



# **THE IMPACT OF INTEGRATION POLICIES ON THE LIVES OF NEWCOMERS**

**SHADOW REPORTS FROM REFUGEE AND  
MIGRANT ADVOCATES**

**MEMBERS OF THE STEERING COMMITTEES CROATIA, GREECE,  
MALTA, THE NETHERLANDS**

**OCTOBER 2023**

# NOTES

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This compilation of reports, as well as related research, are part of the project Thinking of integration process as a two-way inclusion (2inclNG), funded by the European Union Asylum, Migration and Integration Fund (AMIF). The content of this report represents the views of the authors and is their sole responsibility. The European Commission accepts no responsibility for the use of the information contained therein.

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# SUMMARY

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The “2incING - Thinking of the integration process as a two-way inclusion” project aims to promote and support refugee and migrant participation in the design and implementation of integration and related policies at the local, regional, national, and European levels. The approach of the project is based on the creation of knowledge based on experience. The project produced many valuable outputs such as an interactive map of refugee and migrant advocates, and the shadow report toolkit alongside this compilation of shadow reports. Furthermore, several workshops, lectures, training sessions, and conferences have been organized to foster a constructive and meaningful dialogue between refugees, migrants, and policymakers.

Within the framework of this project, Steering Committees that consist of refugee and migrant advocates created four national shadow reports in Croatia, Malta, Greece, and the Netherlands, based on the data collected from the ground, with the objective of advocating for more inclusive integration policies for refugees and migrants in their respective countries and in the EU. The reports are written both in national languages and in English.

The reports are solely the productions of the Steering Committees, the themes of each report were decided by the steering committee based on their assessments from the ground, and their available resources. Additionally, the project partners and steering committees convened policy meetings to present these national shadow reports and engage in in-depth discussions regarding the active inclusion of refugees and migrants in the decision-making processes related to integration policies.

The compilation report offers a comprehensive overview of four country reports, each presented in alphabetical order for easy reference.

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**CENTAR  
ZA MIROVNE  
STUDIJE**

# Croatia

**Country Shadow Report**

The report was written by the Steering Committee, Croatia

May 2023



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## NOTES

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The project is co-financed by the Croatian Government Office for Cooperation with NGOs. The views expressed in this report are the sole responsibility of the Center for Peace Studies and do not necessarily reflect the position of the Croatian Government Office for Cooperation with NGOs.

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## SUMMARY

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Within the framework of the project *Thinking of integration process as a two-way inclusion (2incING)*, the Centre for Peace Studies encouraged the establishment of a Steering Committee, which was established by two employees of the Centre for Peace Studies and eight members with different legal statuses in Croatia - refugees, foreign students, foreign workers - who all worked in this process as our colleagues, sharing their experience and knowledge in the field of integration. As part of the work of the Steering Committee, the implementation of integration measures was analysed from the perspective of the persons to whom the integration measures apply, and this Shadow Report is the result of the aforementioned analyses.

The shadow report consists of 8 (eight) short papers in which the implementation of integration measures is placed in the context of personal experiences or testimonies of refugees and migrants, in accordance with the methodology contained in the Shadow Report Toolkit, created by the European Council on Refugees and Exiles. Each paper is followed by a list of recommendations aimed at public authorities, which were prepared with the help of employees of the Centre for Peace Studies.

The papers were originally written in English or Croatian by the persons designated as their authors, while the role of the Centre for Peace Studies was to intervene in the text of the paper as little as possible and with the consent of the authors. In that way, we wanted to create a report that would, in an original and authentic way, convey the thoughts, criticisms and recommendations of the people concerned by the integration measures. As the key part of this Shadow Report, the papers thus represent real human stories and reflect problems in the system and in the measures that are implemented or not, or that are missing for integration to be truly successful.

This is the first Shadow Report in the context of Croatian integration policy and practice written by the very people directly concerned by the integration measures. One of the goals of this report is to encourage the inclusion of persons affected by public integration and migration policies in the processes of their development and improvement as much as possible. We hope there will be more such and similar reports.



## RECOMMENDATIONS

Considering the number of topics covered in this report, the recommendations refer to a wide range of areas related to integration and integration policies and measures. The most important recommendations are listed below. However, to understand each of them, it is necessary to read the papers contained in the following chapter.

### *Immigration Policy*

1. Create and adopt the Immigration Policy in accordance with the article 246. of the Foreigner's Act (OG 133/20, 114/22, 151/22) which must define: (i.) clear and precise conditions under which the issuance of a visa can be refused; (ii.) procedure on the basis of which people from Nigeria, DR Congo, as well as other African countries and Asian countries can legally enter and stay in Croatia; and (iii.) obligation to regularly review reasons and justifications of visa refusals to citizens of African and Asian countries.

### *Promoting public awareness of racism and discrimination against foreigners from Africa and Asia*

2. Plan and provide greater financial and other types of support towards focused approach on awareness raising and informational campaigns on racism and discrimination towards foreigners coming from Africa and Asia, racism reporting mechanisms and presence of forums to discuss the issues faced by foreigners in Croatia.

### *Informing and supporting third-country nationals in fulfilling bureaucratic requirements*

3. It is essential to provide third-country citizens with adequate information and support. This can be achieved by setting up information centres with multilingual staff to assist non-Croatian speakers in completing the necessary paperwork. Additionally, the Croatian government can simplify the process by providing more online services and making official documents available in multiple languages.

### *Support system for refugees with minor children*

4. Public authorities must establish a system of material aid and support for persons under international protection who have minor children, and especially for single parents, within which material aid and support would be provided for persons who cannot, without jeopardizing their own existence, provide school textbooks, accessories and equipment, excursions and other extracurricular activities for their children, as well as other things necessary for the harmonious development appropriate to the age of the child.

### *Removal of discriminatory regulations*

5. Amend all laws and regulations that unjustifiably discriminate persons under international protection on the basis of their citizenship, especially public tenders for scholarships or other financial aid, as well as public tenders for employment.

### *Provide Croatian language course for foreigners*

6. The state must provide Croatian language courses for foreigners that will be held regularly, that are in accordance with the needs of the refugees and that allow to acquire adequate knowledge of the Croatian language.

### *Access to employment in public services*

7. Civil Servants Act and any other law regulating access to employment in public services should be amended in such a way to allow foreigners under international and temporary protection, as well as any other foreigner with a regulated stay in Croatia to be admitted in Croatian public services.

### *Costs of translation and the procedure for recognition and evaluation of foreign qualifications*

8. Public authorities or relevant professional/expert organizations should cover the costs of translation and nostrification (or recognition and evaluation) process, as well as any other cost that needs to be

incurred for a person under international protection to access labour market in accordance with their qualifications.

#### *Strengthening the capacity of universities in providing programs in foreign languages*

9. Universities should promote linguistic diversity by (i.) Establish partnerships and collaborations with renowned international universities and educational institutions that offer English-taught courses. Not only limited to Universities in the EU but expanding it to different continents. Participate in combined academic programs, faculty exchanges, and curriculum development initiatives. (ii.) Faculty Training and Development: Provide faculty members with training programs and materials that will enable them to effectively teach their topics in English. Assist faculty in the creation of English-language instructional materials and the adaptation of current courses for English instruction. (iii.) Language Assistance and Resources: Create language support centres for language exchange for students to help each other. Whilst local students enhance their English language skills, international students get to learn a foreign language; Croatian. This includes free language courses, tutoring, conversation practice sessions, and access to language learning tools.

#### *Establishment and adaptation of information materials and other procedures within the university for people who do not speak the Croatian language*

10. Develop comprehensive guidelines and tools that provide clear information on the enrolment process, admission requirements, and required documentation for third-world nationals. Universities in Croatia should take special consideration of the students who are not familiar with the Croatian system of education and who do not know the Croatian language when designing and implementing integration measures and especially faculty orientation activities.

#### *Establishment of measures for the student standard of third-country nationals*

11. Foreign students that are third-country nationals should have the same level of students' benefits as students who are Croatian citizens in terms of subsidized students' dormitories and students' meals.
12. Student's rights should be guaranteed not only to the enrolled students but to the student candidates who are taking language courses in order to enrol to the faculty as well.

#### *Facilitate the process of obtaining a long-term residence permit after continuous studies in Croatia*

13. Third-country nationals that came to Croatia to study should be allowed to apply for long-term residence upon having an approved temporary stay in the Republic of Croatia for an uninterrupted period of five years. The number of years to acquire long-term residency should not be any different between third-country nationals that came to study and third-country nationals that came to work, for family reunification or other purposes.

#### *Simplification of patient registration with family doctors*

14. It is essential that family doctors have an easy way to register their patients, especially patients under international or temporary protection, into the system quickly and accurately.

#### *Systematic support to mental health of refugees*

15. Providing systematic support to all refugees who need it during the process of obtaining protection and after – by securing institutional provision of services of mental health experts, particularly those who focus on trauma, together with the trained translators.

# SHADOW REPORT ON THE IMPLEMENTATION OF INTEGRATION MEASURES IN CROATIA

## 1. INTRODUCTION

The beginnings of systematic measures for the integration of migrants into Croatian society can be found in the Asylum Act from 2003, which guaranteed certain rights to asylum seekers and their family members and which determined that *“the Republic of Croatia, within its capabilities, ensures the conditions for inclusion of asylum seekers in cultural, economic and social life. 1”*

Today, integration measures are no longer considered only within the framework of the asylum system, but are designed and implemented in the context of modern migrations, entailing a wider circle of stakeholders than those covered exclusively by the system of international protection. For example, in May 2023, the City of Zagreb adopted the Action Plan for the Implementation of the Charter of Integrating Cities for 2023 and 2024<sup>2</sup>, which includes persons under international and temporary protection, seekers of international protection, foreign workers, persons on the move, and others foreigners who have arranged their stay in Croatia in some other way. Nevertheless, we still need to work on systematically recognizing the necessity of including different migrant groups in strategic documents and public policies dealing with the topics of migration to Croatia and integration procedures.

Additionally, integration today implies the inclusion of people to whom it refers, not only during implementation and evaluation of integration measures, but also during their creation and development.

That is why the Centre for Peace Studies, within the framework of the project *Thinking of integration process as a two-way inclusion (2incING)*<sup>3</sup>, encouraged the establishment of the Steering Committee, which was established in 2023 by eight members who are refugees, foreign students, foreign workers and other migrants engaged in advocacy and by two employees of the Centre for Peace Studies. As part of the work of the Coordination Committee, the implementation of integration measures was analysed from the perspective of the persons to whom the integration measures apply, and this Shadow Report is the result of the aforementioned analyses.

The Shadow Report was preceded by the first National Conference on the Promotion of the Rights of Migrants and Refugees in Croatia, which was designed, implemented, and led by migrant and refugee activists, human rights advocates, and integration experts.<sup>4</sup> Many of the topics shaped at the conference found their place in this report. The Shadow Report consists of 8 (eight) short papers in which the implementation of integration measures is placed in the context of personal experiences or testimonies of refugees and migrants, in accordance with the methodology contained in the Shadow Report Toolkit, created by the European Council on Refugees and Exiles. Each paper is followed by a list of recommendations aimed at public authorities, which were prepared with the help of employees of the Centre for Peace Studies.

The papers were originally written in English or Croatian by the persons designated as their authors, while the role of the Centre for Peace Studies was to intervene in the text of the paper as little as possible and with the consent of the authors. In that way, we wanted to create a report that would, in an original and authentic way, convey the thoughts, criticisms and recommendations of the people concerned by the integration measures. As the key part of this Shadow Report, the papers thus represent real human stories and reflect problems in the system and in the measures that are implemented or not, or that are missing for integration to be truly successful.

This is the first Shadow Report in the context of Croatian integration policy and practice written by the very people directly concerned by the integration measures. One of the goals of this report is to encourage the inclusion of persons affected by public integration and migration policies in the processes of their development and improvement as much as possible. We hope there will be more such and similar reports.

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1. Asylum Act (OG 103/2003)

2. City of Zagreb, Action Plan for the Implementation of the Charter of Integrating Cities for 2023 and 2024, Official Herald of City of Zagreb 17/2023

3. More about the project itself can be found here: <https://www.cms.hr/hr/aktivnosti-na-projektu/promisljanje-procesa-integracije-kaodvosmjernog-ukljucivanja-2incing>

4. More about the conference can be found here: <https://www.cms.hr/hr/azil-i-integracijske-politike/odrzana-prva-konferencija-za-zagovaranje-prava-organizirana-od-strane-izbjeglikih-i-migrantskih-aktivista>

## 2. PATH TO CROATIA: DIPLOMATIC RELATIONS AND THE POSITION OF FOREIGNERS ABROAD AND IN CROATIA

Written by Oladayo Hamidat Hassan

### 2.1. INTRODUCTION

The Republic of Croatia has been a member of the European Union for the past ten years, marking a significant milestone in its diplomatic relations. Furthermore, the country recently joined both the Schengen Area and the euro zone at the start of this year. However, despite the country's efforts to integrate and include foreign nationals, many still face significant obstacles. This report will explore some of the economic and cultural factors that impede the integration and inclusion process, as well as potential solutions. Croatia badly needs a foreign workforce and demographic revitalization. It is a beautiful, peaceful, and safe country that offers diversity and comfort to most of its citizens. How come then that foreigners, especially third-country nationals, find it so challenging to live permanently or even to settle in temporarily? Many economic and cultural reasons impede and often prevent the integration and inclusion process, but we will focus here on those that might be significantly improved by the government's affirmative actions and policies.

### 2.2. AREA OF CONCERN

#### *A lack of embassies and bilateral agreements*

The first, seemingly insurmountable barrier for a person trying to enter and settle in Croatia by emigrating from one of the countries of the African continent, for example, is an appallingly **inadequate ambassadorial representation and grossly deficient bilateral agreements**.<sup>5</sup> Croatia simply must timely acknowledge these disregarded issues and turn them into great political and economic advantages.

It is truly shocking how, despite being an integral, or rather a founding member of the Non-Aligned Movement as a part of former Yugoslavia, receiving thousands of foreign students<sup>6</sup> from the late 1960s to mid-1980s<sup>7</sup> and hosting hundreds of millions of global tourists for decades, modern-day Croatia still did not recognize its interest in increasing multiculturalism and mutual trade. Croatia is a country of some 56,000 square kilometres with a bit more than 3.8 million people and somehow it is neglecting a large part of the Asian market (44.6 million square kilometres with almost five billion people), as well as virtually overlooking almost the entire African market (30.3 million square kilometres with almost 1,5 billion people). One cannot but wonder how is that reasonable for the overall country's export. These vast numbers offer tremendous opportunities for the whole of Croatian society, so they should be approached methodically and analytically to find the best possible approach to accessing these developing or already advanced markets.

Why even dwell on this seemingly disconnected topic when it comes to migration issues? Well, mostly because the prejudices and unawareness of the potential that inhabitants of these two huge continents might bring in terms of economy, science, education, and culture are still prevailing in the minds of the policymakers and government officials, as well as in the minds of average Croatian citizens. The whole faulty collective premise needs to shift from "*they are arriving in our country because it is much worse in theirs*" to "*we will all gladly profit from awarding diversity, fresh knowledge, and international know-how*".

