\_Study\\_on\\_Integration\\_of\\_Migrant\\_Women\\_in\\_the\\_EU:\\_Policies\\_and\\_Measures\\_\(to\\_be\\_published\\_in\\_June\\_2022\)](https://publications.jrc.ec.europa.eu/repository/handle/JRC121425;EMN_Study_on_Integration_of_Migrant_Women_in_the_EU:_Policies_and_Measures_(to_be_published_in_June_2022))

<sup>15</sup> Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) COM(2016) 465 final 2016/0222 (COD) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0465&from=EN> (Reception Conditions Directive Recast).

<sup>16</sup> European Parliament, 'Briefing on the labour market integration of asylum-seekers and refugees', 2022, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690651/EPRS\\_BRI%282021%29690651\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690651/EPRS_BRI%282021%29690651_EN.pdf), last accessed on 04 August 2022.

<sup>17</sup> European Migration Network: 'Ad-Hoc Query on Residence permits, borders and working conditions - Gaps in information', Requested by COM on 11 December 2020,

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Against this backdrop, the study aims to research and compare EMN Member States and Observer countries' laws, policies and practices (measures) regarding the labour market integration of applicants for international protection in the period January 2017-June 2022.

## STUDY AIMS AND OBJECTIVES

The overall aim of the study is to inform the target audience (e.g. practitioners, policy officers, decision makers at both EU and national level, including the European Commission and the European Union Agency for Asylum (EUAA), academic researchers, civil society organisations and the general public) on the labour market access of applicants for international protection, identifying existing laws, policies and measures regarding the labour market integration of applicants, good practices and challenges in the period of January 2017- June 2022.

The study's main objectives are:

- To map current national legal and policy frameworks in the EMN Member States and Observer Countries as regards providing access to the labour market for international protection applicants.<sup>18</sup>
- To map current national measures<sup>19</sup> in the EMN Member States and Observer Countries as regards supporting effective access to the labour market for international protection applicants, and potential obstacles that hinder access.
- To identify the key actors, including where relevant on the local and regional level in the EMN Member States and Observer Countries, responsible/involved in the design and implementation of support measures aimed at facilitating the labour market integration of international protection applicants.
- To provide examples of good practices and challenges from EMN Member States and Observer Countries on the measures adopted at national level, but also, where applicable, at the regional or local levels, to facilitate access to the labour market for applicants of international protection.

## SCOPE OF THE STUDY

This study addresses third country nationals that have applied for international protection in the EMN Member States and Observer Countries and would benefit from the access to the labour market in the meaning of Article 15 of the Directive Reception Conditions Directive Recast (2013/33/EU) currently in force in the EU or in the meaning of any other equivalent national act that regulates access to the labour market for the international protection applicants.

The reporting period for this study ranges from 2017 to 2022, depending on the area of analysis (i.e. data, policies, laws, measures):

- Data: 2017-June 2022
- Policies/laws: As of August/September/October 2022
- Measures: As of August/September/October 2022

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[https://www.emn.lt/uploads/Products/product\\_1833/202076\\_residence\\_permits\\_borders\\_and\\_working\\_conditions\\_gaps\\_in\\_information.pdf](https://www.emn.lt/uploads/Products/product_1833/202076_residence_permits_borders_and_working_conditions_gaps_in_information.pdf) ; 'Ad-Hoc Query on residence permits and labour market needs' from 11 December 2020 (not published); Ad-Hoc Query on Labour market integration policies aimed at third-country nationals – update', Requested by Adolfo Sommarribas on 10 May 2020, [https://www.emnnetherlands.nl/sites/default/files/2020-10/%5bWIDER%20COMPILATION%5d%20labour\\_market\\_integration\\_policies\\_aimed\\_at\\_third-country\\_nationals\\_-\\_update.pdf](https://www.emnnetherlands.nl/sites/default/files/2020-10/%5bWIDER%20COMPILATION%5d%20labour_market_integration_policies_aimed_at_third-country_nationals_-_update.pdf) ; 'Ad-Hoc Query 2019.5 on Right to work for asylum seekers', Requested by Simon Woollaccott on 16 January 2019, <https://www.emnnetherlands.nl/sites/default/files/2019-09/2019%205%20Right%20to%20work%20for%20asylum%20seekers.pdf> .

<sup>18</sup> Taking into account what is foreseen in the Article 15 of the Reception Conditions Directive Recast (2013/33/EU).

<sup>19</sup> EMN definition of 'measures' includes systematic initiatives (multi-year / long term), projects (ad-hoc) and legislative (structural) measures that are used to implement the integration policies (including those funded by governments but implemented by NGOs on behalf of the governments).

This period covers years after the high migration flows seen in 2015-2016 and after the Reception Conditions Directive Recast proposal by the European Commission. In addition, this period will give an overview of the most recent changes in the EMN Member States and Observer Countries' laws, policies and practices as regards facilitating access to the labour market.

This study will present and compare laws, policies and measures for labour market integration for applicants of international protection in EMN Member and Observer Countries, discuss relevant evidence on the ways integration to the labour market is provided and draw good practices and challenges.

## METHODOLOGY

This study is based on national reports prepared by the EMN National Contact Points (NCPs).

The identification of a measure as a "good practice" in the context of this study will draw inspiration from the European Website on Integration, where a good practice is defined as a measure that is "effective, efficient, sustainable and/or transferable, and that reliably lead[s] to a desired result". The selection of the measure should be made by an expert working in the field (e.g. policy-maker; service provider; civil society organisation; migrant organisations) or based on studies or evaluations.<sup>20</sup>

In the context of this study the terms 'laws, policies and measures' are defined as follows:

- 'Laws' regulate the legislative framework providing the access to the labour market of the applicants for international protection.
- 'Policies' refer to targeted integration strategies and action plans but also broader policy instruments relevant to the integration in the labour market.
- 'Measures' refer to systematic initiatives (multi-year / long term), projects (ad-hoc) and legislative (structural) measures that are used to implement the (labour market) integration policies (This includes for example loans that are granted to applicants of international protection for starting a business. This includes also those measures funded by governments but implemented by NGOs on behalf of the governments).

## PRIMARY RESEARCH QUESTIONS

The study seeks to address four primary questions:

- What does the available data /research tell about the situation of international protection applicants in the labour markets of EMN Member States and Observer Countries?
- To what extent are international protection applicants specifically addressed in national integration policies with regard to labour market integration in EMN Member States and Observer Countries (e.g. strategies, action plans and government programmes)?
- How is access to employment and self-employment for applicants of international protection regulated in the EMN Member States and Observer Countries?
- To what extent /and what kind of targeted labour market integration measures are available in the EMN Member States and Observer Countries, specifically addressing applicants of international protection, and what has been identified as good practices/challenges in this area?

## DEFINITIONS

The following key terms are used in the common template. The definitions are taken from the EMN Asylum and Migration Glossary,<sup>21</sup> unless specified otherwise in footnotes.

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<sup>20</sup> European Commission, 'European Website on Integration – What are 'good practices'?', 2014, [https://ec.europa.eu/migrant-integration/page/what-are-good-practices\\_en](https://ec.europa.eu/migrant-integration/page/what-are-good-practices_en) , last accessed 04 August 2022.

<sup>21</sup> EMN Asylum and Migration Glossary, [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary_en) , last accessed on 04 August 2022.



- **Access to procedures for recognition of qualifications:** In the EU migration context, conditions and requirements governing the admission to procedures for recognition of professional diplomas, certificates and other evidence of formal qualifications for third-country nationals (legally resident third-country nationals, beneficiaries of international protection) in EU Member States in accordance with the relevant national procedures.
- **Access to employment (also referred to in the study as labour market):** In the EU migration context, authorization of third-country nationals (legally resident migrants, beneficiaries and applicants for international protection to engage in employed or self-employed activities in EU Member States subject to the rules generally applicable to the profession and public service, as well as employment and working conditions.
- **Applicant for international protection:** A third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.
- **Integration:** In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of EU Member States.
- **Integration indicators:** Benchmarks used to measure the integration of migrants in specific policy areas, such as employment, education, social inclusion and active citizenship.

## 4. NATIONAL CONTRIBUTION FROM THE NETHERLANDS

*Disclaimer: The following information has been provided primarily for the purpose of contributing to this EMN Study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.*

### SECTION 1: INTEGRATION OF APPLICANTS FOR INTERNATIONAL PROTECTION - DATA AND DEBATES

*This section aims to provide an overview of the main trends with regard to international protection applicants, as well as present information on public debates (if any).*

Q1. Please provide an overview of the main trends (number of applications for international protection, age, sex, citizenship) in international protection applicants in your country in the period January 2017-June 2022 as extracted from Eurostat and included in the statistical Annex.

