



For wider dissemination

NO EMN limited Follow-up AHQ on allowances for asylum seekers

(Belgium, Denmark, Finland, France, Germany, Hungary, Netherlands, Sweden, United Kingdom and Norway)

Requested by Kathleen CHAPMAN on 4th July 2016

Miscellaneous

Responses from: Belgium, Denmark, Finland, France, Germany, Hungary, Netherlands, Sweden, United Kingdom, Norway (10 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

DE sent out an EMN AHQ on asylum seekers allowances 25.08.15; an adapted closed compilation with a limited number of MS, is attached. In 2015 there were almost 32 000 persons who sought asylum in Norway, while the numbers for the first 5 months in 2016 (Jan-May) had fallen dramatically (1407). The Norwegian government is currently reviewing different parts of the system for processing asylum claims including the system of allowances for asylum seekers. The purpose is among other things, achieving greater harmonization, particularly between the Norwegian system of allowances for asylum seekers with the systems in other EU countries, in order to avoid a pull factor effect due to great differences.

On behalf of the Norwegian Ministry of Justice, The Norwegian Directorate of Immigration would like to find out about the current practices related to allowances paid in other (Member) States and would like an update of some of the information gathered from the DE AHQ on same from 2015.

In an effort to obtain information that can be compared, we ask that the MS fill in the attached spreadsheet as well as possible. We ask that you allow for some variation in how each country breaks down payments, such as with age groupings for children and additional support for mothers and babies. Also, some MS operate with concrete cash amounts, while others operate with ranges of payments. Due to differences in cost of living in the various MS, the information/data will not be 100% comparable under any circumstances, but a rough picture of practices will be useful all the same. The "fit" will not be perfect. For this reason, we have made general age groupings to make comparisons a bit easier and we have included a space for additional comments. We have calculated all figures for monthly payments in Euro (exchange rate from Aug. 2015).

We have attached a rough overview of responses from the previous query, just for your information (possibly nothing has changed?).


We have reviewed responses from the previous AHQ and know that all MS provide similar, but varying degrees of in-kind support, so we have worked out a list and ask that you indicate what applies in your MS. If there are no changes in cash allowances, just indicate this on the excel worksheet.



See excel spreadsheet attachment. There is also a space for comments.
If questions, please contact Kate at kac@udi.no.


Questions



- Have the previously reported amounts of in-cash and in-kind allowances for asylum seekers changed since you answered the DE AHQ of 25 th August 2015, and compilation produced 23rd November 2015? YES/NO
If Yes, please comment briefly.
- Please specify what in-kind allowances include. Please indicate on attached excel worksheet/ list.
- Please note any changes in in-kind support since 2015 here:
 - (a) The following items have been added:
 - (b) The following items are no longer covered:
- Please indicate the amounts of in-cash allowances for asylum seekers per June 2016? Please fill out attached excel worksheet. If at all possible, please calculate allowances on a monthly basis, in Euro.
- Do asylum seekers have the right to work while their application is being handled?


Responses



	Country	Wider Dissemination	Response
	Belgium	Yes	<ol style="list-style-type: none"> 1. No 2. See excel worksheet. 3. NA 4. See excel worksheet. 5. YES. Applicants for international protection have access to the labour market four months after they have lodged their asylum application but only if a decision rejecting the application in first instance has not yet been taken. The applicants for international protection must first obtain a work permit.

