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Photo: Abdulahi Mohammed Hashi

LUTA

**LEARN
UNDERSTAND
TRUST
ACT**

Asylum policy in Europe Facts and figures

Selected findings of the Grundtvig Learning Partnership LUTA
„Learn-Understand-Trust-Act. Civil education on asylum policy in Europe“
2013-1-AT1-GRU06-09884 1



About the LUTA-partnership

Civic Education on Asylum Policy – Adult Education and active citizenship

The civil EU-wide partnership <LUTA> gives an example of active citizenship in the year of the European Parliamentary Elections. The participating states include countries of first reception on the Schengen borders as well as states in the centre of the Schengen zone. Educational institutions and refugee aid institution cooperate ambitiously across seven European countries, from the northern Norrköping in Sweden until Malta and Sicily. All of them follow a common principle: "Learn-Understand-Trust-Act" <LUTA>, a motto that accompanies us during the two-year partnership and – hopefully – beyond. Around the world, people of various social backgrounds are forced to leave their country of birth as a result of economic, political or life-threatening reasons. Many of those who decided to take that desperate step are minors. After making it to the Schengen zone - often under dangerous, life-threatening circumstances - bureaucratic hardship and broad [public] rejection awaits them.

We hold the opinion that the respond on that development should be solidarity instead of demarcation and national isolation. The learning partnership LUTA intends to contribute to a transnational civic education process focusing on asylum policy in Europe. The aim of the project is to equip adult learners of the majority societies with profound knowledge of, on the one hand, EU asylum directives and national asylum legislation in the partner countries, and – on the other hand, biographies of refugees and their individual experiences. The expectable gap between these individual experiences and the national legislative levels is subject of discussion panels with local and regional politicians in the partner countries. This project intends to raise awareness among European citizens that refugees are not merely numbers. They have faces and stories and the right to express themselves creatively and publicly.

This leaflet presents some of the findings achieved by research on asylum policies in our seven countries. More results can be found on our website <http://www.luta-europe.aau.at>

The LUTA partners

Universität Klagenfurt, Institut für Wissenschaftskommunikation und Hochschulforschung and Verein Integrationshaus, Austria

Organization for Aid to Refugees, Czech Republic

Sprachendienst Konstanz, Germany

Associazione ASHRAM, Italy

Write Deal, Malta

Instytut Tolerancji w Łodzi, Poland

Marieborgs Folkhögskola, Sweden

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„Goods“ and „bads“ of national asylum policies in seven countries – an outline of the main points

AUSTRIA

positiv

- apprenticeship possible for group up to 25
- asylum procedures start to be shorter
- health care, food and accommodation are provided

negativ

- no language tuition for as
- no access to the labourmarket
- no education for adults
- hardly any education for group 15 – 18

CZECH REPUBLIC

positiv

- NGO's are engaged and supportive: cultural events, art activities
- Reception center: staff is skillful and ok

negativ

- attitude of government towards issue of asylum
- duration of procedure (13 years at the longest)
- accommodation: no privacy, different cultures together – conflicts

GERMANY

positiv

- voluntary help is working well
- access to labourmarket after 3 months
- residency rules will be loosened
- by the end 2016 – asylumseekers will have 7,5 sqm instead of 4,5
- population is more open – in Konstanz a group of supporters contains 250 mentors

negativ

- staff responsible for procedure not well trained
- no language tuition for asylum seekers
- accommodation – small/many people in one room, hygienic standards not ok
- reception classes for children are not successful
- trauma treatment is missing
- recognition of former qualification is too complicated, too long
- health treatment on a low level

ITALY

positiv

- humanity of sicilians
- possibility of cultural exchange
- navy/marine is saving many people

negativ

- waiting time for recognition is not according to the law (should not be longer than 6 months, lasts often up to 2 years)
- 3 commission offices for 16.000 refugees in April
- accommodation is not sufficient: schools, sport halls

MALTA

positiv

- government provides shelter and food
- health system and social services apply for AS
- education programmes and vocational training
- Maltese and English tuition already in the center
- Education for children
- Free education till bachelor for young people and a small salary/pocket money is provided
- Volunteers
- Minors not in the detention center
- After 3 months release from detention center – transition to open center
- Work possibilities daily: in a company or individual
- Helping is part of the culture

negativ

- detention center as first step – as are looked in
- no official statistics
- social network is a precondition for work in Malta
- population is reluctant/racism against muslims