The number of applicants for international protection in the Netherlands increased yearly between 2017 and 2021, with the exception of 2020 due to the COVID-19 pandemic.

Q2. Is the labour market situation<sup>22</sup> of international protection applicants monitored with official data (gathered by the authorities and reliable)? If so, please provide an overview in terms of indicators that are used in your country, focus on specific groups, data collection intervals etc.

No, the labour market situation of international protection applicants is not monitored with official data.

Q3. Are statistics available on applications/grants/refusals of the applications to access the labour market/self-employment as well as the employment rates of applicants for international protection? Yes/No  
If yes, then please provide the totals per year in the period 2017-2022.

Yes, statistics are available on grants and refusals of applications for access to the labour market/self-employment (i.e. for a work permit) for international protection applicants. Statistics on the employment rates of applicants for international protection are not available.

**Table 1: Grants and refusals of applications for a work permit for international protection applicants.**

Year	Grants	Refusals
2017	150	70
2018	110	40

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<sup>22</sup> For example: participation rates/unemployment rates of applicants for international protection.

2019	340	110
2020	310	130
2021	590	170

Source: Ministry of Social Affairs and Employment

**Q4. What are the main public and policy debates regarding applicants for international protection’s labour market integration (e.g. time frame for access, opportunities and challenges)?**

The Netherlands allows applicants for international protection access to the labour market when they are in procedure for more than 6 months. After these six month the access is limited to 24 weeks in a period of 52 weeks.

According to research conducted in 2020, the main arguments highlighted in the public debate on access of applicants on international protection to work are that work is beneficial for integration, but also leads to higher bonding with Dutch society which may raise wrong expectations and lead to disappointment if the application is rejected. Furthermore, arguments used to limit access to work for this group are that working more than 24 weeks per year could establish eligibility for social benefits, and finally, that access to work may act as a “pull factor” for applicants for international protection to submit their application in the Netherlands.<sup>23</sup> Research on applicants for international protection’s labour market integration has furthermore highlighted the negative effects that long periods of inactivity have on the well-being and long-term integration of asylum seekers.<sup>24</sup>

In light of recent labour market shortages, in 2021, the Ministry of Justice and Security requested an advice from the Dutch Advisory Council on Migration (*Adviesraad Migratie - Adviescommissie voor Vreemdelingenzaken - ACVZ*)<sup>25</sup> on the access of applicants for and beneficiaries of international protection to work in the healthcare sector. ACVZ identified several challenges, some of which specific to applicants for international protection (see Q21) and made suggestions on how to improve access to work in the healthcare sector.<sup>26</sup> The government’s response to the advice was that integration and participation from day 1 of the asylum procedure was important, and that it would investigate whether the limitation of working 24 weeks per year was in line with EU law.<sup>27</sup> It also stated that the Employee Insurance Agency was working on the digitalisation of the application process for work permits for asylum seekers, which would provide better information to employers on the requirements for such a permit.<sup>28</sup> The access of asylum seekers to voluntary work from the beginning of the international protection procedure was also pointed out.

In January 2022, the coalition agreement of the new Dutch government announced it would explore options to facilitate better access to (voluntary) work for applicants for international

<sup>23</sup> De Lange, T. and Özdemir, E., *Asielzoekers en daadwerkelijke toegang tot werk in Nederland*, Nijmegen: Centrum voor Migratierecht, 2020. This publication also provides an overview of the longer-term debate in the Netherlands on access of asylum seekers to work.

<sup>24</sup> Advisory Council on Migration (ACVZ), ‘Verloren tijd. Geen tijd te verliezen.’, 2013, [https://www.eerstekamer.nl/behandeling/20130913/acvz\\_advies\\_verloren\\_tijd\\_advies/document3/f=/ykvkjupqbvt9.pdf](https://www.eerstekamer.nl/behandeling/20130913/acvz_advies_verloren_tijd_advies/document3/f=/ykvkjupqbvt9.pdf), last accessed on 14 September 2022; The Netherlands Scientific Council for Government Policy (WRR), ‘No time to lose: from reception to integration of asylum migrants.’, 2015, WRR-Policy Brief 4, <https://english.wrr.nl/publications/policy-briefs/2016/02/16/no-time-to-lose-from-reception-to-integration-of-asylum-migrants>, last accessed on 14 September 2022.

<sup>25</sup> On 13 October 2022 the name of the *Adviescommissie voor Vreemdelingenzaken* (ACVZ) has been changed to *Adviesraad Migratie*, the abbreviation of the old name shall be added to the new name for a certain time.

<sup>26</sup> ACVZ, ‘Van asielzoeker naar zorgverlener.’, 2021, <https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2021/05/11/van-asielzoeker-naar-zorgverlener>, last accessed on 14 September 2022.

<sup>27</sup> *Parliamentary Papers II*, 2021-2022, 19637, no. 2786.

<sup>28</sup> *Ibid.*

protection.<sup>29</sup> Currently, research commissioned by the Ministry of Social Affairs and Employment on the obstacles experienced by applicants to international protection in accessing employment is ongoing. The outcomes of this research are expected in January 2023, and will be used to assess whether a policy change is needed.<sup>30</sup>

A final element in the public and political debate is the differentiation between persons subject to temporary protection due to the war in Ukraine who are granted the right to work straight away and without the limitations that apply to applicants for international protection and applicants for international protection whose labour market access is limited.<sup>31</sup>

To conclude, the public and political debate in the Netherlands shows different views on the access of applicants for international protection to the labour market. On the one hand, there is a call to expand access in order to promote integration of applicants. The counterargument however is that this integration through employment would lead to a closer bond with the Netherlands, which would hinder departure if the application for asylum is rejected. More recent elements added to this debate are the current labour shortage, the special status of displaced persons from Ukraine compared to applicants for international protection, and on-going research commissioned by the Ministry of Social Affairs and Employment.

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<sup>29</sup> Coalition Agreement 2021 - 2025, 'Omzien naar elkaar, vooruitkijken naar de toekomst', <https://www.rijksoverheid.nl/regering/documenten/publicaties/2022/01/10/coalitieakkoord-omzien-naar-elkaar-vooruitkijken-naar-de-toekomst>, last accessed on 14 September 2022, p. 30. Applicants for international protection are allowed to do voluntary work from the start of the procedure, on the condition that the organisation obtains a volunteering declaration (*vrijwilligerswerkverklaring*) from the UWV.

<sup>30</sup> This information was provided by the Ministry of Social Affairs and Employment on 29 September 2022.

<sup>31</sup> *NRC Handelsblad*, 'Waarom de Oekraïner direct mag werken terwijl de Syriër wacht,' 4 April 2022, <https://www.nrc.nl/nieuws/2022/04/04/waarom-de-oekraïner-direct-mag-werken-terwijl-de-syrier-wacht-a4107388>, last accessed on 17 October 2022; *NOS*, 'Oekraïners sneller aan het werk dan andere vluchtelingen, minder belemmeringen,' 22 Augustus 2022, <https://nos.nl/artikel/2441711-oekraïners-sneller-aan-het-werk-dan-andere-vluchtelingen-minder-belemmeringen>, last accessed on 17 October 2022.

## SECTION 2: INTEGRATION POLICIES IN THE EMN MEMBER STATES AND OBSERVER COUNTRIES

*This part of the study describes the Member State's organisational approach towards labour-market integration policy and analyses how applicants of international protection are addressed in national labour market integration policies for third-country nationals.*

Q5. Does your state have a specific policy/ strategy to support the labour market integration of third-country nationals? Yes/No<sup>32 33</sup>

Yes, the Netherlands has a specific strategy and policies to support the labour market integration of third-country nationals. There are two main policy frameworks:

### 1. Programme Further Integration on the Labour Market (*programma Verdere Integratie op de Arbeidsmarkt - VIA*)

In 2018 the programme Further Integration of the Labour Market (*programma Verdere Integratie op de Arbeidsmarkt (VIA)*) was initiated. This programme focusses on citizens with a 'non-western' migration background (this is not limited to third-country nationals).<sup>34</sup> Eight evidence-based pilot programmes are aimed at specific career moments of citizens with a 'non-Western' migration background who are falling behind on the labour market. These are the moments that can make a big difference to their chances on the labour market, in the programmes practical information is gathered to be used to develop policies and strategies. The pilots concern (re)integration and entry on the labour market, vocational education choices and employers who want to attract and keep non-Western migrants for their organisations. A monitor is developed to measure the effects of these pilots and the VIA programme.<sup>35</sup>

### 2. Civic Integration Act (*Wet inburgering 2021*)

The legal obligation to meet integration requirements is an important element of the strategy to support the labour market integration of third-country nationals, in particular after the introduction in 2021 of specific requirements aimed at labour market integration. The legal obligation to pass an integration test applies to non-EU nationals who receive a residence permit for asylum, family reunification or for religious work. An amended Civic Integration Act (*Wet inburgering 2021*) came into force on the 1<sup>st</sup> of January 2022. The legal obligation to integrate consists of three partitions:

- Completing the participation declaration programme,
- Completing the Labour Market and Participation module,
- Passing the civic integration examination, the education route or the self-reliance route.