This manner of thinking would not leave Croatia with only 15 embassies (11 in Asia, 4 in Africa) and 16 consulates (7 in Asia, 9 in Africa) within the 103 bicontinental countries in total, according to the irregularly updated website of the Ministry of Foreign and European affairs of the Republic of Croatia.<sup>8</sup> Also, Africans and Asians who have fruitfully found their arduous way to Croatia could ask for help, advice, and support in more than existing 15 embassies (11 Asian, 4 African) and 14 consulates (10 Asian, 4 African) operating with more or less success on the Croatian soil. You can only imagine what kind of obstacles someone from Nigeria (220 million people) or DR Congo (97 million people), for example, wanting to move to Croatia has to face on the very first step, let alone throughout the whole lengthy, tiresome, and costly process.

5. The Ministry of Foreign and European Affairs of the Republic of Croatia. Embassies of foreign countries in the Republic of Croatia. Retrieved 2023, March 14, from <https://mvep.gov.hr/embassies-and-consulates/embassies-of-foreign-countries-in-the-republic-of-croatia/244602>

6. Culture for Solidarity. Retrieved 2023, March 15, <https://cultureforsolidarity.eu/tag/foreign-students-in-yugoslavia>

7. More about the impact of the foreign students in Croatia can be found here: <https://www.bilten.org/?p=41718>

8. The Ministry of Foreign and European Affairs of the Republic of Croatia. Embassies of the Republic of Croatia in the world. Retrieved 2023, March 14, from <https://mvep.gov.hr/embassies-and-consulates/embassies-of-the-republic-of-croatia-in-the-world/244601>

Let us now present a short illustration of the issues to exemplify as well as simplify. A Nigerian citizen can come to Croatia only by marriage or if the Federal Government backs them with student grant programs accepted by local Croatian authorities, which in the case of Nigerians happens rarely. If such a person marries a Croatian and decides to move with them in, for instance, Zagreb, the Croatian must first legalize their singlehood and birth certificates and send them exclusively by DHL, otherwise, the future spouse in Nigeria will never actually receive them. The Nigerian has to submit the translated and legalized papers to a local court to get its approval. After several months, if the approval was given, the Croatian has to fly 6,000 km to Nigeria, show up in front of the court, sign several testimonies, and wait for weeks or months to get a wedding date. At this point, it is important to stress that the couple must wed in Nigeria to ever have a chance of being together, as the Nigerian may in no way enter Croatia without it. When the, in every word, spent couple finally marries and legalizes their papers in Nigeria, they must part ways, as the Croatian goes back home, whereas the Nigerian must acquire a visa, which is more often than not rejected, fly 6,500 km to South Africa to the Croatian embassy that covers Nigeria and wait for several months to legalize their papers there as well, before returning to their homeland. After everything is abundantly prepared, various vouching letters of recommendation sent left and right by the Croatian spouse, as well as a substantial amount of money deposited to the Nigerian's bank account as an assurance of decent intentions and the validity of the claim, the Nigerian must acquire a transit visa, which is more often than not rejected, to buy a non-direct Schengen plane ticket, as there are no direct flights from Nigeria to Croatia. In comparison with the "privileged" Nigerian, unfortunate Congolese who find themselves in a similar situation have to fly 8,000 km to another continent, specifically France, to contact the Croatian embassy covering DR Congo, which makes things even more complicated. So here it is: a "simple procedure" of coming to Croatia as an African.

### *Refusal of visas*

In a way, this topic is just a brief continuation of the previous one and it is based on personal experiences of friends and colleagues who were interviewed. Croatian authorities for years nominally had five types of visas<sup>9</sup>, yet in practice mostly approved only one or two, before desperately needing a workforce and eventually entering the Schengen. These visas were labeled Tourist Visa, Business Visa, Work Visa, Student Visa, and Family Visa, respectively. The first two were rejected openly and by default. The second two were approved purely if a third party (an employer or a college) was involved and willing to go to extra trouble in pleading the subject's case at the Ministry of Foreign and European affairs, the Ministry of the Interior, the University of Zagreb or the Croatian Employment Service. The last one was occasionally granted if the overly strict requirements of assurances, including pricy health insurance<sup>10</sup>, considerable money deposits, and extensive letters of recommendation, were provided.

### *Unreasonable requirements for studying in the country*

A catch-22 situation in which a student from Africa could<sup>11</sup> not use the Croatian language Croaticum<sup>11</sup> course as grounds for coming to Croatia to study in Croatian, as only a handful of English programs in the country existed, was only one of the most notorious examples of bias and injustice towards young, go-getting, self-driven and talented people, who were stopped short of following their dreams and ambitions. If by any chance people that were interviewed succeeded in finding an English study programme, they did not have access to scholarships, the right to work, as well as subsidized food and access to accommodation. For people habitually not financially backed by their families, that was usually simply too much. Others, who married young, managed to somehow come to the country, spent tons of money on Croaticum courses, acquired a B2 level of Croatian, and wanted to study Spanish and French in the Faculty of Humanities and Social Sciences in Zagreb, e.g., had to pass unreasonable, complicated and culturally-specific tests of logical reasoning in very advanced Croatian, without which all their pre-knowledge enrolment exams that had been already passed were worth nothing.

### *Unreasonable requirements for staying in the country*

If the roaming Nigerian pilgrim from the first topic miraculously reaches the "sacred Croatian ground", the third stage of the wedding papers legalization<sup>12</sup> begins, with many red tape procedures and registrations in the

9. VisaGuide.World. Croatia Visa: Detailed information about the Croatian visa policy, the required documents, the visa types and the application process. Retrieved 2023, March 15, from <https://visaguide.world/europe/croatia-visa/>

10. The Government of the Republic of Croatia: e-Citizens. Mandatory health insurance. Retrieved 2023, March 14, from <https://gov.hr/en/mandatory-health-insurance/288>

11. Croaticum or "Centre for Croatian as a Second and Foreign Language" is part of the Department of Croatian Language and Literature at the Faculty of Humanities and Social Sciences of the University of Zagreb. More information on courses offered by Croaticum can be found here: [https://croaticum.ffzg.unizg.hr/?page\\_id=4674](https://croaticum.ffzg.unizg.hr/?page_id=4674)

12. The Ministry of Foreign and European Affairs of the Republic of Croatia. Legalizacija isprava. Retrieved 2023, March 14, from <https://mvep.gov.hr/informacije-za-gradjane-244593/konzularne-informacije-22730/legalizacija-isprava/22736>

system. Before our Nigerian subject can get a temporary stay<sup>13</sup> as a spouse of a Croatian citizen, they have to report to the Ministry of the Interior, wait for impromptu police check-ups at their new place of residence, acquire an identification number from the Tax Administration, register in the National Register, pay all at once mandatory health insurance for the entire previous year because of non-existent bilateral health insurance agreements, pay for the first month of the current health insurance and yet again submit all this to the Ministry of the Interior for acquiring a one-year temporary stay. Simple enough, is it not?

*Job and housing difficulties, prejudices, exploitation, xenophobia, and racism...*

The final topic covers cultural differences and collective prejudices towards everyone who does not come from the most developed countries, or at least from those that are more economically advanced than Croatia. It is extremely difficult to explain xenophobia and racism to people who self-righteously reason that they cannot be considered as such under any circumstances, as much as their fellow neighbors, acquaintances, friends, and families. It is even more difficult to explain these issues to people who seem to think that these backward traits are reserved solely for the nations of the former colonial powers and they cannot possibly be contributed to countries such as Croatia.

It is tremendously difficult to answer the same silly questions of not having wild animals running around buildings in our native countries, of us surprisingly having schools, factories, electricity, mobile phones, and the internet, of us being ever so grateful for coming to the country that is not the best, but it is positively much better than our home countries, etc. It is very annoying when cab drivers repeat how they “met one of yours from Cuba”, although you have not been to Cuba ever in your life, and very frustrating when total strangers all of a sudden start touching your face or grabbing your hair without any warning because they think that is cute and sociable.

It is extremely discouraging to come for a job interview and find out that they called you without any intention of giving you the job, but rather only to see you in person as you were found exotic or to self-consciously explain that they too speak English and probably better than you. It is saddening and humiliating to be paid less than the locals, blackmailed, and overworked. It is utterly depressing when at least 50 percent of landlords immediately hang up on you upon hearing that you do not speak fluent Croatian, and 95 of those who do not do that from the get-go hang up upon hearing that you are not a foreigner from the UK, the US or Germany, but rather from the Gambia, Cameroon or Ivory Coast.

It is poignant to be called a monkey and sexually harassed while riding a tram, walking the streets, or simply buying groceries just because you are judged as repulsive or appealing, depending on the preferences.

However, the worst feeling of all is when you try to explain all this to your Croatian friends and they are blissfully ignorant about it, incredulous and eager to persuade you how you must have understood it wrong, how nobody in the country is racist except a few idiots, and how people are just trying to be friendly and nothing more.

## 2.3. RECOMMENDATIONS

- » Creation and adoption of the policy on improving the level of accessibility of Croatia for foreigners which would include strategic measures to increase the number of Croatian embassies on the territory of Asia and Africa, as well as to increase Croatia's presence in foreign countries via conclusion of bilateral and multilateral treaties which would allow foreigners to approach near-by embassies of other countries to conduct Croatian visa and migration related activities.
- » Creation and adoption of the Immigration Policy in accordance with article 246. of the Foreigner's Act (OG 133/20, 114/22, 151/22)<sup>14</sup> which must define: (i.) clear and precise conditions under which the issuance of a visa can be refused; (ii.) procedure on the basis of which people from African and Asian countries can legally enter and stay in Croatia; and (iii.) obligation to regularly review reasons and justifications why visas are refused to citizens of African and Asian countries.
- » Planning and providing greater financial and other types of support towards focused approach on awareness raising and informational campaigns on racism and discrimination towards foreigners coming from Africa, racism reporting mechanisms and presence of spaces to discuss the issues faced by foreigners in Croatia.

13. The Ministry of Foreign and European Affairs of the Republic of Croatia. Granting Stay in Croatia. Retrieved 2023, March 14, from <https://mvep.gov.hr/services-for-citizens/consular-information-22802/stay-of-foreigners/granting-stay-in-croatia/22839>

14. Unofficial English version of the Foreigner's Act can be found here: [http://digarhiv.gov.hr/arkhiva/32/223454/mup.gov.hr/UserDocsImages/zakoni/ALIENS%20ACT%20\(Official%20Gazette%20No%20133\\_2020\).pdf](http://digarhiv.gov.hr/arkhiva/32/223454/mup.gov.hr/UserDocsImages/zakoni/ALIENS%20ACT%20(Official%20Gazette%20No%20133_2020).pdf)

## 3. CHALLENGES OF THIRD-COUNTRY NATIONALS IN REGULATING THEIR STAY IN CROATIA AND THE IMPACT ON THEIR POSITION

Written by Mohammad Shafi Rassa

### 3.1. INTRODUCTION

Croatia has been a popular destination for migrants and tourists from third countries who are seeking employment opportunities and a better life. With its picturesque landscapes, moderate weather, and rich culture, Croatia is a desirable location for residency and work. However, regulating stay in Croatia can be a complex and time-consuming process, leading to numerous challenges for these citizens. These challenges not only affect third-country citizens but also have an impact on the Croatian economy since migrants and tourists contribute significantly to the country's economy. Therefore, this report aims to provide an overview of the issues faced by third-country citizens in Croatia and suggest possible solutions to address these challenges.

### 3.2. AREA OF CONCERN

#### *The lack of accessible information*

One of the primary challenges faced by third-country citizens in Croatia is the lack of accessible information available to them. The procedures and requirements for obtaining residence permits, work permits, and other necessary documents are often unknown to them. As a result, they experience delays in processing their applications, leading to a prolonged stay in Croatia without proper documentation which I experienced from first hand in my first period of volunteering in Croatia where neither I nor my supervisor knew about the timing of application for extension of my residence permit which caused a needless return to the origin country and waiting 3 months for a new residency and visa to enter back to the country. Hence, it is essential to provide citizens with adequate information and support to make the process smoother.

#### *Language barrier*

Another challenge faced by third-country citizens is the language barrier. The majority of official documents and forms are only in Croatian, making it hard for non-Croatian speakers to comprehend and complete the necessary paperwork. The Croatian government can overcome this challenge by making official documents available in multiple languages.

#### *Bureaucratic hurdles*

Apart from these challenges, third-country citizens also face bureaucratic hurdles. Obtaining the necessary permits and documents can be a complicated process with many requirements to meet. This can be overwhelming, especially for those who are not familiar with the Croatian legal system.

For instance, for many administrative procedures a birth certificate is required to be not older than 3 or 6 months. This is required for getting married, permanent residency or optioning for Croatian citizenship, which can be challenging for number of reasons: some may not have embassies of their country of origin within Croatia, some have political restrictions to fly back to their home country, and it is a financial concern as well. Therefore, providing legal and financial support to third-country citizens can help them meet the requirements for obtaining the necessary permits and documents.

High skilled third-country citizens and volunteers who got their education and experience outside Croatia and who want to find a job and settle in the country face the bureaucratic hurdles of employment in Croatia. Current laws of Croatia don't let employers hire third-country citizens and volunteers as easily as European citizens. As an Afghan national I myself volunteered in Croatia for more than a year but with all the effort I put in to integrate and find a job I failed to find one in accordance with my qualifications, which is now pushing me to move to a different country like Germany or England, that have much more relaxed laws than in Croatia. For example, in Germany you can get a visa allowing you to enter and stay for 6 months to find a proper job with your qualifications, while in England after a year of Master's degree you can get a work permit allowing you to

stay for 2 years in the country which enables a possibility for you to stay and settle in the country for good. If Croatia wants to be a welcoming country for high skilled foreigners and fill the gap of job deficit in the labor market it needs to improve the law for foreign workers and implement them in the system.

### *Impact on the Position of Third Country Citizens*

The challenges faced by third-country citizens in regulating their stay in Croatia have a considerable impact on their position. Without proper documentation, they cannot access essential services such as healthcare, education, and social security. Moreover, these citizens are often exploited by employers who take advantage of their vulnerable position, paying them low wages and providing poor working conditions. Hence, it is crucial to ensure that these citizens can regulate their stay in Croatia without facing unnecessary challenges.

Furthermore, lack of transparency and mistrust within society can lead to social exclusion and marginalization of citizens of third countries. This can make it difficult for them to integrate into Croatian society and have a negative impact on their mental health. The stress, anxiety, and depression caused by the lengthy application process, administrative burden, and social exclusion can be detrimental to their overall well-being.

Additionally, the challenges faced by third-country citizens in Croatia have a negative impact on the country's economy. Migrants and tourists contribute significantly to the country's economy, and without them, the economy would suffer. Hence, it is in the best interest of the country to ensure that these citizens can regulate their stay in Croatia without facing unnecessary challenges.

## **3.3. RECOMMENDATIONS**

- **Language barrier and bureaucratic hurdles:** It is essential to provide third-country citizens with adequate information and support. This can be achieved by setting up information centers with multilingual staff to assist non-Croatian speakers in completing the necessary paperwork. Additionally, the Croatian government can simplify the process by providing more online services and making official documents available in multiple languages. They can also provide legal and financial support to third-country citizens to help them meet the requirements for obtaining the necessary permits and documents.
- **Raising awareness:** The Croatian government should increase awareness among third-country citizens regarding their rights and responsibilities in the country. This can be done through conducting awareness campaigns and providing information through various media channels.
- **Promoting integration:** The Croatian government must support third-country citizens' integration into Croatian society. This can be achieved by providing language classes, cultural programs, and other social activities that can help them to feel more connected to the country. The more they feel integrated, the more they can contribute to society.
- **Monitoring and evaluation:** The Croatian government must regularly monitor and evaluate the effectiveness of the proposed solutions. This will allow the identification of areas requiring improvement and ensure that the solutions achieve the intended results. It's all about continuously improving and ensuring that the right things are done.
- **Cooperating with the EU:** As a member of the European Union, Croatia can benefit from the EU's policies and programs aimed at supporting third-country citizens. Therefore, it's crucial to reinforce cooperation with the EU in this regard. By doing so, Croatia can learn from the best practices and implement them to create a better environment for third-country citizens.