POLAND

positiv

- conditions in camps are good: nice rooms, kitchen, care for children, events, cultural offers
- 60 Syrian christian families were invited by the government
- Openness to refugees from North-East

negativ

- low recognition rate
- little tolerance towards other cultures
- openness only to refugees from North-Eastern countries: religion...
- offers are on a low level
- Polish hospitality is not so strong
- Poland is often a transition point on the way to other countries – migration also within Poland

SWEDEN

positiv

- AS can decide where to live – as an alternative the state provides accommodation
- school up to 18
- children are in kindergarten/preschools up to 15 hours

negativ

- right now it is not easy to find accommodation to stay for as (roof over the head)
- longer duration of procedures although there is more staff now
- no education for AS

AUSTRIA

(This text is based on the country report of Data Base AIDA, on long term experiences of Integrationshaus and on the latest news on the situation in Austria, June 2015).

Examples of good practice

Basic support

for AS is provided and it includes: 5,-Euro per day for food, health insurance; accommodation provided by state or private accommodation 240,-Euro each family/180,-for a single person. 40,-Euro „pocket money“ 150,-Euro per year for clothes; 200,-Euro per pupil for school expenses (mainly in vouchers).

Young asylumseekers and work

Young asylumseekers under the age of 25 are now allowed to take up an apprenticeship (still under certain conditions) and some of them can at least achieve a vocational education during their asylum procedure.

Education

School attendance is mandatory for all children living permanently in Austria until they have finished 9 classes (which they usually have finished at the age of 15 years). Asylum-seeking children attend primary and secondary school after their asylum application has been admitted to the regular procedure. But: As long as they reside in the initial reception centre (EAST), school attendance in public schools is not provided.

Public view

At the moment (2015) the social reception of asylumseekers is very divided amongst the population. Many people think that the current situation is unbearable and want to help (due to the high number of AS who come to Austria).

Examples of deficiencies – outstanding improvements

Work

AS have a very restricted access to the labour market, in fact their real possibilities go towards zero. In addition to that they are not registered at the Public Employment Service as unemployed persons. Therefore they are not entitled to vocational trainings provided or financed by the Public Employment Service.

Education

Access to education for asylum seekers older than 15 who are no longer obliged to attend school may become difficult. Some pupils manage to continue their education in high schools. Children who did not attend the mandatory school years in Austria have difficulties in continuing their education.

Language classes

Long periods of asylum procedure are counterproductive for the next steps of integration in case of a recognition as refugee. Especially the fact that there is no right and very limited opportunities to learn the German language before the recognition.

Accommodation in the reception center is very bad and for 2000 AS not even available – they stay in tents or without any roof over their head. Many others are reluctant and hostile.

CZECH REPUBLIC

International protection procedure

Submission of the application to the police or Ministry of Interior

A) *Asylum – refugee status*

B) *Subsidiary protection*

If the ministry does not find out reasons for granting refugee status, such an applicant can be granted subsidiary protection if the ministry finds that the person would face any of these conditions upon return to the country of origin: danger of imposition of capital punishment or enforcement of capital punishment, torture or inhuman or degrading treatment or punishment, serious threat to life or human dignity by reason of indiscriminate violence in situations of international or internal armed conflict, or if the alien's leaving the country would be contrary to international obligations of the Czech Republic.

C) *Application declined (1. Negative)*

Appeal

It is possible to appeal a negative decision (or part of the decision in case of granted subsidiary protection and denied asylum) to the regional court.

1. Positive

The court acknowledges your cassation complaint, revokes the judgment of a regional court, and returns your case back to a regional court. Your toleration stay visa expires, you have to visit the department on asylum and migration policy (OAMP), and the international protection procedure continues.

2. Appeal dismissed (2. negative)

- Cassation complaint

- Departure from CZ

3. Dismissal of cassation complaint (3 negative)

- Departure from CZ (repatriation)

Duration of procedure

1. in average: 9 months

2. the longest: 13 years

3. the shortest: 3 months

Initial reception

In Czech Republic there are two centres for initial reception asylum seekers – Airport Ruzyně and Zastávka u Brna.