	Finland	Yes	<p>1. NO. A slight decrease in the amounts of in-cash (from 20 cents to 1 euro) has been made due to the national index level of social security.</p> <p>2. Please see the attached file.</p> <p>3. No</p> <p>4. Please see the attached file.</p> <p>5. Yes. As an asylum seeker, you will be allowed to engage in gainful employment in Finland without a residence permit once three months has passed from the submittal of your asylum application provided that you have a valid travel document that entitles you to cross the border. If you are not in possession of such a document, you may engage in gainful employment in Finland without a residence permit once six months has passed from the submittal of your asylum application.</p>
	France	Yes	<p>1. Yes. The reform of 29 July 2015 has introduced a new type of allowance for asylum-seekers. (Allocation pour demandeur d'asile = ADA) which replaces by merging the two previous allowances for asylum-seekers: the temporary waiting allowance (Allocation temporaire d'attente = ATA) and the monthly subsistence allowance (Allocation mensuelle de subsistance = AMS). This new type of allowance was set up on 1 November 2015 and is monitored by the French office for immigration and integration (OFII).</p> <p>To be able to benefit from the asylum-seeker allowance, the asylum-seeker has to:</p> <ul style="list-style-type: none"> - be at least 18 years of age; - have monthly resources which are, together with those of the family, lower than the amount of the Active Solidarity Income (Revenu de Solidarité Active); - hold an asylum application attestation; - accept the material reception conditions proposed by the French Office for Immigration and Integration (OFII); - lodge an asylum application at the French Office for the Protection of Refugees and Stateless Persons (OFPRA) within 21 days (except in Dublin cases). <p>Material reception conditions, including the ADA, are proposed to every asylum seeker by the OFII when</p>

			<p>he/she comes to the one-stop shop (guichet unique). In practice, care provision is formulated immediately after the competent administrative authority has registered the asylum application.</p> <p>2. See table attached</p> <p>3. N/A</p> <p>4. See attached table</p> <p>5. Asylum seekers have access to the labour market when the OFPRA, for reasons which are not attributable to the asylum-seeker, has not ruled on the asylum application within nine months from the submission of the application (Article L. 744-11 of the Code for entry and residence of foreigners and right of asylum - CESEDA).</p> <p>In this case, the asylum seeker can, upon presentation of a work permit application formulated by his/her future employer, request a work permit at the prefecture of the department where he/she is living. The decision relating to the work permit application is taken by the prefect and sent to both the asylum-seeker and the future employer.</p> <p>In the event of approval, the prefect sends the work permit, which is applicable to contracts with a duration longer than three months or to seasonal work contracts, to the French Office for Immigration and Integration (OFII).</p> <p>The work permit may be refused with regard to the employment situation in the region or the industry concerned, unless it concerns a job with recruitment difficulties.</p>
	Germany	Yes	<p>1. 1. Yes. The monthly allowance for necessary personal expenditure (pocket money) was reduced slightly, whereas the monthly allowance for food, housing, clothes and healthcare was raised on the grounds of a reassessment. Overall, the total monthly allowance is now slightly lower than before.</p> <p>2. 2. Please see the attached excel list.</p> <p>3. 3. No changes.</p>

			<p>4. 4. Please see the attached excel list</p> <p>5. 5. Yes. In principle, asylum seekers who have been legally resident in Germany for three months may be allowed to work. However, this does not apply if they are obliged to live at a reception centre. Asylum seekers from safe countries of origin in principle will not be allowed to work.</p>
	Hungary	Yes	<p>1. Yes, several legislative changes have been made regarding the allowances provided for applicants. As of 1 June 2016 asylum-seekers are not entitled to any in cash allowances except for reimbursement of the costs of schooling and education, travel allowance and allowance facilitating final departure from the country.</p> <p>2. See the table.</p> <p>3. No changes have been made concerning in-kind support for applicants for international protection.</p> <p>4. See the table.</p> <p>5. Yes, they are entitled to work in the framework of the public employment program. In addition during the term of the asylum procedure, the refugee authority may provide the person seeking recognition with a possibility of employment in the form of performing work at the reception centre.</p>
	Netherlands	Yes	<p>1. No.</p> <p>2. See attached excel file.</p> <p>3. No changes.</p> <p>4. Nothing has changed since we last provided our answers (only negligible inflation correction). The amounts you calculated for the Netherlands in the Excel file are hence still correct.</p> <p>5. If an asylum seeker has submitted an asylum application, he is not allowed to work during the first 6 months of the asylum procedure. After 6 months the asylum seeker is allowed to work for 24 of every 52 weeks, as long as the asylum application is still being processed. Before being able to employ an asylum</p>