The Labour Market and Participation module includes an introduction to and preparation for the Dutch labour market.<sup>36</sup>

The civic integration examination concerns a language test (B1-level, or A2 if B1 is not possible for the third-country national). Those who followed education in the Netherlands – at least on a secondary level – are exempted from this test (education route). The self-reliance route is

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<sup>32</sup> Please note that measures aimed at supporting labour market integration of applicants are discussed in section 4.

<sup>33</sup> Please note that regional/local level strategies/policies should be reported only if national is not available.

<sup>34</sup> The definition used by the Netherlands' Central Bureau for Statistics (CBS) for 'non-western' migration background is, persons with at least one parent born in a country situated in Africa, Latin-America and Asia (Indonesia and Japan excluded) or Turkey, who themselves are born in a foreign country (first generation) or who are born in the Netherlands (second generation). In 2022, the CBS will adopt a different approach when publishing data on people currently referred to as having a western or non-western migration background, see: <https://www.cbs.nl/en-gb/longread/statistische-trends/2022/new-classification-of-population-by-origin>, last accessed on 7 September 2022

<sup>35</sup> Letter from the Minister of Social Affairs and Employment of 17 November 2021, 2021-0000181230.

<sup>36</sup> Article 6, Civic Integration Law 2021.

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for illiterate people and consist i.a. in doing volunteer work and learning Dutch (A1-level) so they can participate in the Dutch Society.<sup>37</sup>

The obligation to meet integration requirements applies to third-country nationals who have lawful residence and have received their residence permit.<sup>38</sup>

The previous Civic Integration Act did not contain a specific labour market integration module and focussed mainly on the participation declaration programme and the civic integration examination,<sup>39</sup> however the integration course given under this Act contained an element on knowledge of the Dutch labour market.<sup>40</sup> This law still applies to all persons for whom it was applicable on the day before the Civic Integration Act went into effect.

- a. if yes, does it encompass applicants of international protection? Yes/No
  - i. if yes, please provide a brief outline of the strategy / policy in place in your country to integrate applicants of international protection into the labour market.
  - ii. if no, please answer question 5b below

No, the VIA programme nor the Civic Integration Act are applicable to applicants of international protection.

- b. if no, how is the labour market integration of applicants for international protection addressed? Is there a mainstreaming labour market integration approach applicable? Yes/No
  - i. if no, please provide a reason, if available, and describe briefly how international protection applicants are treated in practice with regard to labour market integration.

No, there is no mainstreaming labour market approach applicable as the Dutch government does not want to attract asylum seekers by offering the opportunity to work during the asylum procedure or raise wrong expectations which can lead to disappointments if the application is rejected.<sup>41</sup> As stated in section 3, applicants of international protection can work for 24 weeks a year after if the processing of their application takes more than 6 months. However as mentioned above at question 4 there is a debate on more room or a change in the existing policies.

- Q6. Have there been any major changes in the strategy/policy to support the labour market integration of third-country nationals within the temporal scope of the study (January 2017 – June 2022)? Yes/No
- a. If yes, please explain briefly the content, including what was the driver and objective for these changes?

Yes. On 1 January 2022 the amended Civic Integration Act (Wet inburgering 2021) came into force (please see Q5 above), which applies to third-country national newcomers in general but not to applicants for international protection. There have not been any major changes in the strategy/policy to support the labour market integration of applicants for international protection between January 2017 and June 2022. However, in January 2022, the new government announced it would explore options to facilitate (voluntary) work for asylum seekers.<sup>42</sup>

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<sup>37</sup> This information was provided by the Ministry of Justice and Security on 10 October 2022.

<sup>38</sup> Article 3, Civic Integration Law 2021.

<sup>39</sup> Article 7, 7a and 7b, Civic Integration Law 2013.

<sup>40</sup> This information was provided by the Ministry of Justice and Security on 10 October 2022.

<sup>41</sup> De Lange, T., and Özdemir, E., *Asielzoekers en daadwerkelijke toegang tot werk in Nederland*, Nijmegen: Centrum voor Migratierecht, 2020.

<sup>42</sup> Coalition Agreement 2021 - 2025, 'Omzien naar elkaar, vooruitkijken naar de toekomst', <https://www.rijksoverheid.nl/regering/documenten/publicaties/2022/01/10/coalitieakkoord-omzien-naar-elkaar-vooruitkijken-naar-de-toekomst>, last accessed on 14 September 2022, p. 30.

- Q7. Are specific governance structures in place to support the labour market integration of international protection applicants? If yes, please provide an organigram or overview of the institutional framework for developing and implementing relevant strategy/policies/measures on the labour market integration of applicants for international protection.
- describe the key stakeholders and their role (government departments, public authorities, trade unions, employers' associations, NGOs, others?)
  - indicate the responsibilities of the different key actors, noting whether their role is specific to international protection applicants or more general.

*Include national / regional /local structures where relevant.*

No, there are no specific governance structures in place to support the labour market integration of international protection applicants. There is no national coordinating mechanism or central policy framework with the specific aim to support labour market integration of international protection applicants.

It is up to the asylum applicant to take the initiative to find employment. Support to applicants or to employers aiming to hire an applicant may be provided by NGOs<sup>43</sup>, through case managers of the Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang Asielzoekers* – COA), or through a local service desk for employers (*WerkgeversServicepunt*, WSP).

On certain COA locations, support is provided through so-called 'Meedoen-Balies' ('Participation Counters', please see section 5). In some cases, COA collaborates with temporary employment agencies to match applicants for international protection with employers.<sup>44</sup> There are also instances where COA contributes to the organisation of job fairs at their reception centres together with (local) employment agencies, municipalities and WSPs. COA has also developed a guide for employers who wish to hire newcomers (both applicants for and beneficiaries of international protection).<sup>45</sup>

### **SECTION 3: ACCESSING THE LABOUR MARKET (EMPLOYMENT AND SELF-EMPLOYMENT)**

*This part of the study describes how applicants of international protection can access the Member States' and Observer Countries' labour markets as well as enter self-employment.*

#### **Section 3.1. Procedures for accessing the labour market**

- Q8. Please describe the procedure required to enter the labour market/self-employment for an applicant for international protection in your state.
- Does your state regulate differently access to employment or self-employment?

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<sup>43</sup> Vluchtelingenwerk Nederland, 'Een vluchteling in dienst nemen,' <https://www.vluchtelingenwerk.nl/steun-vluchtelingen/vluchtelingenwerk-en-bedrijven/een-vluchteling-dienst-nemen>, last accessed on 14 September 2022.

<sup>44</sup> Information provided by COA on 3 October 2022.

<sup>45</sup> COA, 'Gids voor werkgevers', <https://www.coa.nl/sites/default/files/2020-06/Gids%20voor%20werkgevers.pdf>, last accessed on 25 October 2022.

- b. Please provide in your response an overview of the applicable legal framework and make a clear distinction between what is prescribed in laws, policy documents and practice.

The procedure required to enter the labour market/self-employment for an applicant for international protection in the Netherlands entails the request for a work permit (*tewerkstellingsvergunning* – TWV) which can be applied for by the employer at the Employee Insurance Agency (*Uitvoeringsinstituut Werknemersverzekeringen* - UWV).<sup>46</sup> Please refer to Section 3.2 for the conditions that apply for requesting and receiving a TWV.

a. The Netherlands does not regulate differently the access to employment or self-employment. The Aliens Employment Act (*Wav*) does not make a distinction between employment or self-employment. However, in practice the procedure for applying for a TWV differs in that for regular employment the application for a TWV is normally filed by the employer, whereas in the case of self-employment the application is filed by the applicants for international protection themselves.<sup>47</sup>

b. The Aliens Act (*Vw*) 2000 regulates the admission and return of third-country nationals, oversight of third-country nationals residing in the Netherlands and border control. The *Wav* sets out under which conditions third-country nationals can access the labour market/self-employment. Furthermore, details on how the *Wav* needs to be implemented and how the UWV needs to examine the application for access to the labour market are specified in the Aliens Employment Act Implementation Decree (*BuWav*) 1995 and the Aliens Employment Act Implementation Regulations (*RuWav*) 2014.