People who want to ask for asylum can submit their application and workers from SUZ Ministry of Interior must accept it and start procedure.

Asylum seekers stay in these two places – Airport Ruzyně and Zastávka u Brna.

Pregnant women and old people leave to Zastávka u Brna, where he is more comfortable. Asylum seekers stay at the Airport maximal 120 days.

During this period health check and interview is made. During this period asylum seekers cannot leave those two initial places.

After time spent in two these places asylum seekers go to housing operated by SUZ – Institution for Refugee Facilities (contribution organization – Ministry of Interior).

GERMANY

Receiving an increasing number of asylum seekers it is important for Germany to continuously improve its asylum policy. Although nowadays the German asylum policy is well developed in some aspects, it still has quite some factors, which leave space for improvement. In this conclusion we would like to summarize the weaknesses and strengths of the German asylum policy.

In the last few years some of the employees responsible for the asylum seeking procedure were not trained well enough for their position. This could be due to an employee shortage. The government had miscalculated the expected number of asylum seekers and per consequence not employed a sufficient number of employees.

Even though language is often regarded as a facilitator for getting access to the host country the government does not provide any language tuition for asylum seekers to learn German. Additionally the planned reception classes for children of asylum seekers have proven not to be successful.

There is no real trauma treatment for the asylum seekers and the health treatment is on a low level. The general accommodation standards are worthy of improvement. Too often the rooms are too small or too many people are living in one room. The hygienic standards, however, are still acceptable.

Another weakness is that although many of the asylum seekers are very well educated, the recognition of the

former qualification is too complicated and the recognition procedure takes too long.

In spite of the weaknesses the German asylum policy presents, it does include aspects, which have been very successful. For instance the German population has recognized the asylum issue and is therefore very open to the topic. In Konstanz the group of supporters contains over 250 mentors. Furthermore the engagement has shown good results: the voluntary help is working well.

As a reaction to the population's request to improve the asylum policy the government is planning to change the residency rules. It shall be made easier to obtain a residence permit. Additionally the government has improved the access to the labour market. Instead of nine months asylum seekers can now access the market after three months and are granted unlimited access after 15 months. Moreover by the end of 2016 asylum seekers shall have more living space in their accommodation. Instead of 4,5 square meters, every asylum seeker will have at least 7,5 square meters of living space in his accommodation.

Comparing the weaknesses and strengths of the German asylum policy, it becomes apparent that there is still space for improvement. The engagement of the population and the fact that the population is very open to this topic presents a driving force, which will push ahead with the improvements of the German asylum policies

ITALY

After the landing

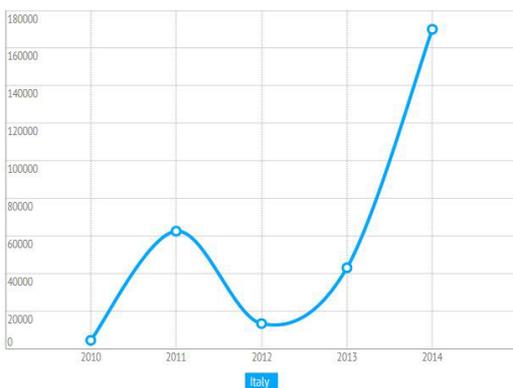
At the harbor the State Police shall give a sign with a number and take the photo and fingerprinting in order to include them in the EURODAC system. (forced removal of fingerprints)

Men and women are transported on buses discharged from adapted structures (eg sports halls or schools). These facilities are used to house hundreds of people without beds and toilets in proportionate number.

After a period of time, not determined, they are assigned to the CARA (Reception Centres for Asylum Seekers) or the SPAR (Protection Service for Asylum Seekers and Refugees) facilities financed by the Ministry of the Interior in conjunction with local authorities.

The transfers and assignments in affiliated facilities are established by prefectures and by the Ministry of the Interior. These structures are the new business for owners of hotels or hospices decommissioned.

Sea Arrivals to Italy



Italy has received over 170,000 arrivals in 2014 at the astonishing pace of 14,200 arrivals per month or over 460 arrivals per day. Most of them were rescued by Italian Mare Nostrum operation, which ended last October.