			<p>seeker, the employer has to apply for a work permit (' tewerkstellingsvergunning') for the person in question. With a work permit the asylum seeker is also allowed work as self-employed person. The limitation of 6 months does not apply for voluntary work and work carried out for the asylum seeker center the asylum seekers resides in. Asylum seekers are allowed to work in the center for up to a maximum of 25 hours a week and receive a small remuneration of 0,56 to 1,10 per hour, with a maximum of 14 per week (<i>unsure of currency: note from NO</i>). This information can be found at: https://www.rijksoverheid.nl/onderwerpen/vluchtelingen-werk-en-integratie/vraag-en-antwoord/mogen-asielzoekers-werken https://www.rijksoverheid.nl/onderwerpen/vluchtelingen-werk-en-integratie/vraag-en-antwoord/mogen-asielzoekers-vrijwilligerswerk-doen https://www.coa.nl/nl/actueel/veelgestelde-vragen/wonen-in-een-azc#werken</p>
	Sweden	Yes	<p>1. No</p> <p>2. It is hard to give a simple yes or no to several of the questions. Since nothing has changed in this regards I refer to the Swedish contribution to the EMN-study "Organisation of reception facilities for asylum seekers" from 2013 http://www.emnsweden.se/toppmeny/publikationer/nationellarapporter.4.2869c2de141e036182310ee.html where all this information can be found. Information is also provided on the webpage of the Swedish Migration Agency: http://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/While-you-are-waiting-for-a-decision/Accommodation.html</p> <p>3. No changes</p> <p>4. Please see the answer given to the previous DE ad-hoc query and the LU ad-hoc query.</p> <p>http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/26_sweden_national_report_reception_facilities_final_feptember2013_en.pdf</p> <p>Normally yes. The asylum seeker must have a certificate (AT-UND) stating that he/she is exempted from the requirement to have a work permit. The asylum seeker is exempted from the requirement to have a work permit if he/she fulfil the following conditions:</p>

			<ul style="list-style-type: none"> • Provide proper identity papers or in some other way help to prove the identity. • The application is to be considered in Sweden. • There are solid reasons for the application for asylum. The person will not be granted AT-UND if he/she has been issued a refusal of entry with immediate effect.
	United Kingdom	NO (attachments only)	<ol style="list-style-type: none"> 1. No There have been no legislative amendments to allowances received by international protection applicants since September 2015. 2. Please see attached worksheet. 3. No change 4. Asylum seekers who are unable to support themselves are able to apply for support which can include accommodation and cash allowance for food, clothing etc (Section 95 support). This cash allowance is paid weekly and pays £36.95 per person per week. See attached worksheet for further information. 5. Generally No. Asylum seekers in the UK are not permitted to work while their claim is pending. Asylum seekers are only given access to the labour market if their asylum application has been outstanding for 12 months or more, and where the delay cannot be attributed to the applicant. Access to the labour market is not provided automatically after 12 months, applicants must apply for it. In addition, their access to the labour market is restricted to jobs included in the list of shortage occupations (a list formulated and recommended to the UK Government by an independent body): https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308513/shortageoccupationlist_april14.pdf
	Norway	Yes	<ol style="list-style-type: none"> 1. YES 2. see attached sheet. 3. a) no change b) no change

			<p>4. See attached sheet. UAM receive a slightly smaller amount.</p> <p>5. An asylum seeker has the right to apply for a temporary working permit if his/her asylum interview has been completed, and there is no doubt about his/her identity, and there is no likelihood that the person will be returned to another country as a result of a legal procedure. To allow the asylum seeker to work, s/he in majority of the cases should present the authorities with a valid (by the date of the application) travel document or a national ID card.</p>
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