### Section 3.1.1. Employment (If the access is regulated differently for employment and self-employment)

Q9. What is the minimum period from lodging an application for international protection after which an applicant has access to the labour market?<sup>48</sup>

Not applicable, as access is regulated the same for employment and self-employment. Please refer to section 3.2.

Q10. Please describe the reasoning related to the minimum period of accessing the labour market and conditions of access to the labour market/self-employment.

N/A

Q11. Is the right to access the labour market automatic after a specified period?  
Yes/No

N/A

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<sup>46</sup> Rijksoverheid, 'Mogen Asielzoekers Werken?', <https://www.rijksoverheid.nl/onderwerpen/asielbeleid/vraag-en-antwoord/mogen-asielzoekers-werken>, last accessed on 12 September, 2022.

<sup>47</sup> UWV, 'Speciale voorwaarden per categorie – Asielzoeker', <https://www.uwv.nl/werkgevers/werkvergunning/speciale-voorwaarden-per-categorie/detail/asielzoeker>, last accessed on 12 September, 2022.

<sup>48</sup> According to the Reception Conditions Directive Recast (2013/33/EU) article 15(1) Member States shall ensure that applicants have access to the labour market no later than 9 months from the date when the application for international protection was lodged if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.



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Q12. What kind of documents are necessary in order to access the labour market?<sup>49</sup>

N/A

Q13. Is a work permit or another type of administrative application/decision necessary for accessing the labour market? Yes/No

a. if yes, please specify:

- i. who is required to submit the application, the applicant/employer/jointly by both?
- ii. which authority is responsible for granting access to the labour market?
- iii. what are the criteria for obtaining the work permit?
- iv. what is the average duration of the procedure to grant access to the labour market? If applicable, please also add any official time limits according to law/policy.

N/A

### Section 3.1.2. Self-employment (if the access is regulated differently for employment and self-employment)

Q14. Is self-employment of international protection applicants permitted in your state? Yes/No

a. if yes:

- i. what is the minimum period from lodging an international protection application after which an applicant has access to self-employment?
- ii. which authority is responsible for granting access to self-employment?

Not applicable, as access is regulated the same for employment and self-employment. Please refer to section 3.2.

### Section 3.2. Conditions and limitations in accessing the labour market

Please provide a reference to the legal base (where relevant, linking it to what is described in Q8, if applicable, and make a clear distinction between what is prescribed in laws, policy guidance and practice).

Q15. If applicable, please describe the period of validity and conditions of the authorisation to access the labour market/self-employment.

The period of validity of the authorisation to access the labour market/self-employment for applicants for international protection (the TWV) is 52 weeks.<sup>50</sup> The TWV has to be applied for

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<sup>49</sup> According to Reception Conditions Directive Recast (2013/33/EU) article 6, Member States shall ensure applicants have a document that proves they are applicant.

<sup>50</sup> UWV, 'Speciale voorwaarden per categorie - asielzoekers', <https://www.uwv.nl/werkgevers/werkvergunning/speciale-voorwaarden-per-categorie/detail/asielzoeker>, last accessed on 29 August 2022.

at the UWV. The conditions that apply for applicants for international protection for receiving authorisation to access the labour market are as follows:<sup>51</sup>

- The applicant is residing lawfully<sup>52</sup> in the Netherlands and is provided reception.<sup>53</sup>
- The application has been pending for a minimum of six months.
- The applicant holds a valid Foreign Nationals Identity Document Type W.<sup>54</sup>
- The labour conditions are in conformity with the market, i.e. remuneration is in line with what can be considered normal for an employee with their level of education and experience.
- The applicant works a maximum of 24 weeks in a 52 week period starting from the starting date of the labour agreement.

In the Wav, there is an exception for applicants for international protection who want to perform labour as an artist, musician, film staff or who provide technical support for musicians or artists. Authorisation to access the labour market for this group is limited to performing labour for 14 weeks per year, in contrast to the 24 weeks for other occupations.<sup>55</sup> However, in practice this rule is not implemented.<sup>56</sup>

Furthermore, some grounds upon which a TWV may be denied to other third-country nationals do not apply to applicants for international protection, generally lowering the threshold to securing a job in the Dutch labour market.<sup>57</sup> The grounds upon which a TWV may be denied are outlined in *Box 1*, where a distinction is made between the grounds that apply to applicants for international protection, and the grounds of which they are exempt.

**Conditions for obtaining a TWV that apply to third-country nationals  
including applicants for international protection**

A TWV is not granted for the job in question in case:

- The labour conditions, labour relations or working conditions are below the legally required standards;
- The vacancy falls under a category that is determined to be not in the interest of the Netherlands to be performed by a third-country national.
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<sup>51</sup> UWV, 'Speciale voorwaarden per categorie - asielzoeker', <https://www.uwv.nl/werkgevers/werkvergunning/speciale-voorwaarden-per-categorie/detail/asielzoeker>, last accessed on 22 August 2022;

Article 6.2, Aliens Employment Act Implementation Decree (BuWav) 2022.

<sup>52</sup> In accordance with Article 8 (sub f or h) of the Aliens Act 2000, this relates to any person awaiting a decision on the application for international protection, or while awaiting a decision on the objection or appeal against an earlier decision on the application for international protection.

<sup>53</sup> In accordance with the Law Central Agency for the Reception of Asylum Seekers or a different law regulating reception.

<sup>54</sup> A first time applicant receives this document automatically, in most other cases, an applicant can request one.

<sup>55</sup> Article 6.2(1 sub c), Buwav 2022.

<sup>56</sup> Information provided by the Ministry of Social Affairs and Employment on 3 October 2022.

<sup>57</sup> Article 8(2), Aliens Employment Act (Wav).

Article 8(2), Aliens Employment Act Implementation Regulation (RuWav) 2022.

**Conditions for obtaining a TWV of which applicants for international protection are exempt**

A TWV is not granted for the job in question in case:

- A labour market test, executed by the UWV, determines that priority labour is available to fill a vacancy;
- A vacancy was not reported with the UWV for a minimum period of five weeks before the request for a TWV was received;
- The employer cannot prove to have exerted sufficient effort in filling the vacancy with priority labour;
- The remuneration for the job in question does not match the minimum wage standard that applies for Dutch nationals.
- The applicant or the job in question falls under a category that is granted a limited number of permits in a certain period, and this limit has been met.

Box 1, grounds for denying a TWV to third-country nationals.

If all of the conditions are met the TWV will be granted, allowing the applicant to access the labour market. If the Immigration and Naturalisation Service has come to a negative decision regarding the application for international protection, the TWV expires. In case of a positive decision, the TWV is no longer required.<sup>58</sup>

Q16. Is the authorisation limited to certain employment sectors or occupations? In other words, are applicants for international protection excluded from some labour market sectors or from certain occupations? Yes/No.

If yes, from which ones?

No, the authorisation is not limited to certain employment sectors or occupations.

Q17. Is employment restricted to a single employer?

No, employment is not restricted to a single employer. Article 2(2) of the Wav specifies that an employer does not need to request a TWV if another employer for the same applicant for international protection already holds one. In practice this means that a single applicant can have several employers, of which only the first employer needs to request a TWV.

Q18. If applicable, please describe the conditions and procedures of the renewal of the authorisation to access the labour market. Are they the same for all employment sectors and occupations?

The conditions for renewal of the authorisation to access the labour market are the same as set out in Q15. However, application for a renewal does not become available to an applicant

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<sup>58</sup> UWV, 'Werkvergunning', <https://www.uwv.nl/werkgevers/werkvergunning/na-aanvraag-twv/detail/ik-krijg-twv>, last accessed on 22 August, 2022.

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for international protection until 52 weeks after the starting date of the labour agreement for which the previous TWV was issued. This rule is the same for all sectors and occupations.