Refugee status recognition process

Asylum applications are submitted to the offices of the border police or police stations will be examined by the Commissions. The committees are made up of an official of the prefecture acting as chairman, an official of the State Police, a representative of a local authority designated by the Conference of State (cities and local governments) and a representative of UNHCR.

Examination of the application

The foreigner has the right to remain in the State during the examination of the application, which can not be rejected even if it is not submitted in good time and be examined taking into account the individual situation and the situation in the country of origin.

The decision

Decisions, as in the past, are communicated in writing and in case of a negative response will contain the reasons for the decision and the means of appeal admissible.

The Committee responsible will assess whether or not to recognize a form of protection after hearing the applicant, or according to the documentation sent if the considers sufficient.

The interview will assist a lawyer, if appointed by the applicant. Only in the case of children it is expected the presence of a family member.

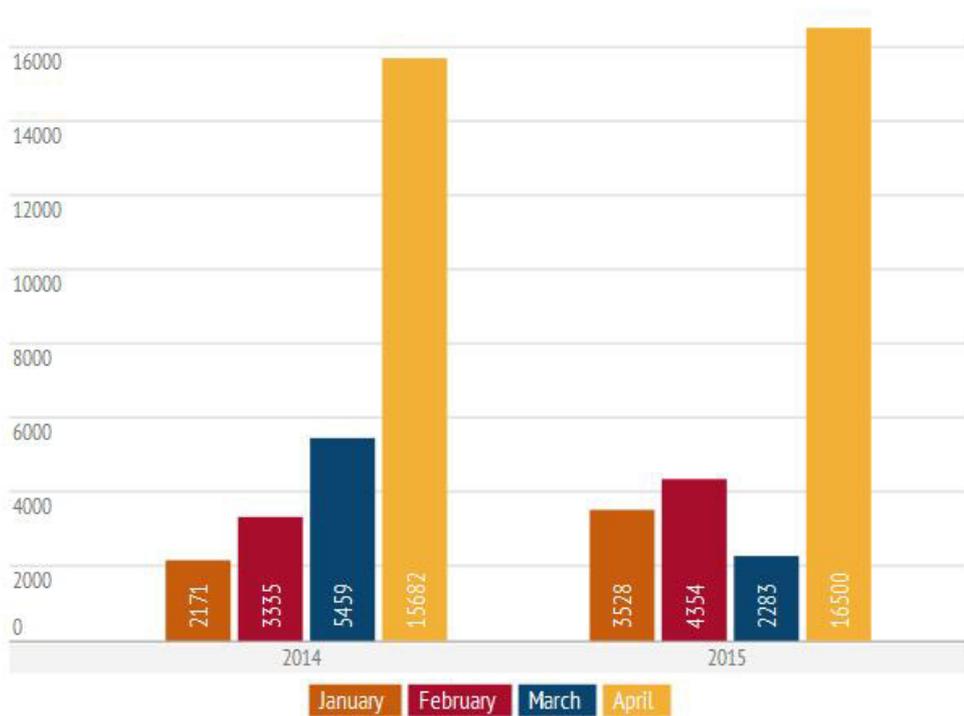
The hearing will be made to the applicant with a copy of the minutes.

The greatest problem

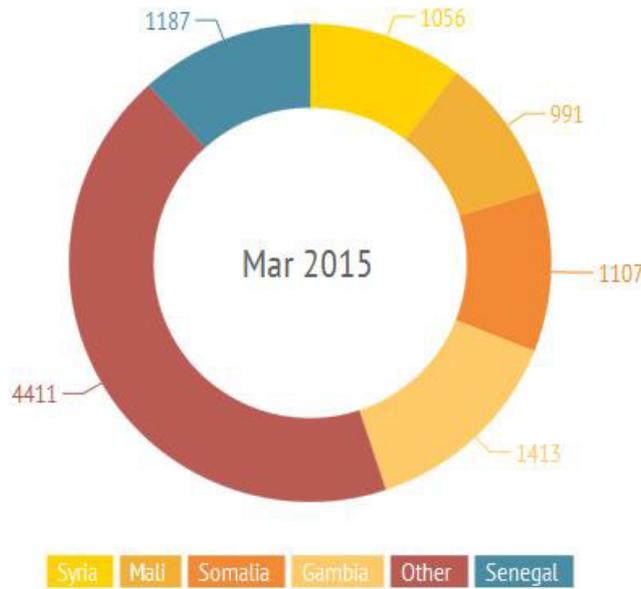
The waiting time for the recognition of refugee status does not conform to what is defined by law.