## 4. STARTING LIFE OVER IN CROATIA: ACCESS TO EDUCATION FOR REFUGEE CHILDREN THROUGH THE EYES OF PARENTS<sup>15</sup>

Written by Safaa Salem

### 4.1. INTRODUCTION

All people want to live in safe places where they can meet their basic needs such as food, shelter, safety, and education. As a refugee from Syria and a single mother of three sons, I would like to warn about the shortcomings and obstacles that I have encountered in my six and a half years in the Republic of Croatia.

### 4.2. AREA OF CONCERN

#### *Psychological and material support*

When I came to Croatia six and a half years ago, I needed psychological and material support, both for myself and for my children who were minors when we left Syria, which was affected by the horrors of war and offered no conditions for education and a normal life. When children start school, they need school supplies and other things for school, which requires financial expenses, and in addition to the necessities of life, this is a significant burden for parents, especially for a single mother with three children.

#### *Enrolment and preparation of children*

Enrolling children in school was one of the first obstacles I faced. I could not enrol the children in schools on the grounds that the children did not speak the Croatian language, and I have managed to do so only after the intervention of the Ministry of Science and Education, which took place at the request of my brother. There should be some sort of preparation of children (under international protection) for enrolment in secondary school. This preparation should include: 1) an intensive language course starting from “scratch”. 2) a mentor to guide them in everything they do not understand and to socialize with them, which would help them learn the language better and faster. 3) organisation of many events for socializing with the Croatian people. Such preparation should be ensured by the Government of the Republic of Croatia with the help of civil society organizations. If these things had been available then, my son would have started school happy and mentally relaxed.

#### *Language learning*

After a year, my eldest son decided to change his school from gymnasium to Health School. However, this was not possible and we were rejected on the grounds that the class was full and his grades were insufficient. He finished the first class with a grade of good, while a very good grade was required for admission. This all points to the next problem, which is language.

There was no free and compulsory<sup>16</sup> language course for refugees. I think that Croatian language courses should exist, because my son would have better results. Learning the language was not easy for them, and I could not help them with the language, I could only provide moral support. We were not good at English back then.

In the end, my children mostly learned the Croatian language through socializing with students and volunteers, and only secondarily with the help of learning the language in schools and using the language in the community. The organization JRS (*Jesuit Refugee Service*) found us volunteers who came to our home and helped the children. I learned the Croatian language with the help of my brother and his family and due to my employment in the association Živi atelje DK.

My brother paid the amount of 700 euros for my Croatian language course at the Faculty of Humanities and

15. The text was originally written in Croatian.

16. Article 74, paragraph 1 of the Law on International and Temporary Protection (OG 70/15, 127/17, 33/23) stipulates the obligation to attend a course in Croatian language, history and culture in order to integrate persons under international protection into Croatian society. However, the mentioned courses are not implemented.

Social sciences<sup>17</sup>. As for the course I have completed at the Faculty of Humanities and Social sciences, the course was excellent, we always had assignments and exams. The course was difficult - everything was difficult at the beginning, but with my effort and determination to succeed, and with the help of my brother's family, I managed to finish with a very good grade and received an A2+ certificate.

#### *Access to scholarships for people without Croatian citizenship*

The youngest son enrolled in high school for auto electrician. Since it was a profession in demand, one could obtain a scholarship. I submitted a request for "Scholarships for students in craft professions" to the Ministry of Economy, Entrepreneurship and Crafts, as did his other friends. The scholarship amounted to HRK 9,000.00 per year, but my request was rejected<sup>18</sup> given that my son does not have the citizenship of the Republic of Croatia. Namely, pursuant to point 5 of the Conditions for applying for this scholarship, it is prescribed that only eligible applicants are citizens of the Republic of Croatia residing in the territory of the Republic of Croatia.

It had a negative effect on my son, he felt it was racist because he couldn't achieve it like all his friends who achieved it.

#### *Employment in an inclusive working community*

After a long search, I found a job in the association Živi atelje, where I work as an assistant and I feel happy. Živi atelje is a humanitarian, non-profit organization that helps women to overcome the problems and difficulties they face in their lives more easily. I feel useful at work because I help women who encounter the same problems that I have encountered when I first came to the Republic of Croatia.

The association organizes get-togethers, parties, and discussions about problems and their potential solutions. It is a place where a woman feels welcome regardless of language, culture, and religion. We have workshops where everyone does something they like (painting, working with clay - making various clay objects, handicrafts, glass workshops) and interactive gong fu tea, and finally we organize exhibitions and sales of objects made of glass, clay, and other handicrafts.

It would be good if there were more such organizations that would help women to integrate into the society they live as quickly and good as possible, and to feel useful.

Unfortunately, state institutions that should help refugees overcome their problems as quickly and good as possible do not have time nor the will, so refugees must manage on their own or with the help of humanitarian organizations.

### **4.3. RECOMMENDATIONS**

- » Public authorities must establish a system of material aid and support for persons under international protection who have minor children, and especially for single parents, within which material aid and support would be provided for persons who cannot, without jeopardizing their own existence, provide school textbooks, accessories and equipment, excursions and other extracurricular activities for their children, as well as other things necessary for the harmonious development appropriate to the age of the child.
- » It is necessary to amend all laws and regulations that unjustifiably discriminate persons under international protection on the basis of their citizenship, especially public tenders for scholarships or other financial aid, as well as public tenders for employment.
- » The state must provide Croatian language courses for foreigners that will be held regularly, that are in accordance with the needs of the refugees and that allow to acquire adequate knowledge of the Croatian language.

17. Croaticum or "Centre for Croatian as a Second and Foreign Language" is part of the Department of Croatian Language and Literature at the Faculty of Humanities and Social Sciences of the University of Zagreb. More information on courses offered by Croaticum can be found here: [https://croaticum.ffzg.unizg.hr/?page\\_id=4674](https://croaticum.ffzg.unizg.hr/?page_id=4674)

18. See Annex 1.

## 5. ACCESS TO THE LABOUR MARKET FOR PERSONS UNDER INTERNATIONAL PROTECTION

Written by Nawar Ghanim Murad

### 5.1. INTRODUCTION

Although persons under international protection and foreigners under temporary protection can work in Croatia without residence and work permit or work registration certificate, that is very difficult to achieve in practice for many reasons.

This part of the research on the integration of beneficiaries of international protection in the Croatian labour market and (un)employment issues was partly conducted through interviews with persons granted international or subsidiary protection in the Republic of Croatia. Namely, we have looked at the Croatian labour laws and asked our subjects to comment on them, why and where these laws are problematic in relation to their cases and what changes would make these laws more functional, and the research has been completed with consultation of articles and statistics that are relevant to the issue of (un)employment and the labour market.

We conducted the interviews with four people under international or subsidiary protection. The interviews were not recorded, as the interviewees stated that any possible identification of their identity could have a negative impact on their private lives and the lives of their family members in the Republic of Croatia. They also stated that they did not trust any kind of technology to be secure. As a result, the questions were asked verbally, while the answers were written down by the interviewers as notes while the respondents were speaking.

### 5.2. AREA OF CONCERN

Employment is one of the most complicated issues concerning the life of foreigners in general and the life of persons under international protection or subsidiary protection in particular. Once employment is mentioned, it is difficult to talk about it without including integration, social welfare, health care, housing, language learning needs, a sense of belonging to the place where they live and, in a few cases, problems of discrimination. Employment is closely related to all of the above issues. Therefore, this part of the research may touch on these issues, although our main topic is employment and access to the Croatian labour market.

Finding work for people under international protection can be fraught with obstacles. We are all aware that economic independence is first and foremost a good start for integration, which is an objective of every host country. According to the statistics of the Croatian Employment Service for years 2018, 2019 and 2020<sup>19</sup> the average number of registered women and men is as little as two digits each. Another fact is that Croatia lacks at least a five-digit number of employees to meet the basic needs of the country. On the website of the Croatian Employment Service, there is a list of "[The most sought-after occupations for which a positive opinion has been issued with information on the average gross salary per occupation](#)" and after checking the figures we found that each occupation is a three-digit number and there are 18 fields. This could somehow give the impression that it's not a complicated task to include people under international protection. However, there are many obstacles and they fall into two different categories: (i.) general issues for all registered in the Croatian employment system, and (ii.) specific issues for beneficiaries of international protection.

#### *General issues for all registered in the Croatian employment system*

One of the critical problems, among the general issues for all in the employment system, is the high number of unemployed people in Croatia. According to the Croatian Employment Service on 10 March 2023, there were [115.198](#) people registered as unemployed or according to the [Croatian Bureau of Statistics that is 7.2%](#) of the total population of Croatia.

Another more modern problem, which has arisen just after the COVID-19 pandemic, the earthquake in Zagreb and Sisak, the Russian-Ukrainian war and the currency change from the Croatian kuna to the euro, is the rapid increase in the prices of basic goods and almost everything else, i.e. inflation rates have been extremely high

19. Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia, Social inclusion of persons granted international protection in the Republic of Croatia, 2022, page 23

in recent months. This basically made it more difficult for anyone (citizen or not) to get a job that would give them some kind of financial independence.

Regarding our third issue, we can point out to the fact that Croatia ranks [5<sup>th</sup> among the EU countries with the lowest minimum wages](#).

Croatia also has a very high rate of VAT in Europe, according to the Trading Economics website which deals with tax indicators across the world, [Croatia shares the second place \(with Sweden, Denmark, and Norway\) as the highest VAT country in Europe i.e.](#) the sales tax in Croatia is 25%. This immediately makes the country very expensive for those of low incomes.

### *Specific issues for beneficiaries of international protection*

In terms of employment issues specific to beneficiaries of international protection the interviews with our respondents revealed a number of issues.

1. Employment in the public service is reserved (almost) exclusively for Croatian citizens.
2. Financing the following actions:
  - a. Requalification documents (such as diplomas);
  - b. Croatian language courses;
  - c. Translation of documents required for any type of employment;
  - d. Paying for the study subjects that are taught differently from the country of origin;
3. Integration program (2 years) basically doesn't include employment programs;
4. Further training in areas that can enrich employment opportunities (German model);
5. Lack of employment counsel who would guide people in their job search according to their knowledge, qualifications and skills.

### *Employment in the public service is reserved exclusively for Croatian citizens*

Access to employment in the Croatian public services is available only for Croatian citizens. In accordance with article 44. of the Croatian Constitution<sup>20</sup> the right to be admitted to public services is guaranteed only for persons with the citizenship of the Republic of Croatia. Although article 48 of the Civil Servants Act<sup>21</sup> anticipates the possibility of employing foreigners or stateless persons in the Croatian public services in case where prior approval of the central state administration body responsible for official relations has been granted, and although, for example, the Croatian Public Health Service is short of staff, public hospitals and other public health institutions do not employ people under international protection, even if they were qualified. Our interviewees suggested that the above-mentioned law should be abolished and that anyone who is qualified for the job should be accepted, regardless of their nationality or citizenship.

### *Lack of the financial support*

Employment means financial stability and it is one of the key aspects of real integration for all categories of foreigners, but one category in particular needs some financial assistance in order to be registered with the employment services: the category of graduated persons under the international protection, or those with diplomas. In fact, these people would have to undertake a recognition and evaluation process of all their documents<sup>22</sup>, a process that costs a fortune and takes a lot of time and effort. However, these people would also need a referent to direct them to the right institutions to get the job done, and most people under some form of protection do not have the financial capacity to pay for the whole process, which can cost thousands of euros in some cases. A solution proposed by the interviewees is that the costs should be covered by the

20. Constitution of the Republic of Croatia (OG 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14), Art. 44. "Every person with the citizenship of the Republic of Croatia has the right, under equal conditions, to participate in the performance of public affairs and to be admitted to public services."

21. Civil Servants Act (OG 92/05, 140/05, 142/06, 77/07, 107/07, 27/08, 34/11, 49/11, 150/11, 34/12, 49/12, 37/13, 38/13, 01/15, 138/15, 61/17, 70/19, 98/19, 141/22), Art. 48.

22. The Agency for Science and Higher Education. Recognition and Assessment of Foreign Educational Qualifications in the Republic of Croatia. Retrieved 2023, March 15, from <https://www.azvo.hr/en/enic-naric-office/recognition-and-assessment-of-foreign-educational-qualifications-in-the-republic-of-croatia>

Croatian Employment Service and/or the associations related to the required field (for example, the Croatian Medical Association).

For this same category of people to enter the labour market and get a decent job, language skills would be considered a high priority, but there are very few (if any) academic institutions accredited by the Ministry of Education that offer supported language courses for work or other purposes. Usually such facilities are not easy to find and certainly cost more than a full month's salary for each level. This issue can challenge the integration process and not only employment.

#### *Lack of employment program during the 2-year integration plan*

During the two-year Croatian integration programme, the main focus is on housing issues and orientation to the institutions and the city in which they live. Some time may also be spent on socializing, which is the first small step towards integration. However, these programmes rarely include other programmes related to vocational training or skills development. The programme does not offer any work-related orientation. One of the solutions to this problem offered by our interviewees is the German integration model, which offers members of this category paid internships in a profession with language lessons (Work and Language Combination). The addition of courses offering certificates in crafts for those who have some kind of interest or hobby can, in principle, speed up the process of employment (e.g. courses in plumbing or electrical installation).

### **5.3. RECOMMENDATIONS**

- » Civil Servants Act and any other law regulating access to employment in public services should be amended in such a way to allow foreigners under international and temporary protection, as well as any other foreigner with a regulated stay in Croatia to be admitted in Croatian public services.
- » Public bodies or relevant professional/expert organizations should cover the costs of translation and nostrification (or recognition and evaluation) process, as well as any other cost that needs to be incurred in order for a person under international protection to access labour market in accordance with their qualifications.
- » Croatian 2-year integration program should include employment program i.e. programmes related to vocational training or skills development.

## 6. STUDYING IN CROATIA - ACCESS TO HIGHER EDUCATION AND TO RIGHTS FROM THE STUDENT STANDARD FOR FOREIGNERS WITH A FOCUS ON PERSONS UNDER INTERNATIONAL PROTECTION

Written by Hüseyin Semih Adigüzel

### 6.1. INTRODUCTION

Croatia has been implementing the European Union regulations and directions into its legal system ever since it joined the European Union. The essentials and the standards for fundamental refugee rights and obligations are mostly being drafted on a European level and the implementation of those rules, which are pre-determined and hard-lined as an obligatory duty of the state according to the conventions and EU acquis but also the Policies to improve the standards in accordance with the state's financial and economic competence. There is no doubt that Croatia, in the process of Europeanisation, has adopted countless regulations and protocols (or "copy-pasted" may be better suited for migration and refugee rights). The real adaptation comes with the actual implementation and application of the acquired laws, which Croatia, in the field of migration and refugees, for years has shown inadequacy on many levels. The reason and the cause for this can be discussed in various ways, however, the most accurate explanation would be to cite the words of the vice-president of the government of Croatia from a closed meeting with people of refugee background: *"The Croatian government up until 2020/2021 proposed migration laws and migration policies for the sole purpose of getting rid of the pressure from the EU and the society with no intention of actually implementing them."* These words are conclusive proof of the lacking political will of the government to improve the real situation for refugee rights, but also the real reason why it is a great challenge for refugees to access some of the most fundamental rights, such as to access higher education and language courses.