- Q19. Does your Member State give priority to EU and EEA citizens (Art. 15/2 clause 2 of the Reception Conditions Directive Recast (2013/33/EU)) and to other legally resident third-country nationals in accessing the labour market? Yes/No
- a. if yes, please specify how priority is given in law/policy and in practice (labour market test, minimum share of employment by EU/EEA nationals, occupations lists etc.)?

No, when it comes to the labour market access of asylum seekers, the Netherlands does not give priority to EU and EEA citizens and to other legally resident third-country nationals.<sup>59</sup>

- Q20. Are there any other limitations in place, either in law or in specific measures relating to applicants of international protection for accessing labour market / self-employment?

A limitation for accessing the labour market/self-employment established in law is that a TWV will not be issued to any employer or self-employed person who in a five-year period prior to applying for a TWV has broken the Dutch employment regulations.<sup>60</sup> This measure aims to protect against any potential employers or clients who might abuse the vulnerable situation of applicants of international protection by not upholding the Dutch labour standards.

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<sup>59</sup> Article 8, paragraph 2, Aliens Employment Act (Wav).

<sup>60</sup> UWV, 'Werkvergunning', <https://www.uwv.nl/werkgevers/werkvergunning/twv-aanvragen/detail/voorwaarden-voor-twv>, last accessed on 23 August 2022.

## SECTION 4: SUPPORT MEASURES TO ENHANCE LABOUR MARKET INTEGRATION AND SELF-EMPLOYMENT

This part of the study looks at examples of labour market integration measures targeting applicants of international protection.

Please indicate (where applicable) in the table below the main policy or legislative measures,<sup>61</sup> and their rationale and aims, that make up your policy / strategy (according to answer to Q5 above) to support the labour market integration/self-employment of applicants for international protection, by integration area. Please focus on measures that specifically aim at facilitating labour market access for the international protection applicants.

As the Netherlands has no specific strategy or policies to support the labour market integration/self-employment of applicants for international protection we can only provide general information on integration measures in the table below. Most integration measures are focused on third-country nationals with a residence permit. Only a few are applicable for applicants for international protection.

Area/component	Overview of the main measures Please describe the rationale, scope and aim under each area.	Stakeholders Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	Target group Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
1. Language acquisition	<p>Language acquisition starts in the reception centres and focusses on the applicants for international protection who are likely to receive a residence permit. Learning the Dutch language early on is important for them to integrate and participate into the Dutch society.</p> <p>The main goal is to be able to function in the Dutch society on a basic level, so</p>	Central Agency for the Reception of Asylum Seekers (Centraal Orgaan opvang Asielzoekers – COA)	The measure addresses a specific group of applicants for international protection: Official language lessons (Dutch as second language, <i>Nederlands als tweede taal</i> – NT2) are only available to applicants who are likely to receive a residence permit (24 hours) or to beneficiaries of international protection (115 hours). Other

<sup>61</sup> Please make sure legislative and policy actions are distinguished from each other.

<b>Area/component</b>	<b>Overview of the main measures</b> Please describe the rationale, scope and aim under each area.	<b>Stakeholders</b> Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	<b>Target group</b> Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
	labour market integration is not a direct aim.		applicants can follow basic language lessons given by volunteers.
2. Vocational education and training (including reskilling schemes)	N/A		
3. Civic integration courses	N/A		
4. Support for recognition of diplomas, certificates and other evidence of formal qualifications including those formal qualifications that cannot be documented (lost or destroyed in the context of existing procedures for recognition of foreign qualifications) Please note in the overview column if the procedure is a general one or specific to international protection applicants.	N/A		

Area/component	Overview of the main measures Please describe the rationale, scope and aim under each area.	Stakeholders Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	Target group Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
5. Skill assessments to validate prior (non-accredited) learning and experience	Case managers of COA hold screening interviews with applicants for protection who are likely to receive a residence permit. Part of the interview focuses on education and work experience in their country of origin. With this information taken into account, as well as other factors such as presence of family members in the Netherlands, COA will try to place the applicant in a reception centre close to where he or she can live and work in the future. The aim of this is to promote integration and participation. <sup>62</sup>	COA	Applicants who are likely to receive a residence permit.
6. Information and counselling (labour market orientation, tailored advice, other)	The Participation Counters of the COA give information and counselling for (voluntary) work and other integration activities. (See also section 5, Measure 2)	COA	For all residents (including all applicants) at the COA locations with a Participation Counter (38 in total, though this amount will probably be increased in the coming years)

<sup>62</sup> Information provided by COA on 29 September 2022.

<b>Area/component</b>	<b>Overview of the main measures</b> Please describe the rationale, scope and aim under each area.	<b>Stakeholders</b> Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	<b>Target group</b> Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
7. Incentive measures for employers (e.g. tax reductions, labour matching services, recruitment support)	N/A		
8. Support for self-employment (for example preferential taxation and social security contributions, administrative support with establishing a company etc, business plan development, other).  Please note in the overview column if the support differs from the regular support to self-employment available to national population, EU citizens or other third-country nationals.	N/A		
9. Indirect support (e.g. childcare, transport)	N/A		



## SECTION 5: GOOD PRACTICES AND CHALLENGES

What integration support programmes, projects, legislative or other practical initiatives are available that specifically facilitate effective access to the labour market for applicants of international protection and have been identified by experts as a “good practice” in accordance with the definition provided in paragraph 3 “Scope of the study”? Please provide up to three examples (see the templates below and please adjust accordingly).

Measure 1	
Overview	
<b>Name</b>	Project “Kijkje in de keuken” (‘A look behind the scenes’)
<b>Type</b>	<i>Projects (ad-hoc)</i>
<b>Area</b>	Vocational education and training
<b>Access</b>	Applicants for international protection whose application is likely to be approved.
<b>Target group</b>	<input checked="" type="checkbox"/> Tailor-made labour market integration measure (only applicants for international protection) <input type="checkbox"/> Mainstream labour market integration measure (for all) If the measures is for all, please describe how applicants for international protection benefit
<b>Coverage</b>	<i>National</i> If “other”, please add further information here
<b>Link</b>	<a href="https://www.coa.nl/nl/nieuws/kijkje-de-keuken-van-de-nederlandse-arbeidsmarkt">https://www.coa.nl/nl/nieuws/kijkje-de-keuken-van-de-nederlandse-arbeidsmarkt</a>
<b>Source and justification</b>	Please indicate the source/who proposed the practice as good and explain why the measure is considered a “good practice” (see Section Methodology).  This project was proposed as good practice by the Central Agency for the Reception of Asylum Seekers ( <i>Centraal Orgaan opvang Asielzoekers – COA</i> ). The project has reached 500 participants with the developed information materials and a (digital) work visit to participating employers. The participants were able to orientate themselves to the Dutch labour market to some extent. <sup>63</sup>
Description	
<b>M1.Q1. Please describe how third-country nationals can access the measure, notably:</b>	

<sup>63</sup> Information provided by COA on 9 November 2022.

- a) *Elaborate in brief on the conditions and process of accessing the measure for applicants for international protection*
- b) *Is the measure voluntary or compulsory? Is it provided free of charge?*
- c) *If applicable, indicate if the measure is different from the regular support available to national population, EU citizens or third country nationals?*
- d) *Are there any reasons for to be excluded/to lose access to the measure? If so, which ones?*

- A) This project was aimed at applicants for international protection whose application was likely to be approved. The aim was to provide visits to companies for 500 applicants for international protection, however due to the COVID-19 pandemic these visits were cancelled. The measure aligned as much as possible with the groups of applicants taking the Dutch as second language (NT2) classes provided at the process reception locations (*proces opvanglocaties* – POL). There are five POL: Ter Apel, Arnhem, Wageningen, Budel and Gilze. Programme supervisors, NT2 teachers and residential counsellors at the POL had a role in informing and inviting the groups to the (digital) work visits. The Refugee Talent Hub facilitated the (digital) work visits.<sup>64</sup>
- B) Participation in this project was voluntary and free of charge.
- C) This project was specifically aimed at applicants for international protection to familiarise them with the Dutch labour market.
- D) Applicants for international protection whose application was not likely to be approved were excluded.<sup>65</sup>

**M1.Q2. Please describe briefly the context in which the measure has started:**

- a) *When was the measure introduced and what was/is its duration?*
- b) *What was the need/purpose to start/implement such measure (e.g. labour market needs in the Member State, need for integration, changes in integration policies)?*
- c) *When is the measure provided (e.g. upon arrival, upon arrival until (please add till when), no determined time limitation)?*
- d) *Key activities*

- A) The project lasted from 2020-2021.
- B) Because applicants for international protection had to wait longer than usual on a decision concerning their application, the Dutch parliament believed that it was desirable for applicants for international protection who were likely to receive a residence permit to get familiarised with the Dutch labour market at an early stage. This project aimed to counter the negative effects of long waiting times in the context of integration.
- C) No determined time limitation.
- D) While the aim of the project was to provide visits to a variety of companies to get acquainted with working in the Netherlands, the COVID-19 pandemic meant these visits had to be cancelled. Workshops were however provided at the reception centres and several informational videos were created as part of the project.