The answer comes after two years instead of 6 months.

Commissions are few (only 3 in Catania) in front of the numerous arrivals.

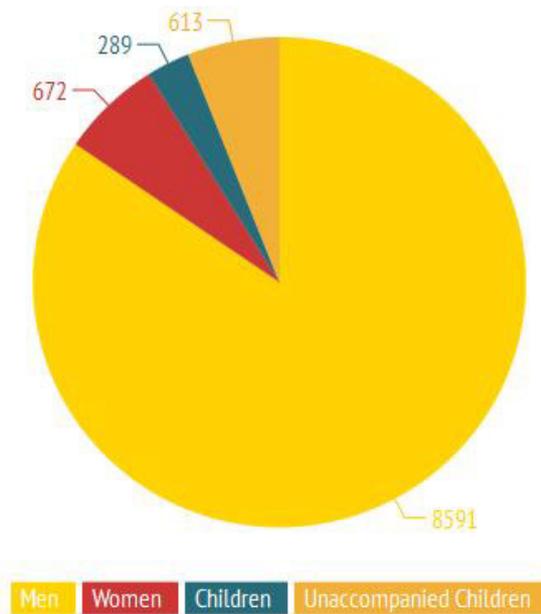


In the first four months of 2015, despite adverse weather conditions, around 26,500 refugees and migrants attempted boat journeys across the Mediterranean a number which is approximately equal to the same period last year.



Europe, facing conflicts to its South (Libya and further south), East (Ukraine) and south-east (Syria and Iraq) is now seeing an unprecedented number of people arriving from refugee-producing countries.

People in search of asylum are a major component in this tragic flow of arrivals, accounting for almost 50 per cent of the total. The number of Eritrean and Syrians arrived by sea to Italy in 2014 has alone increased of 275% and 250% to the level of 2013. This growing trend is also evident in the first month of 2015