Consequences of not having the political will or political agenda, which can be seen from the fact that Croatia since 2019 doesn't have an Action plan for integration on country-level, to regulate and/or to improve the existing refugee system are in most cases suffered by refugees themselves. To give an example, if a person wants to learn the Croatian language and if the government isn't providing necessary courses the entire burden of finding a course, financing, learning, etc. falls onto the refugee. According to AIDA (The Asylum Information Database) *"The Ministry of Education organizes language courses, but they remain at the elementary level, while faculties require higher levels of language proficiency, most commonly B2 or C1. Thus, although by law they have the right to access higher education in Croatia, most beneficiaries of international protection would have to invest a considerable amount of their own money to be able to apply for enrolment."*<sup>23</sup>

### 6.2. AREA OF CONCERN

#### *The challenges and obstacles in higher education*

With the Law on International and Temporary Protection<sup>24</sup> Croatia has recognized some of the fundamental rights for refugees, from housing, work, and social care to education. The matter of higher education is articulated in Article 70, in which the law recognizes equal rights for refugee students as Croatian nationals and leaves the details to the bylaws regulated by the Ministry of Education. However, as it is mentioned above, the lack of political will shows itself here again in the form of just changing the titles or the first article of the bylaws without having a comprehensive adaptation of the new system which disables refugees from having access to the rights provided by the law. Although by recognizing the fundamental right in its national law the Croatian government might have managed to escape criticism from the EU, however, it surely failed in practice to prescribe a clear answer to the questions like:

- » How will a refugee apply to the higher education institution?
- » How or what is the process of enrolment to such institutions?;
- » What is the availability of advanced language courses?;
- » How to obtain recognition of refugees' previous diplomas and studies?;

23. <https://asylumineurope.org/reports/country/croatia/>

24. Act on International and Temporary Protection (OG 70/15, 127/17, 33/23)

- » How to access basic student rights like accommodation, scholarships, student restaurants, etc.?
- » and many more.

One of the biggest problems is the lack of communication between the Ministries and other institutions such as universities and faculties.<sup>25</sup> The Faculty administration in most cases didn't know about the rights of the refugees nor did they know how to enrol them in the faculty.

The chain of challenges when a refugee wants to become a student and enrol in the university can be generally listed as the following (not conclusive):

- a. Finding an appropriate language course to learn the language to a level (B2/C1) in which the student can follow the lectures;
- b. Trying to find the responsible authorities or the system to find out the procedure of enrolment (is it the faculty administration?; is it the Ministry of Education or Ministry of Interior?, etc.);
- c. The lack of a clear procedure and set of requirements for a refugee to become accepted as a regular student;
- d. Once accepted, the unclarity of the status of a student in the faculty and state system. Refugee students are most of the time categorized with foreign students which causes problems regarding student rights (i.e., the faculty might ask for a tuition fee that only applies to foreign students, however, students with a refugee status have equal rights as Croatian nationals to study without having to pay the fee...);
- e. Additional difficulty when it comes to accessing basic student rights such as accommodation, student restaurants, and state scholarships;
- f. The student with a refugee status doesn't get a social healthcare identification card, unlike every other student, making it more difficult to access healthcare services such as choosing a doctor, online appointments, pharmaceutical needs, etc.

### *The final evaluation, conclusion, and suggestions*

The asylum system in Croatia is clearly favouring working-life, and labour for refugees over their access to education and student life. The system functions relatively better for those who decide to get employed and work instead of studying, which is probably the main cause of the low number of refugee students in higher education. This results in potential refugee students giving up on their goal to study and forces them into the labour market with less favourable options as opposed to jobs that they would be able to get with a university degree.<sup>26</sup> To give an example, the young refugee in the Netherlands is primarily aiming to get a degree and the existing system is ready to provide everything that there is to make it happen, from scholarships, and social help to student accommodation, student loans, language courses, mentorship programs, etc. This is only possible with a government policy for human potential management and with a visionary migration action plan.

Not having a laid-out system for refugees to follow to enrol in a faculty is a major problem. The students have to foresee the needs and the requirements by themselves and find out ways to overcome those requirements and negotiate with the faculty for the possibility of enrolment. Whereas the ideal system would take the student in and follow him to the point where he/she will be equipped enough to study in the preferred field of study and interest.

Is it then not possible to become a student? No, it is possible, if the person is ready to fight off the system and ready to sacrifice all of their time in trying to get to be enrolled. Over the years the number of cases has risen and more students with a refugee status have started to enrol in the faculties and study. With the arising numbers and interest, the Ministry of Education was made aware of the shortcomings of the system. In an attempt to remove some of the obstacles related to student rights, the Ministry of Education has brought changes to one of its bylaws regulating state scholarships. Removing the discriminatory parts and adding a fairer, more just system of calculating points, for the first time in the academic year 2021/2022 one refugee student qualified for a state scholarship. The changes however deemed to be insufficient by not waging the age limit of 26 years for refugee students (considering they most probably are starting their studies in those years having to go through asylum procedure and then learning the language etc.) Further promises have been made to change more bylaws regarding student rights for accommodation and subsidized food at

25. <https://h-alter.org/ljudska-prava/fakulteti-tesko-dostupni-azilantima/>

26. H-alter.org, Fakulteti teško dostupni azilantima, available here: <https://h-alter.org/ljudska-prava/fakulteti-tesko-dostupni-azilantima/>

“Menza”<sup>27</sup>, however, the changes haven’t proceeded because of the special authority of the Ministry to solve those issues with its own special discretionary decisions. Alternative solutions, however effective and also necessary in the short term, fail to provide the clarity, foreseeability, and sufficiency of the system in the long term.

Following the G100 conference<sup>28</sup>, the Agency for higher education brought remarks on the new adjustment of the whole system. According to the new law on the recognition of diplomas, the Agency is taking over all the procedures regarding being a student for the first time in Croatia. The Agency is going to set up a clearer system for refugee students on how to get their previous (primary school/high school/other) diplomas and documents recognized, how to start the enrolment process, or what the requirements are for the aimed study. This approach provides at least some level of clarity on whom to contact in case of a shown interest in studying and from where to seek information about the overall procedure of enrolment.

Croatia is a highly centralized country and the question of integration of migrants is regulated by the highest level of the state institutions. However, the local authorities’ importance is not to be underestimated/neglected. With its Action plan on Integration, the City of Zagreb plans to introduce new projects, filling in the shoes where the state has shown to be insufficient. The local community plays the most important role in regulating and implementing the regulations for integration. According to the City of Zagreb, from next year on the students with refugee status will be able to apply for city scholarships, and hopefully, other cities in which the refugees are settled will follow the example of the City of Zagreb.

For everything to function at its best the state agencies, institutions, faculties, and municipalities must cooperate and bring common systems and regulations. If the state is showing incompetence in organizing language courses, the local authorities can swoop in and take over the duty. The clarity of the system is only achievable if the standardization of the entire process of enrolment and studying for refugee students is implemented on all levels, the state, the agency, and the municipality. Higher educated refugees who speak fluent Croatian will only be a very valuable asset for the future of Croatia (considering the government is bringing tens of thousands of foreign workers from third world countries), and the institutions on the city level, state level, or EU level will benefit from the perspective of those who have gone through the process of integration and achieved naturalization by acquiring citizenship. That is why higher education shouldn’t just be regulated and standardized but also encouraged and designed to be more attractive and appealing for young refugees to choose over work life.

### 6.3. RECOMMENDATIONS

- » The Croatian government should regulate the entire process of becoming a student for refugees and in general for the migrants.
- » Universities and the faculties should enable appropriate language courses as part of the enrolment process and provide guidance for students on how to enrol.
- » Student’s rights should be guaranteed not only for the enrolled students but also for the student candidates who are taking language courses in order to enrol to the faculty.
- » Faculties should additionally provide mentorship for foreign students with their applications, adaptation, exams etc.

27. Menza is the name for student restaurants and cafeterias in Croatia where students can buy cooked food and drinks for a significantly subsidized price.

28. More about the G100 Conference or „Nacionalna konferencija o promicanju prava migranata i izbjeglica u Hrvatskoj“ can be found here: <https://www.cms.hr/hr/azil-i-integracijske-politike/odrzana-prva-konferencija-za-zagovaranje-prava-organizirana-od-strane-izbjeglikih-i-migrantskih-aktivista>



## 7. ACCESS TO HIGHER EDUCATION WITH A FOCUS ON ACCESS TO POSTGRADUATE AND DOCTORAL STUDIES FOR FOREIGNERS IN CROATIA

Written by Fadzai Praise Musakana

### 7.1. INTRODUCTION

This first part emphasizes on the decision to approach the research topic using a qualitative framework. This presented considerable difficulties because universities tend to be very closed-off institutions and because accessing particular documents was either very difficult or unattainable. Therefore, this study is highly reliant on case study research and individual interviews based on first-hand accounts. Information was acquired from credible websites and a variety of online channels. The material was also drawn from a variety of earlier studies that were published as journal articles, conference abstracts, and thesis papers and made available on Croatian Scientific Bibliography (CROSBI). In order to draw attention to the issue above, two international students who are attempting to enrol in PhD programs at the Engineering Faculty in Croatia were interviewed.

### 7.2. AREA OF CONCERN

The total number of students enrolled in post-graduate specialist courses in the Republic of Croatia for the academic year 2020–2021 was 1,429, with 98% of them being Croatian residents and 2% being foreigners, according to the Croatian Central Bureau of Statistics (2021). The issue of institutional integration can be explored here. Croatia became part of the Bologna process in 2001, which on paper requires the mobility of students and researchers to stimulate cooperation between European and International researchers. **Implementation of the policies therein has not been in full effect as education attained from a majority of third world countries can not be fully recognised and therefore reduces the number of eligible international students for enrolment.**

The study's results identified problems with foreigners' access to higher education because of the following:

**The limited availability of English-taught courses makes them less appealing to a worldwide audience.** Informational websites frequently lack an English language option, which results in misunderstandings and a need for translation services. Only 10 of the top 30 universities that offer postgraduate and doctoral degrees offer the chance to study the chosen English-taught course from very specialized departments such as Medicine. The capacity of international students that institutes can accept is just 1 or 2 per academic year, thus reducing the chances.

**Limited scholarships for citizens of third world countries.** The Croatian Government Scholarships are provided to foreign higher education students, teachers at higher education institutions, and researchers who wish to gain additional professional experience in Croatian higher education institutions or research institutes by the Ministry of Science and Education of the Republic of Croatia (Ministry) and the Agency for Mobility and EU Programmes (Agency). The awarded mobilities were to be implemented during the academic year 2022/2023 (from October 1, 2022 to September 30, 2023, July and August excluded). Only individuals nominated by foreign partner institutions, i.e., national competent bodies in charge of carrying out the bilateral scholarship programs, are eligible to receive the scholarships. In other words, applications addressed to the Agency, the Ministry, or the desired host institution in Croatia by individual applicants who have not been recommended for the Scholarships by the responsible national institution will not be processed. **Each of the eight scholarships, ranging in type from A1 to F, has a prior knowledge of Croatian language requirement, which means you must not only be recommended for the scholarship but also have language proficiency.** Research Projects Scholarships, Zagreb School of Economics and Management Scholarship Programs, CEEPUS Scholarships, Erasmus Mundus Joint Master Degrees (EMJMD), Croatian Government Scholarships, Scholarships of Bilateral Programs in Croatia, The Central European Exchange Program in Croatia are some additional scholarships available to international students but not to students from the Third World countries.

**Administrative issues.** Croatia needs to assess the administrative challenges that many international students have before and after they arrive. There has to be an enhancement of a number of non-academic student services that provide support with issues concerning the lengthy wait for study permits. Students must occasionally wait more than three months for the processing of their study permit applications after submitting

them to Ministry of the Interior.

**Democratization of information.** Merlin, which is unfamiliar to the majority of overseas students, is the most widely used application for the dissemination of information among students. In Croatia, there is a widespread misconception that simply because information is available, it is also accessible to everyone.

**Standardized data.** Institutions have not exactly created a framework for evaluation, which is crucial. In the same department of study, various institutes have varied entry criteria. This causes a great deal of misunderstanding and false information among prospective students.

**Supporting the diversity of the postgraduate and PhD population.** Making the assessment process more transparent is one step towards this. Another is as simple as creating a section of various institutions' websites showcasing the stories of current students, especially those from non-traditional backgrounds, sharing their own stories on the website and generally injecting fresh perspective and energy. This also can include a culture of student reps involved in developing the whole-person approach, thus widening access strategy.

**Social support.** Most findings on this topic discuss government policies and financial support. In addition to financial support, it discusses social support influence (by peers, by family, by teachers, by university officers, and via programs) to improve access and equity in higher education. Social support emerges as crucial for both access and equity. This section alerts researchers, teachers, administrators at the university level, and policy-makers at the national level to focus more on social relations between peers, students, and lecturers, supported by the managerial level, and establishing programs that provide basic academic skills to disadvantaged groups. This also includes access to counsellors at the institute and mental health screenings.

**Lack of job opportunities for third world nationals.** This issue involves internship opportunities and post-graduation employment. A lot of job postings require only Croatian nationals to occupy the jobs which is discouraging to foreign students who acquired their degrees in Croatia. This can be combated by informational material which would raise awareness about foreign students who acquired their degrees in Croatia. The universities should work with companies in organizing information days for students and staff, cooperating with international student recruitment agencies, and organizing workshops on the academic exchange of students with an interpreter or translator.

### 7.3. RECOMMENDATIONS

- » The availability of English-taught courses is frequently limited, limiting students' access to quality education and their competitiveness in the global labour market. To address this issue, we propose promoting linguistic diversity by:
  - Establish partnerships and collaborations with renowned international universities and educational institutions that offer English-taught courses. Not only limited to Universities in the EU but expanding it to different continents. Participate in combined academic programs, faculty exchanges, and curriculum development initiatives.
  - Faculty Training and Development: Provide faculty members with training programs and materials that will enable them to effectively teach their topics in English. Assist faculty in the creation of English-language instructional materials and the adaptation of current courses for English instruction.
  - Language Assistance and Resources: Create language support centres for language exchange for students to help each other. Whilst local students enhance their English language skills, international students get to learn a foreign language; Croatian. This includes free language courses, tutoring, conversation practice sessions, and access to language learning tools.
- » Access to quality higher education is critical in individual empowerment and socio-economic development therefore in order to combat the issue above we could Implement a comprehensive evaluation methodology to examine the effectiveness and impact of scholarship programs. Examine scholarship winners' academic performance, graduation rates, and professional outcomes. Also, expand existing scholarship programs and create new ones specifically designed for citizens of third world countries. These could be merit-based scholarships and/or need-based scholarships.
- » Develop comprehensive guidelines and tools that provide clear information on the enrolment process, admission requirements, and required documentation for citizens of third-world nations. To improve comprehension and accessibility, translate these resources into commonly spoken languages in third-world countries. This material should be disseminated through embassy networks, educational

institutions, and online channels. Also, establish dedicated enrolment support teams or offices within educational institutions to assist citizens of third-world countries with the enrolment process. These teams should be well-versed in admissions rules, visa procedures, and required documentation. Respond to enquiries promptly and provide individualized advice to assist students in successfully navigating administrative procedures. In addition, collaboration with Immigration Authorities by engaging in constructive dialogues with immigration authorities in Croatia to streamline visa procedures for students from third world countries. Advocate for transparent and efficient visa processes, simplified documentation requirements, and expedited processing for student visas. Most importantly, Cultural Sensitivity Training provision to administrative staff and enrolment officers in order to increase inclusivity and knowledge of the particular issues that people of third-world nations confront.