**M1.Q3. Please briefly describe the implementation modalities, notably:**

- a) *By whom is it implemented (agency, government institution, NGOs, private sector etc.), and what are the coordination structures?*

<sup>64</sup> Information provided by COA on 9 November 2022.

<sup>65</sup> Ibid.

- b) *If applicable, are there any reimbursement (totally or partially)/cost sharing possibilities?*
- c) *How and by whom is it promoted?*

A) This project was implemented by the COA, which is an independent administrative body, commissioned by the Ministry of Justice and Security. COA works closely with the NGO Refugee Talent Hub, which as a core business connects employers with refugees and has the tools and the expertise to support the COA with their experience.

B) N/A

C) It was promoted by COA staff at the reception centres.

**M1.Q4. Please briefly describe the impact of the measure and notably:**

- a) *Did it meet the anticipated objectives? YES/NO/Partly*
- b) *What are the main outcomes*
- c) *Monitoring and evaluation of impact (please describe the evaluation tools and methodology, if possible specify what indicators have been adopted and how those were measured)*
- d) *Challenges during implementation and remedies applied*
- e) *Likelihood of continuation of the measure. If discontinued, please explain why*

a) Partly, the anticipated objectives were not completely met. The project aimed to organise visits to companies for 500 applicants for international protection whose application was likely to be accepted. Due to the COVID-19 pandemic the physical visits were cancelled and replaced by a workshop that included a digital work visit. The workshop was facilitated by the Refugee Talent Hub at the participating COA locations.<sup>66</sup>

b) Five informative videos were created that provide information about the Dutch labour market and a 'look behind the scenes' at different companies.

c) The measure has been partly evaluated as only the reach of the measure has been taken into account and not the impact.<sup>67</sup>

d) The COVID-19 pandemic presented a significant challenge for the implementation of the project, as visits to companies, which was a key activity, had to be cancelled. Therefore the project had to be adapted, focusing on workshops at the participating reception centers, online information provision and videos.<sup>68</sup>

e) The project has been discontinued due to lack of funding.<sup>69</sup>

Measure 2	
Overview	
<b>Name</b>	<i>AMIF-project "Participatie en Taal" (Participation and Language) and the resulting Meedoen-Balies (Participation Counters)</i>
<b>Type</b>	<i>Projects (ad-hoc)</i>

<sup>66</sup> Information provided by COA on 9 November 2022.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<b>Area</b>	Other
<b>Access</b>	All persons residing at COA reception centres (mainly applicants for international protection but also beneficiaries who recently obtained asylum status).
<b>Target group</b>	<input checked="" type="checkbox"/> Tailor-made labour market integration measure  <input type="checkbox"/> Mainstream labour market integration measure (for all) If the measures is for all, please describe how applicants for international protection benefit
<b>Coverage</b>	<i>National</i>  If "other", please add further information here
<b>Link</b>	<a href="https://www.coa.nl/nl/meedoen-balie">https://www.coa.nl/nl/meedoen-balie</a>
<b>Source and justification</b>	Please indicate the source/who proposed the practice as good and explain why the measure is considered a "good practice" (see Section Methodology).  This project has been proposed as good practice by COA. It can be considered as a good practice for achieving sustainable results: as part of the project, "Participation Counters" were realised in 38 reception centres. Their continuation after the end of the project was ensured. <sup>70</sup>

**Description**

**M2.Q1. Please describe how third-country nationals can access the measure, notably:**

- Elaborate in brief on the conditions and process of accessing the measure for applicants for international protection*
- Is the measure voluntary or compulsory? Is it provided free of charge?*
- If applicable, indicate if the measure is different from the regular support available to national population, EU citizens or third country nationals?*
- Are there any reasons for to be excluded/to lose access to the measure? If so, which ones?*

- The Participation Counters are available at 38 COA locations and are available to all persons residing there (mainly applicants for but also beneficiaries of international protection).
- The services provided by Participation Counters are available on a voluntary basis, free of charge.
- Not applicable.
- There are no reasons to be excluded or to lose access from the services provided by Participation Counters.

**M2.Q2. Please describe briefly the context in which the measure has started:**

- When was the measure introduced and what was/is its duration?*

<sup>70</sup> Information provided by COA on 9 November 2022.

- b) *What was the need/purpose to start/implement such measure (e.g. labour market needs in the Member State, need for integration, changes in integration policies)?*
- c) *When is the measure provided (e.g. upon arrival, upon arrival until (please add till when), no determined time limitation)?*
- d) *Key activities*

- A) Project "Participatie en Taal" lasted from August 2019 to December 2021. The continuation of the "Participation Counters" after 2021 was ensured as part of the project and there are intentions to expand the number of locations and services provided.<sup>71</sup>
- B) The project was started as an integration measure. The rationale of the project was that participating in society improves the well-being of persons residing in reception centres. Participation helps persons residing in reception centres to improve their knowledge of the language and culture of the Netherlands, gain some work experience and meet Dutch people. This potentially also improves support among Dutch society for reception of refugees and asylum seekers. The focus during the 'Participation and language' project was on guidance to voluntary work while with the expansion of the services of the Participation Counters there will be more attention and expertise focused on the guidance to paid work.<sup>72</sup>
- C) The Participation Counters are available at the reception centres where asylum seekers reside. There is no determined time limitation.
- D) Project "Participatie en Taal" was rolled out at 38 reception centres. Its key activities were:
  - providing participation activities (sports, recreational activities and language) in addition to volunteering.
  - specifically promoting participation of women and vulnerable groups.
  - developing practical tools for reception centres to promote participation
  - expanding collaboration with municipalities and local organisations.

The key activities of the Participation Counters, which were developed as part of the project, are providing information on possibilities for sports, recreation, language acquisition, volunteering and guidance towards paid work.

**M2.Q3. Please briefly describe the implementation modalities, notably:**

- a) *By whom is it implemented (agency, government institution, NGOs, private sector etc.), and what are the coordination structures?*
- b) *If applicable, are there any reimbursement (totally or partially)/cost sharing possibilities?*
- c) *How and by whom is it promoted?*

- A) The project was implemented by COA in collaboration with Pharos (Dutch Centre of Expertise on Health Disparities)<sup>73</sup> and Association of Dutch Voluntary Work Organisations (*Vereniging Nederlandse Organisaties Vrijwilligerswerk* - NOV)<sup>74</sup>. For the Participation Counters, COA works

<sup>71</sup> Information provided by COA on 9 November 2022.

<sup>72</sup> Ibid.

<sup>73</sup> Pharos, Dutch Centre of Expertise on Health Disparities: <https://www.pharos.nl/english/>, last accessed on 21 November 2022

<sup>74</sup> Association of Dutch Voluntary Work Organisations (*Vereniging Nederlandse Organisaties Vrijwilligerswerk* <https://www.nov.nl/default.aspx>, last accessed on 21 November 2022

together with local volunteer organisations, in cooperation with municipal governments, employers and local (social) organisations. The Method used by the COA for this project is developed by Pharos and NOV and is called 'aan de slag' (set to work).<sup>75</sup>

- B) Not applicable.
- C) It is promoted by the case managers of the COA. The Participation Counters are also often open during the weekly reporting obligation that residents of a reception centre have, for easy access and exposure to the counters and possibilities for participation.<sup>76</sup>

**M2.Q4. Please briefly describe the impact of the measure and notably:**

- a) *Did it meet the anticipated objectives? YES/NO/Partly*
- b) *What are the main outcomes*
- c) *Monitoring and evaluation of impact (please describe the evaluation tools and methodology, if possible specify what indicators have been adopted and how those were measured)*
- d) *Challenges during implementation and remedies applied*
- e) *Likelihood of continuation of the measure. If discontinued, please explain why*