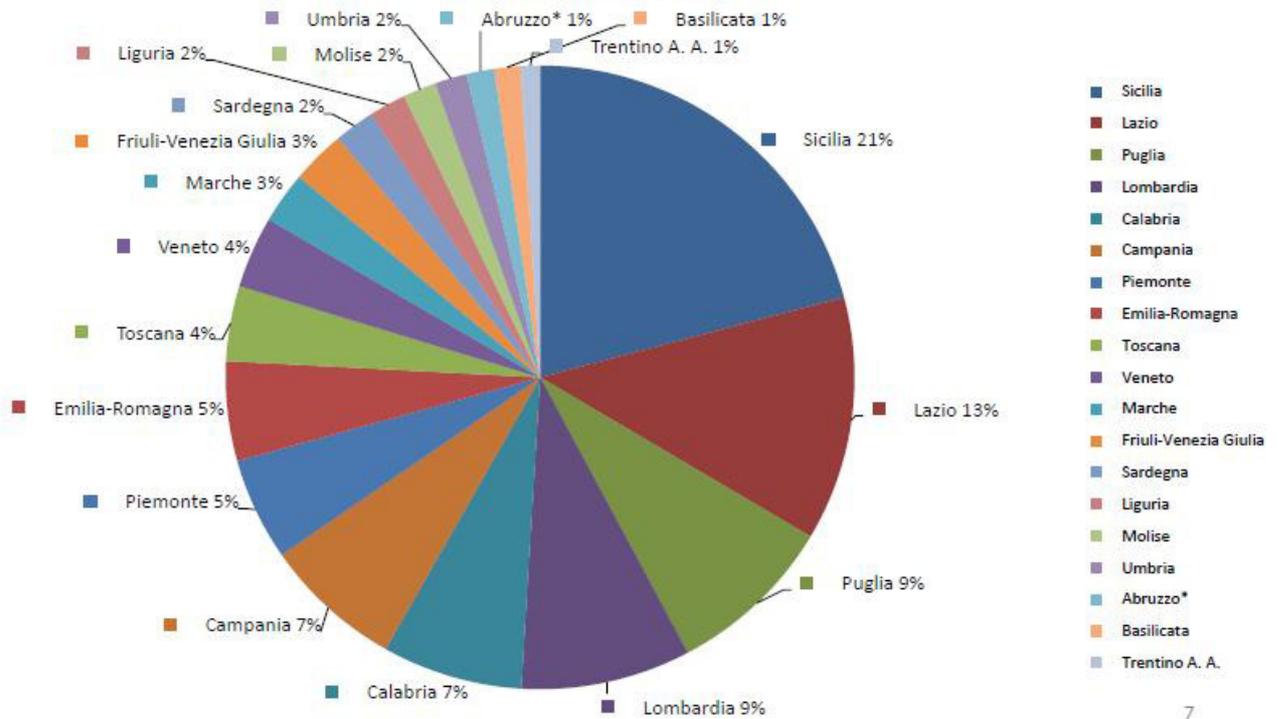


Increasing numbers of women, children and elderly embark on these perilous sea journeys. Over 26,000 minors have arrived by sea to Italy in 2014, including at least 13,000 unaccompanied.

FEBBRAIO 2015

Distribuzione generale dei migranti nelle strutture temporanee, nei CARA e nello SPRAR

TOTALE: 67128



MALTA

What is most important to say about asylum policy in our country

Whilst there are still important measures that Malta needs to take regarding the refugee and asylum situation, it is a fact that Malta has adapted policies that have proven to aid refugees.

Amongst others, asylum seekers are:

- Given free educational training (including lessons and workshops to learn trades) to help them find jobs.
- Taught both Maltese and English languages so that they can communicate with the locals, and later on in the rest of Europe.
- Provided with both shelter and food.
- Given the same health and social services as the Maltese.
- Handed small salaries, which can be compared to pocket money, even if they do not work.
- Helped to integrate in the Maltese culture.
- All the above is carried out officially by the Maltese government (not only with only the help of volunteers and religious organizations).

All immigrants who come to Malta have to stay in the detention centre until they can prove that they really are refugees. However, recently it was established that unaccompanied minors do not have to stay in the detention centers.

Duration of the procedure

1. in average: 1 year
2. the longest: about 2 years
3. the shortest: few months, even 1 month on some occasions.

Initial reception

Asylum-seekers stay in an Initial Reception Centre. There they have accommodation, they are offered food and health care.

The information leaflets in the initial reception centre provide brief information about obligations with regards to reception conditions – e.g. visit a doctor, traumatic experience, possibility to contact UNHCR or restricted movement.

In the reception centre, asylum seekers are informed about the house rules, which contain information about their behaviour, duties and sanctions. The Asylum seekers have to sign a contract for one year agreeing to follow orders, avoid creating problems and obeying the law.

Access to language tuition

Asylum seekers have access to language tuition. Some of them, especially those coming from Eritrea already have some knowledge of English. Some refugees also learn Maltese for better communication, and better employments.

Access to the labour market

If the refugee has been accepted then he is given permit, normally after 3 months, to work. If the refugee's working permit carries his own name, then the refugee can work and change the job when and if he needs. But if the working permit is issued in the employer's name this is issued for 3 months and can be renewed, but the refugee cannot change the job from one company to another.

POLAND

Submission of the asylum application

The asylum application should be submitted through the officer of the border guard to the Head of the Office for Foreigners.

- If you enter Poland illegally you should apply for asylum as soon as possible (at the border, at the airport).
- If you already stay in Poland (also when you stay illegally) the application should be submitted through the officer of border guard division in Warsaw : Nadwiślański Oddział Straży Granicznej, ul. Taborowa 33, Warszawa.
- If you are detained the application should be submitted through the officer of the border guard division covering the territory where the detention centre is located.