- » Third-world migrants to Europe frequently experience social issues due to cultural differences, language barriers, and a lack of support networks. These variables can lead to feelings of isolation, restricted social integration, and decreased well-being. Institutions should collaborate with organizations to foster Cultural Orientation Programs that provide information and guidance on the host country's culture, social norms, and systems. Also establish mentorship programs that connect citizens of third world countries with local mentors that can offer language courses and intercultural training. Create dedicated helplines, internet platforms, and resource centers to provide information on legal rights, healthcare, housing, education, culturally sensitive counselling services and job prospects, especially for third world nationals. Advocate for inclusive policies that promote third-world citizens' social integration. Collaborate with government agencies, non-governmental organizations, and civil society organizations to increase awareness of the unique issues experienced by international students. Develop an inclusive legal framework, promote equal opportunities, and combat prejudice.
- » Access to employment is crucial for the successful integration of third world citizens in Croatia. It is essential to promote the recognition of qualifications obtained by third world citizens to ensure their skills and expertise are valued in the European job market. Develop tailored employment support programs that provide guidance, training, and mentorship to third world citizens seeking job opportunities after graduation. Companies should offer language acquisition programs and language support services to help third world citizens improve their language skills. Encourage employers to participate in mentorship initiatives and provide guidance on industry practices, career advancement, internships and professional networking opportunities. Advocate for diversity and inclusion policies in the workplace, encouraging employers to embrace a diverse workforce and create inclusive environments. Promote awareness of the benefits of diverse teams, cultural competence, and the value of international perspectives. Provide support for third world citizens interested in entrepreneurship and self-employment. Offer entrepreneurship training programs, workshops on business planning, access to financing options, and mentorship for aspiring entrepreneurs. Engage with policymakers, governmental organizations, and non-governmental entities to advocate for policies that promote equal job opportunities for third world citizens.

## 8. ACCESS TO HEALTHCARE SERVICES FOR FOREIGNERS, INCLUDING PERSONS UNDER INTERNATIONAL PROTECTION WITH SPECIAL REFERENCE TO MENTAL HEALTH CARE IN CROATIA

Written by Salam Ibrahim Kadhim Al-Nidawi

### 8.1. INTRODUCTION

In Croatia, the integration of refugees - people under international and temporary protection and people with subsidiary status into the health system is a major challenge. This shadow report chapter will explore various problems that negatively affect the integration of such people into the healthcare system in Croatia. It will look at issues such as access to medical services, language barriers, cultural differences, and other factors that make it difficult for these individuals to receive adequate healthcare. The report will also examine how these problems can be solved in order to ensure a better quality of life for refugees and those with subsidiary status in Croatia.

To truly understand the scope of the problems and to find a solution, we must first understand the issue from the perspective of those who live it. That's why this report focuses on knowledge gathered from the experience and daily work with refugees. Through this report, we will gain insight into the challenges faced by refugees and how they can be addressed in order to create lasting solutions.

### 8.2. AREA OF CONCERN

According to the Law on International and Temporary Protection (NN 70/15, 127/17) people under international protection exercise the right to health care in accordance with the regulation regulating health insurance and health care for foreigners in the Republic of Croatia. The costs of a person's health care are paid from the State Budget of the Republic of Croatia from the position of the ministry responsible for health affairs.

It is a common misconception that refugees are not financially covered and have to depend on their own resources. However, this article highlights the fact that refugees are in fact financially covered but in a different way.

The family doctor - primary health care doctor is the first point of contact into the health care system, but for refugees this is a problem. It's difficult for doctors to register a person into the system because refugees don't have MBO number (*matični broj osiguranika* or Identity Number of the Insured Person) and consequently don't have a health card.

There were also cases where doctors weren't able to issue electronic prescriptions or electronic referrals.

For example, during my work as a translator within the organization dealing with mental health I witnessed a case where a person who has refugee status in Croatia was referred to the clinic (Pathological analysis laboratory) for the blood test. The doctor wrote the referral and it was ok in the laboratory. They saw it in the system and everything was good.

The same person was also supposed to be referred for a Dental x-ray, however the dentist wasn't able to issue the referral and the Dental clinic wasn't able to see it in the system. So, this is one small example from the practice.

Also, the doctors and nurses are not so well or not informed about how to solve this. Leading to further complications in providing quality healthcare.

Moreover, this problem can be compounded further if the patient has multiple conditions or needs complex treatments.

It is evident that there are certain difficulties associated with the registration process for refugees and this can be a deterrent for them when it comes to accessing healthcare services.

This issue is especially visible in situation where the employed person with refugee status receives an MBO and insurance card based on the employment; however, if the person loses their job the person will again have

to deal with the issue of not having an MBO and health card.

In addition to this, there is also an issue of language barriers which can make it difficult for refugees to communicate effectively with their doctors.

There is no official place where people can get free help with translation services. So most of the help the people can get is from the NGOs if they have an interpreter for the relevant language or in cases where no such interpreter is available people can pay to get the translation service.

There is also a bigger problem where parents use their kids to help them with translation. While this may seem like an easy solution, it can have a negative impact on children's development and education as they are not able to focus on their studies when they are constantly needed as interpreters for their parents or family members.

Interpreting health matters is an important task that needs to be done accurately and efficiently. It requires interpreters who are well-versed in the subject matter and have the ability to accurately convey information from one language to another. This is especially true when it comes to medical terminology, as even a small mistake can have serious consequences. As such, it is essential for interpreters to be highly proficient in order to ensure accuracy and avoid any potential mistakes.

Mental health services are an essential part of the refugee experience, yet they often go overlooked. Refugees face a variety of traumatic events during their journey, from the initial displacement to their destination country. It is important to recognize that these experiences can have a profound effect on mental health and well-being and that providing mental health services is key to helping refugees process these experiences and move forward with their lives. We must ensure that refugees have access to adequate mental health services so they can heal and thrive in their new homes. Important to note is that in Croatia, both asylum seekers located in reception centres as well as people with international lack systematic provision of mental health services that are again left to the limited capacities of the non-governmental sector.

Mental health is an important part of overall wellbeing and should not be ignored. Unfortunately, many people are unable to get the help they need due to cost or lack of access. In 2020, FOCUS , conducted research that sheds light on how we can provide quality mental health services for all people depending on their needs and at a lower cost. This research helps us gain a better understanding of mental health and what we can do to ensure everyone has access to the care they need.

### 8.3. RECOMMENDATIONS

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At the end of this small report about health care services, I would like to propose some steps or solutions to have better health care for refugees and help them to better integrate into the creation society.

- » It is essential that family doctors have an easy way to register their patients into the system quickly and accurately.
- » It is important that doctors and nurses are properly informed about the rights of the people under international protection so that they can help their patients without any hassle.
- » There should be more awareness and understanding that helping refugees to integrate actually helps the society to develop.
- » Educate both refugees and the integration providers about their rights and responsibilities.
- » Providing a better service leads to better integration. And better integration improves development outcomes.
- » Providing systematic support to all refugees who need it during the process of obtaining protection and after – by securing institutional provision of services of mental health experts, particularly those who focus on trauma, together with the trained translators.

## 9. CHALLENGES OF STUDENTS FROM AFRICA IN CROATIA

Written by Abdoulie Jobe

### 9.1. INTRODUCTION

This research focuses on students from Africa studying in Croatia under self or family sponsorship. I believe this topic is necessary for discussion due to difficulties students from African countries encounter. This part of the report is based on the lived-in experience, as well as on the basis of the conversations with current and former students about their experiences in connection to the issues they are facing as third-country nationals coming from Africa.

Some of the students' benefits all full-time students are entitled to, such as proper orientation at the university as an international student, access to student restaurants and dormitories, language learning courses, possibility to regulate residency and get employed, are not available for students from third countries. Conversations concerning rights of foreign students in Croatia are nothing new, but often, focus is given to either exchange students such as ERASMUS students, students on exchange via Central European Program for University Studies (CEEPUS), students on bilateral agreements etc. The literal beautification of an entire student experience seems to oversee or disregard the so-called "third country" nationals, thereby invalidating their experience by not mentioning their experience the way it is.

### 9.2. AREA OF CONCERN

#### *Language barrier*

One of the biggest challenges faced by students of third country nationals is the language barrier. Although few universities in Croatia offer programmes in English, the majority of the universities conduct lectures in Croatian language. According to the official data from the University of Zagreb<sup>29</sup> ten programmes are held in English language at the University of Zagreb which range from undergraduate to postgraduate study programmes.

#### *Integration of the foreign students from Africa*

Integration is an important part of settling in a new academic environment. Whether it is getting familiar with the new system of education, making friends or even accessing adequate information about your university, there is very little effort towards these services being provided to foreign students. The emphasis is on "third country nationals" because university integration measures are rarely designed and implemented in consideration of the foreign students that are third-country nationals – especially those not knowing the Croatian language.

Ministry of Science and Education reported that as per the data collected by University Computing Center or *Sveučilišni Računalni Centar (SRCE)* 1,715 foreign students were enrolled in higher education institutions in Croatia as regular students, while as per the data collected via Information system of higher education institutions (ISVU) in the academic year 2021/2022 there were 1,427 foreign students out of which 1,311 of them had foreign citizenship and 116 had dual citizenship - mostly Croatian and one more.<sup>30</sup> As per the Statistical Report published by Croatian Bureau of Statistics<sup>31</sup> in the academic year 2021/2022 there were 2,175 foreign students in Croatia attending higher education institutions out of which 52 students were nationals of African countries.

In December 2022, Pan-African Society in Croatia organized a roundtable conversation „African Adversities in Croatia“<sup>32</sup> to talk about challenges faced by Africans in Croatia. Integration was the most important topic discussed, as foreigners in general face a lot of difficulties integrating in Croatian society. Integration as a two-way process is very necessary but while many of foreigners try to learn the language as the first step towards integrating, a little help or assistance is received from the other end.

29. University of Zagreb, Programmes in English, retrieved March 15, 2023, available here: <http://www.unizg.hr/studiji-i-studiranje/upisi-stipendije-priznavanja/strani-studenti/>

30. Novi List, The number of foreign students in Croatia has increased by 20 percent, here are the faculties for which they come the most, retrieved 2023, April 15, available here: [https://www.novolist.hr/novosti/hrvatska/broj-stranih-studenata-u-hrvatskoj-porastao-za-20-posto-evo-zbog-kojih-fakulteta-najvise-dolaze/?meta\\_refresh=true](https://www.novolist.hr/novosti/hrvatska/broj-stranih-studenata-u-hrvatskoj-porastao-za-20-posto-evo-zbog-kojih-fakulteta-najvise-dolaze/?meta_refresh=true)

31. Croatian Bureau of Statistics, Statistical Report - Students, 2020/2021 Academic Year, available here: [https://podaci.dzs.hr/media/w24asnrf/si-1688-studenti-u-akademskoj-godini-2020\\_2021\\_web.pdf](https://podaci.dzs.hr/media/w24asnrf/si-1688-studenti-u-akademskoj-godini-2020_2021_web.pdf)

32. African Adversities in Croatia, round table organized by PADUH (Pan-African Society in Croatia) held on 10 December 2022, video available here: <https://www.facebook.com/110086958094331/videos/927446754925705>

Amongst the challenges mentioned in the area of studies are as follows;

- » Difficulties in learning the Croatian language. Foreign students who are on a scholarship based on bilateral agreements and who intend to study in Croatian language are obliged to enrol for an academic year at 'CROATICUM', however one year of learning Croatian language is not sufficient to study a course at the higher education institution in Croatian language.
- » The cost of living, as well as education is expensive, and having to study as well as work while studying in Croatia is impossible. As a result, students can be indecisive about prioritizing the academic obligations in the process. Students from third countries are also not allowed to apply for subsidized housing in student dormitories<sup>33</sup>, or even eat at student restaurants at subsidized prices unless they are on a scholarship.<sup>34</sup> This means that students from third countries not only have to pay the tuition fee, but also have to find and rent an apartment and pay meals at full prices. In addition, students, as third-country nationals, are also obliged to pay fees to be medically covered under the obligatory health insurance.<sup>35 36</sup>
- » Difficulties with obtaining residence permits<sup>37</sup>. After completing university in Croatia, third country nationals need to acquire a permit to stay in Croatia and in most cases, this means finding a job and acquire work and stay permit, however third-country nationals are usually hindered or prevented to access jobs in accordance with their academic qualifications. Besides the fact that waiting periods of processing residence permits take very long, preconditions for applying for permanent residence are discriminatory towards third-country nationals that came to Croatia to study. Namely, under normal circumstances upon having an approved temporary stay in the Republic of Croatia for an uninterrupted period of five years, third-country nationals with a valid temporary stay status may apply for the long-term residence provided that all other conditions have been fulfilled, but for third-country nationals that were staying in Croatia under „study permit“, each one year of stay in Croatia is counted only as 6 months thus hindering the process.<sup>38</sup>

In conclusion, it is necessary to have these laws and regulation revisited. Policy makers also need to be aware of the problems highlighted above so as to consider the affected individuals when making laws. An example is in 2019 when a new law concerning the ban for third country students' rights to work, affected individuals publicly showed their disappointments and they made it known by speaking to various media outlets. The law got revised almost immediately.<sup>39</sup>

### 9.3. RECOMMENDATIONS

- » Universities in Croatia should take special consideration of the students who are not familiar with the Croatian system of education and who don't know the Croatian language when designing and implementing integration measures, and especially faculty orientation activities.
- » Foreign students that are third-country nationals should have the same level of students' benefits as students who are Croatian citizens in terms of subsidized students' dormitories and students' meals.
- » Third-country nationals that came to Croatia to study should be allowed to apply for long-term residence upon having an approved temporary stay in the Republic of Croatia for an uninterrupted period of five years. The number of years to acquire long-term residency should not be any different between third-country nationals that came to study and third-country nationals that came to work, for family reunification or other purposes.
- » Highly qualified nationals who studied in Croatia and are fully integrated in Croatia should be able to work in their fields of interests.
- » Faculties within Croatian universities should introduce more courses and programmes in foreign languages.

33. Students' Centre Zagreb, Natječaj za raspodjelu mjesta redovitim studentima za subvencionirano stanovanje u studentske domove Studentskog centra u Zagrebu u akademskoj godini 2022./2023., available here: <http://sczg.unizg.hr/smjestaj/smjestaj/kriteriji-za-raspodjelu-mjesta/>

34. Regulations on the conditions and method of exercising the right to cover student meal expenses (OG 120/2013, 8/2014, 113/2022), art. 2 (4)

35. The University of Zagreb: The Faculty of Mining, Geology and Petroleum Engineering. Student life: Health Insurance. Retrieved 2023, March 15, from <https://www.petroeng-master-rgn.eu/student-life-health-insurance>

36. Rent A Local. Croatian Healthcare System and Health Insurance in Croatia. Retrieved 2023, March 15, from <https://rentalocal.eu/post/croatian-healthcare-system-and-health-insurance-in-croatia/>

37. Expat in Croatia. How non-EU/EEA family members of EU/EEA citizens can apply for permanent residency in Croatia: Guide for 2023. Retrieved 2023, March 15, from <https://www.expatincroatia.com/non-eu-family-eu-permanent-residence/>

38. Ministry of Interior, Državljeni trećih zemalja, Retrieved 2023, April 19, available here: <https://mup.gov.hr/gradjani-281562/moji-dokumenti-281563/stranci-333/drzavljeni-trecih-zemalja/281820>

39. Srednja.hr, Kraj diskriminaciji: I strani studenti moći će raditi preko student servisa, retrieved March 19, 2023, available here: <https://srednja.hr/faks/kraj-diskriminaciji-strani-studenti-moci-ce-raditi-student-servisa/>

## CONCLUSION

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This Shadow Report is not a typical report sent by civil society organizations or professional organizations as part of their work. This report was written by people who are not employed or professionally engaged to deliver a detailed set of recommendations that that would only need to be taken by public authorities. The report was not written for the purposes of a specific invitation or as an alternative to any other report prepared and published by the state.