- a) Yes the anticipated objectives have been met. The project Participation and Language focused on developing, implementing and securing a method to lead residents of the reception centres towards a wide range of participation activities inside and outside the reception location. This ranges of activities is brought together in a central place at the location, the so-called 'Participation Counter'. Another part of this project is the provision of Dutch as a Second language (NT2) lessons to applicants who are likely to receive a residence permit. With the Participation Counters, COA and partners encourage and facilitate participation from day one. On the one hand, by creating opportunities for a meaningful way of spending the day and, on the other, by successfully guiding people to relevant activities through the method of #Meedoen: Samen aan de slag (Participation: Working together). All the participation activities can be found for COA residents at the Participation counter at a COA location. In cooperation with volunteer centres, social organisations, municipalities, employers and other partners, COA opens up a diverse range of participation activities inside and outside the reception location at all levels. From coffee hours to group volunteering to guidance into paid work.<sup>77</sup>
- b) The main outcome of the project Participation and Language is participation of 4100 (unique) participants and 25.000 participation activities. Furthermore, according to an evaluation of Pharos the Participation Counters provide a valuable tool for the residents of the COA reception centres. They come into contact more with Dutch people, become acquainted with the Dutch language and culture, develop new skills, and the activities have an overall positive impact on their (mental) health.<sup>78</sup>
- c) The project has been evaluated in several interim reports. The first two reports cover the periods August 2019 - March 2020 and April - December 2020. The evaluation is conducted by Pharos using criteria established by

<sup>75</sup> Pharos, 'Aan de slag met Aan de slag, Procesevaluatie van de participatiemethodiek Aan de Slag, 2021, last accessed on 21 November 2022.

<sup>76</sup> Information provided by COA on 9 November 2022.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<p>knowledge institute Movisie<sup>79</sup> for a process evaluation. The process-evaluation combined several research methods to provide a broad answer to the research questions: a quantitative (numerical) analysis of monthly and interim reports, and a qualitative (substantive) analysis of focus groups with implementers and with participants of the #Meedoen: Samen aan de slag methodology.<sup>80</sup></p> <p>d) The project "Participatie en Taal" lasted from 2019-2021. The Participation Counters were continued after the end of the project. Currently COA is looking into expanding the number of locations and more efforts for pathways to paid work. This requires an expansion of cooperation partners.<sup>81</sup></p>
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Q20. Are there any specific protocols, synergies between agencies/institutions to support labour market integration of international protection applicants that have been identified as good practices?

Two synergies between COA and participating agencies, institutions and partners are mentioned by the COA as a good practices.

**The first** is the Employers Guide '*Nieuwkomers op weg naar werk*' (Newcomers on the road to work). This guide is developed as part of the international AMIF-project Employer Tailored Chain Cooperation (ETCC) by the COA and several institutions from seven participating Member States. The Federal Agency for the Reception of Asylum Seekers (Fedasil) of Belgium had the lead in this project.<sup>82</sup> The guide for employers contains practical information, helpful tips and resources for employers who are considering hiring applicants for or beneficiaries of international protection (these groups are called 'newcomers', *nieuwkomers*).<sup>83</sup> The aim of the international AMIF project ETCC was to gather information and learn from each other to support applicants and beneficiaries for international protection in labour market integration. The intended outcome of this project is to produce guidelines that are applicable EU-wide and aimed at improving the cooperation between reception centres and employers and all stakeholders that (may) play a role in this.<sup>84</sup>

**The second** is the employment of 12 participation case managers since 2019, who are the connection between COA locations and stakeholders such as municipalities, organisations offering (voluntary) work or internships and other initiators in the field of integration and participation. They do not council the residents themselves, this is done through the Participation Counters (see Measure 2 above) if available in the Reception Centre, and the housing supervisors, house managers and programme supervisors who have direct contact with the residents.

The participation case managers actively seek contact with stakeholders, organisations and institutions to explore possibilities and cooperation with each other. They ensure that concrete offers of organisations in the field of (voluntary) work, internships, etc. are

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<sup>79</sup> Movisie, <https://www.movisie.nl/node/2518>, last accessed on 21 November 2022.

<sup>80</sup> Pharos, 'Aan de slag met Aan de slag, Procevaluatie van de participatiemethodiek Aan de Slag, 2021, last accessed on 10 November 2022.

<sup>81</sup> Information provided by COA on 9 November 2022.

<sup>82</sup> Federal Agency for the Reception of Asylum Seekers (Fedasil), <https://www.fedasil.be/en/news/awareness/launch-european-project-employment-applicants-international-protection>, last accessed on 11 November 2022.

<sup>83</sup> Information Provided by COA on 11 October 2022.

<sup>84</sup> COA, 'Nieuwkomer in dienst nemen? Lees de gids voor werkgevers', <https://www.coa.nl/nl/nieuws/nieuwkomer-dienst-nemen-lees-de-gids-voor-werkgevers>, last accessed on 24 October 2022.

brought to the attention of the employees of the reception centre who can relate the information to interested residents of the reception centre.<sup>85</sup>

In addition, a **third** good practice was proposed by the Dutch Council for Refugees, i.e. the platform 'RefugeeWork' which was launched on 8 November 2022.<sup>86</sup> The platform is an initiative of the Dutch Council for Refugees and Start Foundation, in collaboration with SparkOptimus. The aim is to bring persons with a refugee background in contact with employers. The platform is intended both for applicants and beneficiaries of international protection.<sup>87</sup>

Q21. What kind of challenges have been identified in your country when it comes to access to the labour market by applicants for international protection? Please provide a distinction<sup>88</sup> between legislative challenges and challenges in practice and specify how those challenges have been identified.

Several challenges have been identified in the Netherlands when it comes to access to the labour market by applicants for international protection. The following challenges have been retrieved from literature, a group interview with representatives of the Ministry of Social Affairs and Employment, Ministry of Justice and Security and the COA, and written information provided by the Dutch Council for Refugees: .

### **Legal challenges**

#### *Legal obstacles for accessing paid employment*

During the first six months of the procedure, applicants for international protection cannot access employment. After these six months, access to employment is limited to a maximum of 24 weeks per year. In order to access work, a work permit is needed. The work permit is requested by the employer from the Employee Insurance Agency, which needs to take a decision within 5 weeks.<sup>89</sup>

These legal limitations, besides posing an obstacle for applicants for international protection, are also difficult to navigate for potential employers and may deter them from hiring applicants for international protection.<sup>90</sup> If they hire an applicant (or another third-country national) without a work permit, employers risk an administrative fine.<sup>91</sup> Recruitment agencies are more likely to successfully apply for a work permit.

#### *Internships*

Applicants for international protection are excluded from following internships, unless they are under 18 years of age or following vocational training. This poses a challenge for access to the labour market, as internships are an important method of getting acquainted with career opportunities.<sup>92</sup> It should be noted that volunteer work is possible from the start of the international protection procedure.

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<sup>85</sup> Information Provided by COA on 7 November 2022;

COA, 'Casemanagers participatie: brugfunctie tussen bewoners en buitenwereld', <https://www.coa.nl/nl/nieuws/casemanagers-participatie-brugfunctie-tussen-bewoners-en-buitenwereld>, last accessed on 11 November 2022.

<sup>86</sup> RefugeeWork, <https://www.refugeework.nl/wat-is-refugeework>, last accessed on 22 November 2022.

<sup>87</sup> Information provided by the Dutch Council for Refugees on 18 November 2022

<sup>88</sup> Where applicable.

<sup>89</sup> Information provided by Ministry of Social Affairs and Employment, 7 October 2022.

<sup>90</sup> Group interview with COA, DMB, SZW on 3 October 2022;

De Lange, T. and Özdemir, E., *Asielzoekers en daadwerkelijke toegang tot werk in Nederland*, Nijmegen: Centrum voor Migratierecht, 2020;

ACVZ, 'Van Asielzoeker naar Zorgverlener', 2021, p. 19, <https://open.overheid.nl/repository/ronl-5c3aad0e-5c6f-42e9-afe7-1c6c3e84c335/1/pdf/tk-bijlage-acvz-van-asielzoeker-naar-zorgverlener.pdf>, last accessed on 17 October, 2022.

<sup>91</sup> De Lange, T. and Özdemir, E., *Asielzoekers en daadwerkelijke toegang tot werk in Nederland*, Nijmegen: Centrum voor Migratierecht, 2020, p. 14.

<sup>92</sup> Group interview COA, DMB, SZW on 3 October 2022.