Waiting for decision

Until the decision is made, you are obliged to stay on the territory of Poland. In case the decision is positive – right for asylum (or other permit) is given file:///C:/Users/User/Downloads/Long_Brochure_Poland.pdf

In the Republic of Poland a foreigner is granted protection by means of:

- being granted the refugee status;
- being granted the subsidiary protection;
- being granted the permit for tolerated stay;
- being given the temporary protection;
- being given the asylum.

<http://info-migrator.pl/us-2-the-legalization-of-stay-10-refugee-status-and-subsidiary-protection.htm>

Duration of procedure

Under the law the decision-making process in the first instance proceedings should last 6 months (if the application is manifestly unfounded – 30 days). In practice, the regular proceedings usually take longer (even more than one year), but may as well take a few months – it depends on the particular case and the number of applications at the time. If the decision is not issued within the 6 months period, you can apply to the Head of the Office for Foreigners for the document, on the basis of which you can work legally in Poland for the defined period of time.

Initial reception

Asylum-seekers stay in one of the open centres for foreigners, of which 11 are currently operating (4 are run by the Office for Foreigners and the other 7 by third parties, selected on the basis of open tender procedures – public procurement) or get funds for financing their stay on the Polish territory - in this case, a foreigner receives financial assistance to cover his/her everyday expenses (accommodation and meals) http://programy.hfhr.pl/uchodzcy/files/2012/10/no1_PL_eBook_.pdf

Access to the labour market

Six months after the refugee status application is lodged by the foreigner and no decision is issued, applicant is entitled to take employment without any work permit and is entitled to register in the labour office provided he or she possesses a document issued by Chief of Office for Foreigners on the application of foreigner stating that the above situation is due to the factors that do not hinge upon an applicant. It is valid until the final decision on granting or refusing the refugee status is issued. The above mentioned document has to be accompanied by the valid temporary certificate of foreigner's identity.

SWEDEN

Plus and minus in Swedish asylum policy

Sweden is a country of immigration since 1950s, with around 15% of the population foreign-born and 75,000-100,000 newcomers every year. Despite the fact that Sweden is rated number 1 out of 38 countries in the Migrant Integration Policy Index 2015 (www.mipex.eu/sweden), we can see some problems loom. We expect that more than 100 000 people will come to Sweden in 2015 and apply for asylum, and this is many more than usual. This will require great efforts by the municipalities in providing acceptable accommodation, health care and education. With so many applying for asylum there is also a lack of good and authorized interpreters. The large number of people seeking asylum means that Migration Agency's waiting times for the asylum investigation has increased.

When it comes to the possibility to study as an asylum seeker there are big differences between minors and adults. Children, all persons under the age of 18 are considered children, have the right to go to school, and the municipality where they live is obligated to provide schooling for them on the same terms as other children and youngsters who live there. This applies to preschool, elementary school and high school. A youngster who has begun his or her high school education before the age of 18 has the right to finish high school. In reality some municipalities have problems finding qualified teachers who can teach Swedish as a second language.

Asylum seekers have access to the labour market. In order to have the right to work while you are an asylum seeker, you must have received a certificate of exemption from the obligation to hold a work permit (AT-UND). You are exempt from the work permit requirement if you meet the following criteria:

- You help with clarifying your identity.

- Your case is to be considered in Sweden.
- Your application is well-founded. You are not allowed to work if you have received a Refusal of Entry with Immediate Effect.

Asylum seeking adults do not have the right to take part in any kind of formal education. In many of the Migration Agency's accommodation centers, NGO's and other local organizations, provide Swedish training and activities in order to help the asylum seekers learn the language and get some knowledge about Sweden. Once they have their permit to stay they have to take part in the establishment process which for most includes language studies. During the first 2 years a financial support will be given from the government for these studies. After two years everyone can continue to study but have to support themselves financially through a grant or special study loan.

We can see a need for more practical education and less theoretical. Most refugees arriving to Sweden have worked before and have difficulties learning the language in a classroom. Different methods of teaching are needed. It takes too long to get through the ordinary Swedish school system and become self-sufficient.

Even if the majority (85%) thinks that immigrants should benefit from the same rights as citizens, there is a growing dissatisfaction with migration policy. The far-right Swedish Democrats now have the support of 15% of the Swedish voters. It is a challenge and a balancing act for the government and the civic society to handle this situation in a way not increasing xenophobic political movements.