This report was written by people who want to contribute to a better society and advocate changes so that others who are yet to come to our society are spared the experiences and unnecessary obstacles that the authors of this report faced in the process of the so-called integration. The fact that the report is not accompanied by a detailed set of data and statistics should not detract from the importance of the real-life stories of people to whom integration measures and policies most often apply. On the contrary, when creating and developing policies, it is important to consider the needs of third-country nationals and real situations they experience in order to detect patterns of behaviour that can then be corrected, removed, or improved.

At the same time, other stakeholders should recognize these patterns and, based on the stories heard and read, recognize their own role, powers, and duties, and create measures and policies leading to successful integration in Croatian society. This task implies the continuous creation of new spaces and forums where new members of society will have the opportunity to express their opinions, and representatives of public authorities and civil society organizations will patiently and deeply listen to such expressed opinions.

This Shadow Report represents one of such spaces. The people who wrote this report were invited to write about what they consider important for integration - what they think is missing, what should be worked on, but also what helped them to establish and maintain themselves in Croatia. Based on such stories, recommendations were created and they are the basis for starting discussions and dialogues aimed at understanding the challenges that the system poses to third-country nationals. By initiating at least one such discussion within the working body of a particular ministry, university senate or committee of a local self-government unit, the purpose of this report is fulfilled.







# Greece

## Country Shadow Report

The report was written by the Steering Committee, Greece

June 2023



# NOTES

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The report was written in June 2023 by the Steering Committee, Greece.

The content of this report represents the views of the authors and is their sole responsibility. In case of any questions regarding this report, feel free to contact [Greek Forum of Refugees](#).

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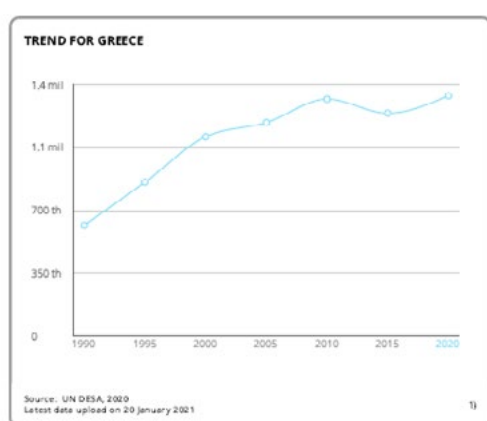
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## INTRODUCTION

In 2014, Greece began to receive mixed inflows of migrants and asylum seekers, some wishing to reach destinations in the northern EU countries. In 2015, 857,000 arrivals were registered which demonstrated an increase twenty times larger than the number that arrived in the previous year. According to recent data, the total number of international migrants in mid-year 2020 has been 1.3 million in Greece (IOM, 2020)<sup>1</sup>. Moreover, with the beginning of the war in Ukraine, Greece welcomed tens of thousands of Ukrainian refugees and initiated in April temporary protection for Ukrainian refugees. According to authorities, by July 31 Greece hosted a total of 70,676 Ukrainian refugees while by September 11, 10,139 non-Ukrainians had arrived in Greece in 2022.<sup>2</sup> In 2020, the foreign-born population, which includes immigrants who have acquired Greek citizenship, stood at 1,348,174 according to Eurostat data (12.6 per cent of the total population). Considering the nationality of third-country nationals with valid stay permits, the predominance belongs to Albanians (316,964, by 2020), followed by China (23,770, by 2020), and Georgia (22,103, by 2020). For 2021, Chinese nationals are once more at the top for golden visas with 6,274 new applications.

**Graph 1<sup>3</sup>: Trend for total number of international migrants from 1990s till mid-2020**



**Table 1<sup>4</sup>: Stock of foreign nationals in Greece**

	2011	2015	2020
<b>Total population in Greece</b>	10,816,000	10,858,000	10,718,000
EU28	199,000	199,000	191,000
Third Country Nationals (TCNs)	713,000	623,000	715,000
<b>Total foreign population</b>	<b>912,000</b>	<b>822,000</b>	<b>906,000</b>

Greece's migration minister, Notis Mitarachi, told parliament in March that Ukrainians are "real refugees," while those arriving from Syria or Afghanistan are "irregular migrants," even though many Syrians and Afghans have valid refugee claims. Soon after the conflict started, Greece issued temporary residence permits to Ukrainian refugees, who will be able to stay and work in the country for one year, while on the other hand, there have many immigrants waiting for their applications to be approved for years.

Amid such double standards, according to the latest figures announced by Greek authorities, the number of migrants and refugees in Greece has dropped significantly over the past year despite a year-on-year increase measured in the first two months of 2023. The government's March 2023 Migration Newsletter reported an overall reduction of 53% as well as a 49% fall in arrivals month on month. However, in total, the rise in arrival numbers for January and February 2023 came to 167% compared with the same period in 2022.

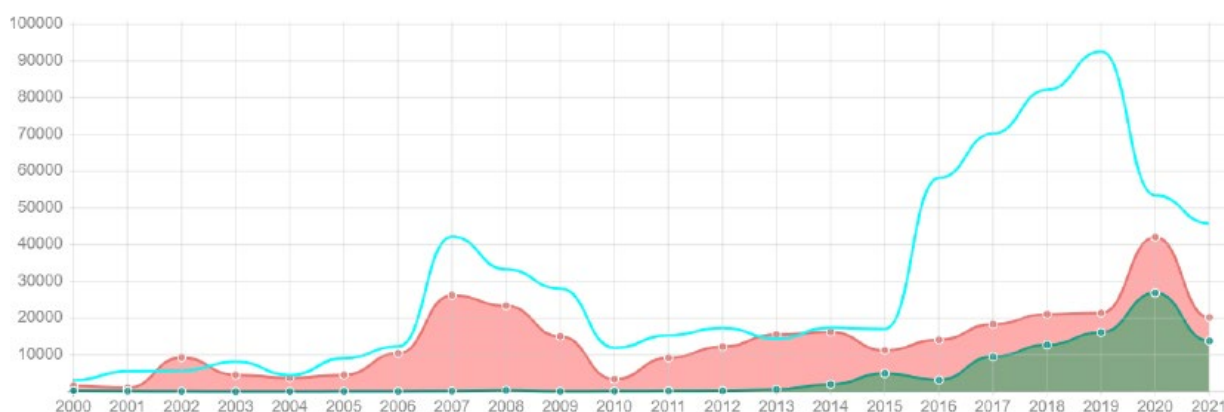
Regarding asylum application, the latest statistics also show a decrease in asylum requests submitted, which

1. IOM, Immigration Data Portal (2020): [https://www.migrationdataportal.org/international-data?i=stock\\_abs\\_&t=2020&cm49=300](https://www.migrationdataportal.org/international-data?i=stock_abs_&t=2020&cm49=300)
2. Human Rights Watch, Greece- Events of 2022, <https://www.hrw.org/world-report/2023/country-chapters/greece>
3. IOM, Immigration Data Portal (2020): [https://www.migrationdataportal.org/international-data?i=stock\\_abs\\_&t=2020&cm49=300](https://www.migrationdataportal.org/international-data?i=stock_abs_&t=2020&cm49=300)
4. Demographic changes and challenges. Institute for SME G.S.E.V.E.E. (in Greek). <https://imegseevee.gr/wp-content/uploads/2021/03/kotzamanis-5.pdf> and Hellenic Statistical Authority (2011)

dropped to 2,912 for February 2023; 82% of those applications were initial requests, marking a 30.5% decrease in overall applications compared to January 2023. The number of asylum requests filed by unaccompanied minors also underwent a decrease, dropping by 42% compared to January 2023.<sup>5</sup>

**Graph 2: Incoming asylum applications in Greece 2000 to 2021** (The top line represents the total number of asylum applications (first applications + reviews). Below are the number of recognized refugees (green) and rejected applications (red))<sup>6</sup>

2018 Pew Research Centre survey of 18 countries that host half of the world's migrants: In 10 of the countries surveyed, majorities view immigrants as a strength rather than a burden. Among them are some of the largest migrant-receiving countries in the world: The United States, Germany, the United Kingdom, France, Canada and Australia (each hosting more than 7 million immigrants in 2017). By contrast, majorities in five countries



surveyed – Hungary, Greece, South Africa, Russia and Israel – see immigrants as a burden to their countries<sup>7</sup>.

Moreover, the accumulation of many refugee children in the country requires the implementation of relevant immigration policies to encourage interculturalism, non-discrimination, respect diversity, and harmony. In many EU countries authorities organize and support in-service training activities to raise teachers' awareness of the academic and social-emotional needs of young people with a migrant background.<sup>8</sup>

One study<sup>9</sup> conducted with schoolteachers reveals the need for the adoption of management policies for the education of allophones. In most cases (76.8%), the teachers stated that the school unit functioned as a DYEP (Refugee Reception and Education Structures / Δομές Υποδοχής και Εκπαίδευσης Προσφύγων) or ZEP (Educational Priority Zones / Ζώνες Εκπαιδευτικής Προτεραιότητας) to meet the children's learning needs. Nevertheless, it is important to note that Reception classes and DYEP are often understaffed and unable to operate for most of the school year. Reception classes and DYEP are often not fully staffed until the middle of the school year. According to MoE, in the school year 2021-2022, 97 RECs were appointed and 110 school units with DYEP classes functioned (83 in primary and 27 in secondary education). Also, 1,358 teachers were recruited for reception Classes of primary and secondary education and 220 teachers were recruited for DYEP classes, in total 1,578 recruitments of teachers during the school year 2021- 2022. This is an improvement from the previous year.<sup>10</sup>

Besides, it seems that the teachers are not satisfied with the moves by the state to organize the education of allophones. Specifically, the 24.2% express their absolute dissatisfaction due to the absence of state care in terms of the planning and organization of intercultural education highlighting as imperative the need to adopt additional measures: ““No, I believe that there is not enough care because some things have been done very casually so that we do not delve into any important problems that may exist. I think the state is left

5. Ministry of Migration and Asylum Greece, Statistics, Consolidated Report 2023. <https://migration.gov.gr/en/statistika/>

6. <https://www.worlddata.info/europe/greece/asylum.php>

7. Pew Research Center, Around the World, More Say Immigrants Are a Strength Than a Burden (2019). <https://www.pewresearch.org/global/2019/03/14/around-the-world-more-say-immigrants-are-a-strength-than-a-burden/#:~:text=In%2010%20of%20the%20countries,7%20million%20immigrants%20in%202017>

8. 2019. Eurydice Brief, Integrating Students from Migrant Backgrounds into Schools in Europe).

9. Παλάσκα Χαραλαμπία, Διπλωματική εργασία (2018). «Το ελληνικό σχολείο στην εποχή της διαπολιτισμικότητας. Απόψεις εκπαιδευτικών για τις πολιτικές διαχείρισης των εκπαιδευτικών αναγκών παιδιών μεταναστών και προσφύγων». <https://apothesis.eap.gr/archive/item/155296>

10. Idem. Παλάσκα Χαραλαμπία, Διπλωματική εργασία (2018)

to its own policy”.

In terms of citizenship, the hundreds of thousands of migrants who arrived in Greece in the 1990s were not given access to naturalization; access to citizenship was denied even to their offspring born in Greece. Until recently, with legislation passed by Greek parliament in 2015, children born in Greece to parents of foreign citizenship could not obtain Greek citizenship, unlike second-generation migrants in most other countries of the EU. According to the 2015 legislation, second-generation migrants do not acquire Greek citizenship automatically upon birth, but only after meeting prerequisites such as completion of a certain number of grades in the Greek educational system. The new code “Amending the Code of Greek Citizenship”<sup>11</sup> has specific provisions that allow second-generation migrants to apply for Greek citizenship. Also, with Law 3838/2010 on “Current provisions for Greek citizenship and political participation for legal migrant residents and other settings”<sup>12</sup> long-term residents and holders of a 10-year residence permit can now vote in the municipality elections and stand for some positions, except for mayor and vice mayor.

The 2016 action plan on integration aims through 50 actions to assist EU members states to support the integration of migrants, especially in the fields on education, labor market, active participation and social inclusion, access to basic needs.

There is no provision found though in supporting the members states’ capacity to accelerate processes on documentation of migrants, renewals of residence permits and other public services’ documentation such as health institutions, tax offices etc in an efficient way because the integration of migrants on the fields the action plan mentions requires in most cases documented people otherwise burdens and issues in the integration process are created.

It is observed a lack of fixed-term processes and a regulation on them, which in case they are regulated and implemented can facilitate the acquisition of documents and renewals and thus the integration process.

The 2021 action plan on integration and inclusion’s main focus is to support the member states through funding, guidance and partnership to enhance the integration process and inclusion of migrants in the following key themes:

- » Education, training and life-long learning
- » Employment and skills
- » Health
- » Housing
- » Civic participation

Still, the EU policies and the actions created for the integration of migrants intend to enhance the capacity of member states setting aside the variable of processes and timelines that each member state follows in order to provide adequate documentation to migrants which is essential in order to achieve the integration of them in the key themes that are analysed in the action plan. So, as the EU claims “Although national governments are primarily responsible for creating and implementing social policies, the EU plays a key role in supporting Member States through funding, developing guidance and fostering relevant partnerships” It can be provisioned in its policy guidance or recommendation on the procedures the member states can follow regarding the renewals and also a provision on the timelines \*the difference between action plan 2016 and action plan 2021 it is that the first focused on third-nation migrants and the latter includes both third-nation migrants and citizens with migratory backgrounds\*

Issue recognized in Greece: with the expiration of the residence permit automatically expires and the insurance capability, which includes free and public health insurance, and stays invalid until the renewed residence permit is issued, which in some cases has taken up to nine (9) months. This situation projects the issue that people stay without health insurance and are deprived of access to free public health system during the time that they anticipate for the renewal of the residence permit, which once acquired the insurance capability is not automatically renewed but is required to go to the public service with the renewed residence permit as a proof in order the insurance capability to be once again valid.

**Table 2: Greece from 2014 to 2012 the first residence permit issued in total for each year<sup>13</sup>**

11. Ministry of Social Affairs, Amendment on 28/05/2010, Ministry of Social Affairs , <https://www.ypes.gr/ola-ta-apotelesmata/>

12. Ministry of Social Affairs, Amendment on 28/05/2010, Ministry of Social Affairs , <https://www.ypes.gr/ola-ta-apotelesmata/>

13. Ministry of Migration and Asylum Greece, Statistics, Consolidated Reports <https://migration.gov.gr/en/statistika/>

2014	2015	2016	2017	2018	2019	2020	2021
22.451	37.464	44.072	29.995	35.571	42.348	19.821	22.905

In the given context above, this shadow report covers three main issues, (a) right to education, (b) citizenship, (c) lack of empathy, we examine these specific areas in relation to challenges encountered in work and daily lives of refugees and migrants in Greece. The final section includes suggestions on how to tackle the above issues, together with the overall conclusion for the shadow report.