## Practical challenges

### *Challenges due to the situation of the applicant*

Limited knowledge of Dutch may pose an obstacle for accessing employment, though this is dependent on the type of work. Another challenge may be due to the housing situation of applicants. From an employer's perspective, hiring applicants for international protection can also be unattractive because reception centres are often in isolated locations, bringing long travel times and high costs. Furthermore, it is often unpredictable for how long an applicant will remain in a reception centre, as they can be transferred to a different reception centre far away, or in case they receive their international protection status, they may receive housing in a distant municipality.<sup>93</sup> Another challenge related to living in a reception centre is that a general lack of privacy and calm may interfere with applicants resting properly from work.<sup>94</sup>

### *Obligatory financial contribution*

Applicants for international protection who receive income from employment have to contribute to the reception costs.<sup>95</sup> It can be demotivating for applicants to only receive a small part of their income for their own use.<sup>96</sup>

### *Delayed registration in Municipal Records Database (BRP)*

Legally applicants for international protection can be registered in the Municipal Personal Records Database (*Basisregistratie Personen – BRP*) 6 months after applying, or as soon as the identity of the applicant is sufficiently established and the expectation is that the applicant will stay at least 4 out of 6 months in the Netherlands.<sup>97</sup> After registration they receive their citizen service number (*burgerservicenummer – BSN*). Not all applicants however are registered in the BRP by 6 months, and this poses an obstacle for employers. Both the lack of registration in the BRP and the fact that without a BSN a bank account cannot be opened, pose challenges for employment.<sup>98</sup>

### *Information provision and lack of support*

It can be a challenge for people with no or limited knowledge of legislation and of the Dutch language to find employment within the legal framework. There is no designated authority that provides support to applicants for international protection in finding employment. COA, which is responsible for reception of applicants for international protection, has no obligation to support them in their quest for employment (although some initiatives at COA locations do exist, please see above). Information and support is provided by civil society organisations or NGOs such as the Dutch Council for Refugees.<sup>99</sup> Issues in information provision by the UWV have also been noted, such as discrepancies between application forms and checklists provided to applicants, which can lead to confusion.<sup>100</sup>

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<sup>93</sup> Group interview COA, DMB, SZW on 3 October 2022; information provided by the Dutch Council for Refugees on 18 November 2022.

<sup>94</sup> ACVZ, 'Van Asielzoeker naar Zorgverlener', 2021, p. 19, <https://open.overheid.nl/repository/ronl-5c3aad0e-5c6f-42e9-afe7-1c6c3e84c335/1/pdf/tk-bijlage-acvz-van-asielzoeker-naar-zorgverlener.pdf>, last accessed on 17 October, 2022.

<sup>95</sup> Regeling eigen bijdrage asielzoekers met inkomen en vermogen, see also: MyCoa, 'Eigen bijdrage in de opvangkosten', <https://www.mycoa.nl/nl/content/eigen-bijdrage-de-opvangkosten>, last accessed on 14 October 2022.

<sup>96</sup> Group interview COA, DMB, SZW on 3 October 2022.

<sup>97</sup> Art. 24a Decree basic registration of persons (Besluit basisregistratie personen).

<sup>98</sup> Group interview COA, DMB, SZW on 3 October 2022; Information provided by the Dutch Council for Refugees on 18 November 2022;

De Lange e.a., *Van azc naar een baan*, Amsterdam: Universiteit van Amsterdam, 2017, p. 18;

De Lange, T. and Özdemir, E., *Asielzoekers en daadwerkelijke toegang tot werk in Nederland*, Nijmegen: Centrum voor Migratierecht, 2020, p. 12;

ACVZ, 'Van Asielzoeker naar Zorgverlener', 2021, p. 18, <https://open.overheid.nl/repository/ronl-5c3aad0e-5c6f-42e9-afe7-1c6c3e84c335/1/pdf/tk-bijlage-acvz-van-asielzoeker-naar-zorgverlener.pdf>, last accessed on 17 October, 2022.

<sup>99</sup> Group interview COA, DMB, SZW on 3-10-22.

<sup>100</sup> De Lange, T. and Özdemir, E., *Asielzoekers en daadwerkelijke toegang tot werk in Nederland*, Nijmegen: Centrum voor Migratierecht, 2020, p. 31.

## SECTION 6: CONCLUSIONS

*This part of the study compiles the main findings from sections 1-5.*

Q22. Please synthesise the findings of your national report by drawing conclusions from your responses:

- a) What are the main trends with regard to the situation of international protection applicants in the context of labour market integration and what are the main debates regarding their labour market integration identified in your country (Section 1)?

The debate regarding the labour market integration of applicants of international protection centres around two arguments. It is agreed on that early access to the labour market is good for the integration of the applicant in the Dutch society and beneficial for the future of the applicant if international protection is granted. On the other hand, the bond that may be created with the Netherlands through early access to the labour market can lead to disappointment if the application is rejected. The current labour shortage and the special status of displaced persons from Ukraine are new elements in the debate to allow applicants for international protection to participate more or earlier in the application process in the labour market.

- b) If at all and to what extent are international protection applicants specifically addressed in national integration policies with regard labour market integration (Section 2)? What are the key characteristics of the national integration policies for promoting labour market participation for the applicants of international protection (Section 2) and how is the access to employment and self-employment for applicants of international protection regulated/supported (Section 3)

Applicants for international protection are not specifically addressed in national integration policies in regard to labour market integration. Labour market integration of third-country nationals is part of the general integration policy in the Netherlands. Applicants for international protection are not subject to this policy though, as opposed to beneficiaries of international protection. However, some support is provided by Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang Asielzoekers* - COA) (e.g. through caseworkers, Participation Desks or job fairs), NGOs and Employer Service Points.

The access to employment and self-employment for applicants of international protection is regulated in the Aliens Employment Act and does not make a distinction between employment or self-employment. Applicants for international protection can work starting 6 months after their application has been submitted, for a maximum of 24 weeks per year. A work permit is required. Applicants residing in a reception centre are required to contribute part of their salary to the COA as compensation for reception costs. Voluntary work is possible from the beginning of the procedure.

- c) To what extent are targeted measures to support labour market participation available in your country, specifically addressing applicants for international protection (Section 4) and what has been identified as challenges as well as good practice in this area (Section 5)?

There are only a few integration measures available addressing applicants for international protection. Applicants who are likely to obtain a residence permit are eligible for language classes. The aim of these classes is to be able to function in Dutch society on a basic level, so labour market integration is not a direct aim. Secondly, when assigning asylum seekers who are likely to obtain a residence permit to a residence centre, the COA strives to take into account prior work experience and level of education, to promote integration and participation in the future. Finally, Participation Counters can be found in 38 reception centres. They provide information and counselling for (voluntary) work and other integration activities to applicants and beneficiaries of international protection residing in the centre.

The COA proposed two of its projects as good practices for providing information on the Dutch labour market to applicants for international protection. The first project, "Kijkje in de keuken" was intended for applicants who were likely to receive a residence permit. Its aim was to bring applicants in contact with employers and familiarise them with the Dutch labour market. Due to Covid-19 the physical part of the project could not take place, this was replaced by digital work visits and a workshop. And as an alternative programme five videos have been developed that explain the Dutch labour market which can be used in integration courses. The project "Participatie en Taal" resulted in the establishment of 38 Participation Counters, whose services are available to all persons residing at reception centres (mainly applicants for international protection, but also beneficiaries). They offer possibilities for sports, recreation, language acquisition, volunteering and guidance towards paid work. Currently COA is looking into expanding the number of locations and providing more efforts for pathways to paid work.

The following challenges have been retrieved from literature, a group interview with representatives of the Ministry of Social Affairs and Employment, Ministry of Justice and Security and the COA, and written information provided by the Dutch Council for Refugees:

Legal obstacles for accessing paid employment as the applicants are only allowed to work for 24 weeks six months after applying for international protection and internships not allowed unless the applicant is under 18 years of age or following vocational training.

Practical challenges can be the limited knowledge of Dutch and the housing situation of applicants. Reception centres are often located in remote locations and it is often unpredictable for how long an applicant will remain in a reception centre. Also the obligatory financial contribution to contribute to the reception costs can be demotivating for applicants. Furthermore the delayed registration in the Municipal Records Database can be an obstacle to participate in the labour market. The last challenges identified are the lack of support and information provision for applicants wanting to access the labour market.

The integration of applicants for international protection in the labour market

**Annex: Eurostat statistics**

*Eurostat Data for each EU Member State will be extracted centrally by the Service Provider and an Excel-Sheet prepared for each country and shared with the NCPs.*

The Statistical Annex consists of the following:

**Annex 1.1:** Eurostat data asylum and first time asylum applicants  
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