## RIGHT TO EDUCATION

The article 26 of the Universal Declaration of Human Rights, Articles 28(1) and 29(1) of the International Convention on the Rights of the Child (CRC)<sup>14</sup> and the European Convention on Human Rights and Fundamental Freedoms declare right to education,<sup>14</sup> while EU law, including L. 4939/2022 on reception, international protection and temporary protection (Article 55), stipulates that children who are applicants for international protection applicants are obliged to attend school and that “competent authorities are obliged to provide the necessary and adequate means to support and facilitate the relevant procedure. The integration takes place under conditions, analogous to those that apply to Greek citizens”. This integration must take place no more than three months after their identification. The Greek national legislation also codifies this right to education for refugee and migrant children. Article 21 par. 7 of the Migration and Social Integration Code (L. 4251/2014) provides for “Minors-third country nationals, who attend all levels of education, (to) have unrestricted access to the activities of the school or educational community”.<sup>15</sup>

More than 80 per cent were aged under 35 and almost a third were children aged under 18 (2021). Given the high proportion of children, adolescents, and young adults among asylum seekers, it is important that the right to education is guaranteed by the Member States. While the Action Plan on Integration and Inclusion (the Action Plan) provides concrete steps to take and guidance for EU countries in terms of inclusive education and training, from early childhood to higher education, including in the labour market, the refugees encounter many challenges:

According to the data from the Ministry of Education in the 2021-2022 school year, 17,186 refugee children were enrolled in school, which indicates an improvement from the previous year, (2020-2021) when school enrolment ranged from 8,637 to 14,423 children out of an estimated 20,000 eligible children<sup>16</sup>. However, the government is not fully meeting its obligation to enrol all refugee and migrant children, they encounter problems not only with the enrolment but also not having an inclusive education, challenges with transportation to schools, lack of qualified teaching staff, discrimination, and hostility.

For instance, the level of attendance at the schools is indicated as a %75 increase (12,300 children attending the school) compared to the previous school year. However, due to language and cultural barriers, abrupt changes in children’s legal status with the issuance of final rejections of their family’s asylum claim children, uncertainty regarding asylum claims cause a significant impact on children’s commitment to their education, develop social circles, and their regular attendance at school.

To facilitate inclusive education, the Ministry of Education and Ministry of Migration and Asylum in collaboration with UNICEF in 2021 have launched “All Children in Education (ACE)” program which aims at integrating asylum-seeking, refugee, and migrant children in the formal education system through non-formal education services, such as interpretation services in schools, Greek language courses, psychosocial support for students and teacher’s empowerment.<sup>17</sup>

“Generally speaking, the education of asylum seekers and refugees in Greece still faces several problems, such as delays in the operation of the Reception Classes on a yearly basis, long waiting lists for enrolment – especially in urban settings – difficulties linked to the mobility of the population (transfers between islands and

14. The right to education is also guaranteed by the European Social Charter (revised) in article 17 par.2

15. Law 2101/1992, O.J. A’ 192. The right to education derives from articles 28(1) and 29(1) of the CRC in combination with articles 2, 3 and 22(1).

16. Greek Council for Refugees / Save the Children, Back to School? Refugee Children in Greece Denied Right to Education, written by Agapi Chouzouraki, September 2021, p. 3, [bit.ly/3lYXYRe](https://bit.ly/3lYXYRe)

17. UNICEF, press release entitled: ‘Διαβατήριο’ για την εκπαίδευση για 8.400 το ελληνικό πρόγραμμα ACE που θα γίνει πρότυπο για εφαρμογή σε όλη την ΕΕ (in Greek), June 2022, <https://uni.cf/3a45Pum>



the mainland), a lack of intercultural services, the absence of preschool education, delays in the establishment of pre-primary schools. [...] In Greek cities, because of the system of listed-school catchment areas, children attend the school that is closest to where they live. Enrolment is controlled by catchment areas that mirror the local environment (implying its ethnic and socio-economic composition) and the neighbourhood. This means that there is a strong correlation between socio-residential segregation and school segregation.” – (*Respondent A*)

According to Article 14 of the Reception Conditions Directive, European Member States must grant child applicants access to education and ensure such access is accorded within three months of the date on which the application for international protection was lodged. The authorities are obliged to provide necessary and adequate means to facilitate the procedure. If their enrolment is not completed within three months from their registration, they may be deprived of reception conditions and administrative sanctions may be imposed on their parents. Likewise, article 28 of established Law 4636/2019 states that children’s beneficiaries of international protection have the same obligation to attend public primary and secondary education units as nationals; if they do not comply, sanctions may be imposed on their parents.” However, unaccompanied children are often unable to access education due to delays in the registration of their asylum applications. Others may not be granted access if they are not engaged in an asylum procedure (such as in Hungary). In some member states, Bulgaria and Greece for example, asylum-seeking children in detention centres have no access to formal education<sup>18</sup>.

“In Greece, refugee children living in camps are struggling a lot to be registered in public schools. It is important to say that Greek law states that education is free for all children despite their regular status. That clearly means that even when a kid is undocumented, he/she still has the right to attend school. Most of the time, even when registration is done successfully, there is not always a means of transportation to get there. When they manage to get there, they are mocked by other children and completely ignored by teachers. In other cases, we had Greek parents reacting badly when they knew about refugees’ children’s registration or arrival in some local schools. Sometimes, the reactions were of such an extremity that even the school’s administration saw fit to not accept them for their own safety. We can no longer ignore the fact that with the wave of refugees who are coming to Greece, many refugee kids will be starting to attend school because it is among the fundamental rights of the law. However, this is not always the case here.”

“It should be stressed that the increased funding provided as a response to the refugee influx in Greece covered additional human resources for refugee education, material and management in camps, but was almost non-existent in the case of formal education. As such, children’s access to education – especially in the islands – is compromised, and significant steps remain to be taken. It should be also noted that the implementation of DYEP on the mainland led to several protests from groups that were against its operation in public schools. (*Respondent A*)

## 1. HIGHER EDUCATION

There are no specific provisions facilitating the access of refugees to higher education in Greece. They may access universities under the same conditions as Greek nationals, upon participation in entry examinations organised by the Greek state. Law 4415/2016 describes the necessary documentation that must be submitted by third-country nationals who have attended education in their country of origin and wish to participate in the procedure. However, language requirements and bureaucratic procedures are key barriers to refugees’ access to higher education. Indeed, it is reported that the number of non-Greek students in Greek universities is small in comparison to the overall number of domestic students and that adults with an immigrant background (including refugees and asylum seekers) are less likely to enter higher education institutions in Greece (OECD, 2018).

“One day, a Congolese lady, the mother of a 5 or-6-year-old boy came to me. She said that every time her son was going to school, in the classroom, the teacher was placing all the refugees’ kids on the back desks. After that, she would tell them to sleep to be able to deal only with Greek children. I was literally shocked by what she was telling me. For her, it was a reason to no longer send her little boy to school because she found it pointless. The ironic part is that she was apprehended by social workers for not sending her son to school. All this took place in a refugee camp in Greece. The following question needs to be asked: was this mom right or wrong? How could she face this problem now there is any support from institutions or authorities?” (*Respondent*)

18. ECRI REPORT <https://ecre.org/wp-content/uploads/2023/03/Policy-Note-Accessing-to-Education-for-Asylum-Seekers-in-the-EU-March-2023.pdf>

## 2. TEACHING STAFF

School advisors are responsible for providing scientific and pedagogical guidance, support and training, including on assessment, to all teachers of refugee and asylum-seeking students, both in preparatory and mainstream classes (EACEA, 2019). To support the education of refugees, the Institute of Educational Policy has created an open-access platform with material developed in the framework of Intercultural Education programmes and a website on Refugee Education in support of those involved in actions of refugee children's education. Additionally, staff instruction actions on issues of intercultural education, Reception Class functioning and the production of educational material ("Interventions on instruction for reinforcing school structures of the educational system") have been put into effect.

Despite the aforementioned provisions and initiatives, a series of challenges have been identified with regard to the teaching staff. The absence of specific skill requirements in teacher recruitment, insufficient number of teachers with relevant experience and appropriate skills, recruitment of teachers with reduced working hours, and constant rotation. 37 training and support with regards to bilingual and intercultural education, and specifically the teaching of Greek as a foreign language, the needs and characteristics of the target population and the adoption of appropriate teaching methods and conflict resolution techniques are currently the main challenges that have been identified (Tzoraki, 2019). In consequence, the fulfilment of the educational objectives is compromised.

## CITIZENSHIP

Typically, citizenship is referred to as a type of geographic and political community membership. It can be broken down into four dimensions: legal standing, rights, political involvement and other types of social engagement, and a sense of belonging. The idea of citizenship enables us to assess how much immigrants and their offspring are assimilated into host countries (Bloemraad 2000, Bosniak 2000). According to Baubock (2001), Odmalm (2005), and Bloemraad (2006) these dimensions can work well together or put one another in conflict. Researchers that study citizenship as a legal status look at who qualifies for the designation. Citizenship may depend on one's place of birth, the ancestry of one's parents, or both. Citizenship must be obtained through naturalization for residents who are not born citizens—as is the case for many foreign immigrants. Although citizenship standards vary from one country to another, they often include at least a term of legal residency and the display of some familiarity with the country and its prevalent language(s). Thus, political participation is increasingly viewed as an individual right and, in certain circumstances, a human right that should be divorced from legal status (Brysk & Shafir 2004, Hayduk 2006). As a result, participatory and liberal views on citizenship merge.

However, According to Kymlica, citizenship as a unique legal and political identity may function as a bridge for minority groups and cultures. Culture may be essentialized in a similar way as ethnic origin, and it can also be used to naturalize intergroup differences and to exclude immigrants from the national ingroup, according to research on the social representations of citizenship in Greece. Kadianaki and Andreouli (2015). Thus, Greece hosts large numbers of asylum seekers and migrants, but for most of refugees Greece is a border to other European countries. The fact that it is a border is because of the Greek state/ government system. The competition between political parties in Greece's parliamentary democracy affects the management of migrants and asylum seekers. All the changes and denial of migrant's rights are often closely linked to discriminatory laws and to deep seated attitudes of political groups. Because of all these changes, refugees face immeasurable problems.

"Being in a European country only as a migrant for up to four or eight years, working legally, paying taxes on time, speaking the language very well, being familiar with the political institutions of the Hellenic Republic, having the knowledge of Greek history or political history, culture and laws but still not having citizenship is a problem itself. Thus, one of the serious problems that refugees face in Greece is that they must renew their residence permits every three years something that takes a very long time to get it back from asylum service renewed while it is not a long process. Furthermore, as the residence permit is in the process of being renewed by the asylum service, they receive a document which is normally legal but not recognized by many public services. Refugees while having that document which is called Βεβαίωση (Certification) in Greek, don't have the right to travel, to ask for subsidies to which the migrant is entitled, to rent a house or to renew his house contract, to open a new bank account if needed... In addition, another issue that refugees face a non-citizen in Greece is that they cannot apply for job in other European Countries, students are allowed to apply for studies in other European Countries but they must pay because they are not citizens of an European country, they are not allowed to take part in politics so they can share their ideas and opinions with other politicians to help them

realize certain things through immigrants who now are a citizen of Greece as they have experienced how being refugee is. Thus, a citizen is both ruler and ruled.

As personal experience I have to mention that while traveling to other European Countries, I've always had this issue with my documents, the residence permit that I have is from the migration offices of Petrou Ralli str., which is not like ID from the asylum offices at Katexaki str., and in which my details are all written manuscripts, and it is not recognizable by the airport passenger service assistants and airport security officers in Greece and abroad. Each time that I've travelled, while giving my document for checking, they start to ask each other what this document is and if it is possible for someone to travel with this piece of paper until finding finally a colleague who is familiar with that document. I remember when I applied for a national tax number (ΑΦΜ/AFM), they told me we first must send your documents to the asylum service so they can check your document and if everything is good, we will contact you for your AFM. I then asked them how long it might take for it to be checked by the asylum service, they told me that they do not know, maybe 2 to 3 weeks or maybe a month, Days ago the same thing happened to my sister as well. She is 18 now and she should have AFM. Also, when I had my first job, I had to open a bank account in "Ethniki trapeza" which is (National bank of Greece), I went to the bank, gave my documents and I had to wait for 2 weeks for the checking again... when I finally opened a bank account on my name, I asked for IBANKING username and password which is for the application. They asked my residence permit again, I gave it to them, they tried to make a username and password and the process was done but then the system couldn't recognize my document, so they told me "To apply for this, you must have citizenship because the system cannot recognize and accept your document".

According to my personal experience and to what other fellows who are currently attending Greek schools shared, here are the bullet points expressing some proposals on what could be done in order to improve the education system for migrant and refugee children.

All the mentioned above are good enough reasons for why it is important for an immigrant to have the citizenship of Greece and why the process of applying for citizenship should be a little bit easier..." – (Respondent B)

## LACK OF EMPATHY IN POLITICS AND GOVERNMENTAL INSTITUTIONS

Empathy is defined as an internalized understanding of or identification with the state of suffering by others (Moyn 2006, Kelly 2011), and is important as provides the sense of what it is like to be someone else. While Empathy can significantly impact eliminating discriminative, biased attitudes of society against refugees, it also creates a human-oriented approach to immigration policies. Widely understood to be a beneficial process for cohesive and just societies, and recognised as a fundamental part of being human, it is hard to see much evidence of this kind of empathy in European politics towards the current refugee crisis:

"Empathy is a powerful predictor of positive behaviours that benefit society, individuals, and relationships. [...]. There is a connection between empathy and the ability of institutions, systems, and policies to change. [...]. Governmental institutions in Greece that need "empathy injection" are hospitals, schools, tax offices, national social security institutions, and citizen service centres.... I live in Greece for more than 11 years and I must admit that positive changes are visible throughout all these years. However, they could be much bigger, especially in Greece – the country that hosts a lot of migrants and refugees, and especially, when there are so many helpful examples of other countries with an even much bigger percentage of migrants and refugees. What I mean is there is no need to discover anything new to make a change, the only thing that is needed is to copy other countries' examples and implement them. [...]. Every employee of each governmental institution has his/her own list of documents that should be provided for customers to get a specific paper. It looks way too democratic! In other words, each employee is a manager of the governmental institution he works in, and together with that, he becomes a person on whom a customer's life depends. Probably, this sounds way too dramatic... Unfortunately, this is the reality. I am currently working within an NGO, where we help refugees. People are forced to leave their houses and now they are "forced" to knock on all visible doors to get help. I see that sometimes people do not understand or do not want to understand that people they talk to don't have money to pay for the bus to come to the office again. Some of them have health issues and for them to collect papers again and to visit the office again is a real problem. How can we help? That's easy. There should be only one guidance and all the employees should be aware of it... In conclusion, I believe it is needed to highlight that the result of non-empathetical behaviour is tragic". – (Respondent C)

While the term empathy encourages a positive and constructive approach, on the other side due to stereotypes it can lead to one-sided policies as well. It is observed after the Ukrainian War that governments showed (and

even still) selective “empathy” towards certain groups of victims while ignoring the real needs and problems of “marginalized” groups. One possible explanation can be found in studies of intergroup empathy. One study found that White participants showed less physiological arousal to the pain of Africans than to other Whites. In the same study, White individuals who had higher levels of implicit racial bias were more likely to have reduced reactions to the pain of Africans. These findings suggest that implicit racism plays a potent role in muting empathetic responses to racially marginalised groups. In other words, stereotypes serve to diminish a sense of shared humanity across groups by providing us only single narratives of regions, nations, or peoples.

There are massive violations of migrant workers’ rights. The economic crisis is weakening labour rights and people feel more insecure. The situation is worse for migrant workers.

To overcome the challenges, inclusive understanding must be developed through education which otherwise incites more racist attitudes in society: “Racist narratives regarding the risk of “Greek students becoming infected by the refugees’ illnesses” emerged in specific schools in Attica and in other parts of Greece, with people even coming to blows in some cases. These events gained publicity through the press, mostly at the beginning of the DYEP: Programme of afternoon preparatory classes (Δομές Υποδοχής και Εκπαίδευσης Προσφύγων) but also during the following years, and conflicts and racist narratives continue to surface until today. A number of other actors, such as education professionals, NGOs and anti-racist organisations, reacted to these racist conflicts by safeguarding the continuation of the DYEP programme in the schools where the racist reactions took place (ELME, 2017) / (Respondent A)

## SUGGESTIONS

This section provides suggestions, and a conclusion for the following areas:

### 3. LABOR RIGHTS

The problems with Greek governmental institutions can be described as follows:

(A) Bureaucracy, (b) lack of competence of employees and their will to help; (c) lack of knowledge from the employees’ side regarding the political and economic conditions of some countries; (d) specific political preferences of employees that prevent the unbiased provision of services; (e) lack of guidance from the administrative institution; (f) insufficient information regarding the services provided by each institution.

The proposed suggestions to overcome the above issues are given below- (Respondent C)

- » Providing information from higher authorities on time
- » Cascading information to all employees
- » Permanent education and training of employees in topics such as discrimination, hate speech, racism, political situations of the targeted countries, soft skills etc.
- » Possibility to give positive feedback/report or complaint that will be reviewed later and resolved accordingly.

Considering the political and legal context in anti-racism and anti-discrimination, the non-discrimination Law 3304/2005<sup>19</sup> provides residents with the minimum EU standards in terms of equal treatment irrespective of racial or ethnic origin, or religion. However, nationality/citizenship discrimination is not explicitly prohibited by law. That gap needs to be closed in order to implement the above suggestions in an efficient way.

### 4. EDUCATION

Respondent B: “It is important to indicate that with our suggestions below we do not aim at radicalising the education system. We do not point it out because that is not the goal. We are concerned by it because we really want a warm, welcoming, friendly, cosy, and safe environment for all the children. [...]. Those are points by which we are all concerned. Because education is above all. Through education, we can leave a legacy: a better past, a better present and a better future. If we all work together.”

19. [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=83985](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=83985)

- » Provide access to education easy and prompt not only in theory but also in practice for all children despite their legal status.
- » For children refugees placed in the camps, the ministry must above all ensure that they are not excluded from accessing education.
- » Establish extra courses for children who do not yet have a good command of the Greek language. This will help them first to reach a good level of the language and after to be able to follow the rest of the lessons properly.
- » Recruit a staff made up of interpreters/cultural mediators in particular to ensure communication with parents who do not understand or speak the language. But also for crucial cases involving the kids themselves where the help of an interpreter could be needed in order to have in all clarity on what the child wants to say.
- » Teachers and professors must be well-trained in education about multiculturalism, diversity and religious tolerance. The whole education system should promote these 3 aspects.
- » Talk kindly about races from an early age to immerse children in the concept of a multiracial world. Children have to understand that by nature there is not only one race and that any race is superior to the other.
- » Promote/teach the local and national Greek culture and at the same time apply an intercultural approach allowing children to understand the differences and especially the similarities between cultures.
- » Take into account the uniqueness and particularities of each child without making it feel discriminated against and have teachers available who will be capable to intervene when a child has difficulties based on several factors.
- » Fight against bad and unhealthy behaviour within the schools rather than looking to excuse or justify them especially when it comes to Greek children but ready to condemn when it comes to migrants or refugees children.
- » A committee made up of official representatives or members of migrants communities living in Greece can actively participate in the Ministry of Education by bringing their ideas, suggestions and proposals likely to lead to reforms that can improve and make more friendly the education system for migrant and refugee children who mostly feel marginalised by the system itself.
- » Pass a law that gives the right to any individual regardless the race, gender, or religion to teach in public institutions as long as he/she responds to all the required skills and criteria.
- » Ensure impartiality: have a special team of professors or people adequately to be able to intervene quickly and effectively in case of violence, violation or misconduct committed by a teacher towards a child.
- » Cooperate with child protection services and grant them the right to investigate if any kind of child abuse is suspected.
- » Offer lunch or afternoon meals (or both) to the children. There are many families that can not afford a daily snack for their kids. As a result, some kids can pass so many hours without eating anything. We all know cases of children fainting in school from hunger.
- » Eliminate the conviction that if you do not go to tutoring (φροντιστήριο) you will not pass. Plus, it has to be acknowledged that financially vulnerable families can not afford it. Also, it is an exhausting program forcing them to read for long hours which can bring various and serious psychosomatic effects such as burnout. Moreover, this takes away from children and teenagers the time for a creative activity or engaging in a hobby.
- » Raise sex awareness by teaching girls and boys about sexual behaviour, gender differences, human body menstruation, and pregnancy as well as, when it is not and to whom they can report abusive sexual behaviour or gender-based violence.
- » It is necessary to include swimming lessons in the school curriculum. It is important for children to learn to swim because it is an essential asset. Greece is a country surrounded by sea. This can be achieved by creating or operating municipal centres that dispose of swimming pools and the opening hours could match the school timetable.
- » To make technologically friendly tools and programs (such as SIRIUS network, EDINA<sup>20</sup> program, more accessible to refugee children all over Europe and provide them as well as teachers a necessary training.

20. EDINA: Education of International Newly Arrived migrant pupils, <https://edinaplatform.eu/en/edina/> SIRIUS: Policy Network on Migrant Education" <https://www.sirius-migrationeducation.org/>

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# Malta

## Country Shadow Report

The report was written by the Steering Committee, Malta

May 2023





## STEERING COMMITTEE, MALTA

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The report was written in May 2023 by the Steering Committee, Malta.

The content of this report represents the views of the authors and is their sole responsibility. In case of any questions regarding this report, feel free to contact [aditus foundation](#).

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# INTRODUCTION

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Nowadays, identity documents are an essential tool in establishing and confirming an individual's legal identity in modern societies, facilitating various activities such as opening a bank account, traveling, employment, and accessing essential services.

The roots of the modern system of identity documents date back to the 19th and early 20th centuries when various governments recognized the importance of having reliable means to verify an individual's identity for purposes such as governance, law enforcement, taxation, immigration controls and public services. Such needs triggered countries into implementing official identification systems to address the growing need for accurate identification and documentation of their citizens.

In today's society, having the appropriate documentation, or the lack thereof, can have significant effects on the daily lives of migrants in a migration situation.

Indeed, on the one hand, it is clear and evident that being appropriately documented is crucial in determining the rights and privileges individuals have access to, as well as the level of security and stability they can enjoy.

Conversely, the lack of identity documentation presents a spectrum of challenges, ranging from minor inconveniences to severe repercussions. This report focuses on exploring the difficulties associated with documenting third country nationals residing in Malta, encompassing a comprehensive overview of these challenges and their corresponding consequences.

To achieve this, we will begin by examining the underlying causes of immigration in Malta. Subsequently, we will delve into the specific documentation requirements and challenges faced by different types of migrants in Malta. We will shed light on the particular obstacles encountered by individuals seeking international protection in Malta, before finally making some recommendations.

Furthermore, it is important to acknowledge that this report incorporates insights gathered from migrant communities residing in Malta, who have shared their first-hand experiences that have informed the content presented. As a result, certain information presented in this report may not have specific references or sources but reflects a realistic portrayal of the challenges faced by third country nationals in Malta.

# CAUSES OF IMMIGRATION IN MALTA

## 1. CONTEXT

Over the past ten years, Malta has experienced a notable population growth, with an increase of approximately 100,000 individuals. According to the latest statistics provided by the National Statistics Office, the total population rose from 422,509 in 2012 to 520,971 in 2021.

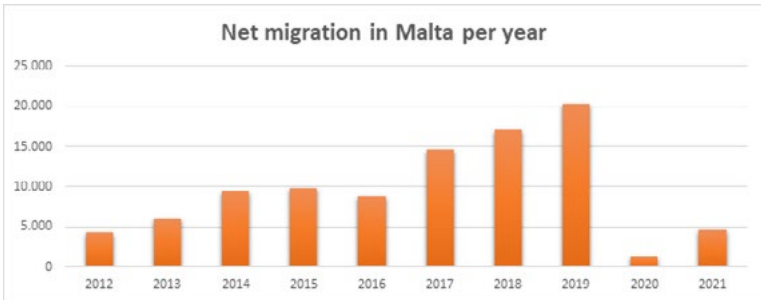


Figure 1: Net migration in Malta per year

The 2020 and 2021 figures are due to the COVID-19 pandemic related measures that were taken around the globe. In any case, these figures indicate a significant demographic shift within a relatively short time frame, highlighting the dynamic nature of Malta’s population dynamics.

Data from the 2021 census revealed that the number of foreigners residing in Malta stood at 115,449; an increase of more than five times in the share of foreigners since 2011, when the number of non-Maltese residents stood at 20,289.

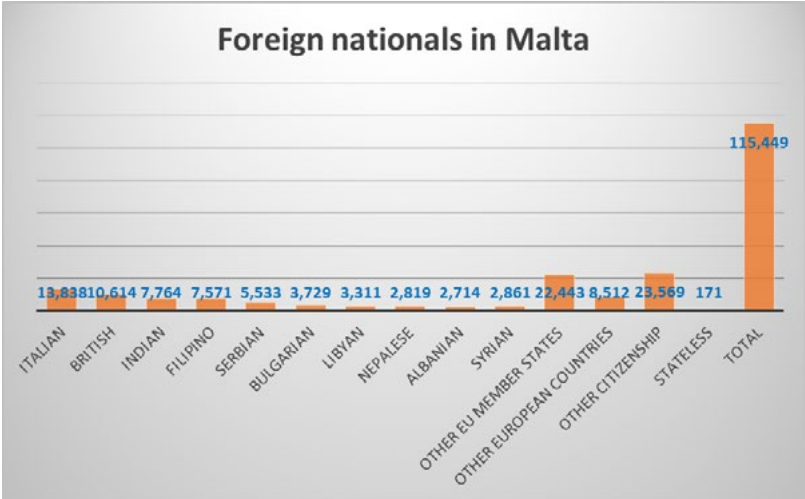


Figure 2: Total number of European citizens in Malta

The number of Third Country Nationals from non-European countries represents 9.25% of the Maltese population.

By excluding the UK and integrating the population of non-member states that need a working permit to work in Malta, they are 48,066. The largest share of non-European citizens is Indian (7,764), followed by Filipinos (7,571).

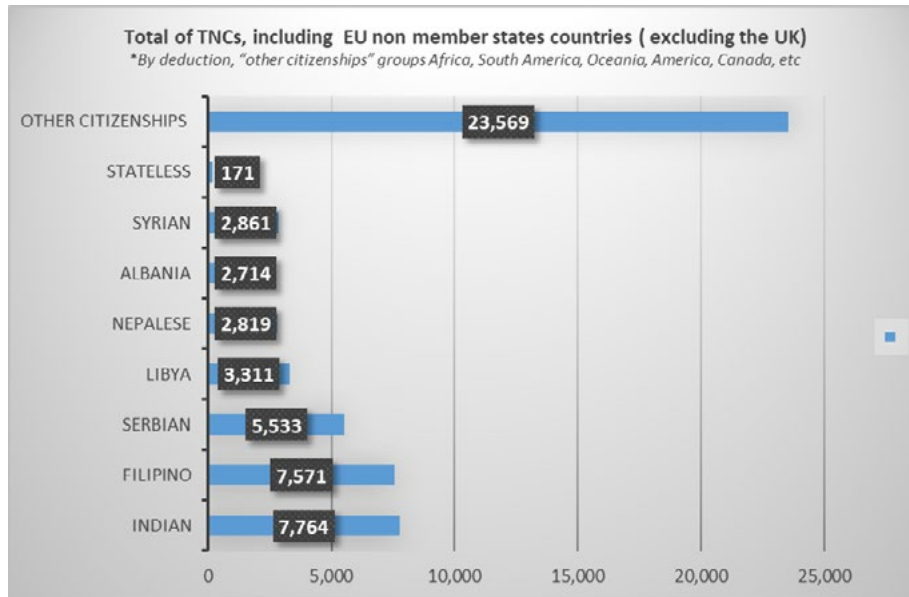


Figure 3: Total number of Third Country Nationals in Malta

Such migrations have several causes. The below graph is an estimated share of the causes of migration.

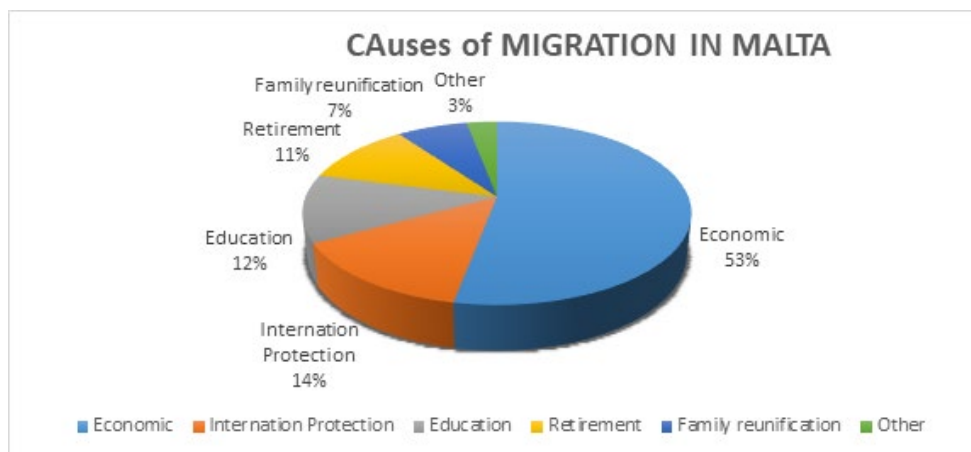


Figure 4: Causes of immigration in Malta

In the following section, we shall be breaking down each category and explain why individuals migrate to Malta over the reasons exposed here above.

## 2. ECONOMIC

Migration for economic reasons has been growing throughout the years as the country has an increasing demand for highly skilled professionals in various industries.

As a result, Malta maintains one of the lowest unemployment rates in the European Union, with a consistent decrease in unemployment across all age groups and categories in recent years. At the time of this report, the unemployment rate in Malta is at 3.5%.



Figure 5: Unemployment rate in Malta from 1991 to 2023

Such migration affects both EU and non-EU citizens. Indeed: Non-EU citizens often migrate to Malta in search of better job opportunities and a higher standard of living.

Regarding EU citizens migrating to Malta, while the wages in Malta may be comparatively lower than those of other European Union countries, the decision to move is often motivated by additional factors, including the lower cost of living and a more favourable climate.

The below graph illustrates the minimum wage in other European Union States, compared to Malta, between the years 2013 and 2023. It also illustrates the average annual growth per year.

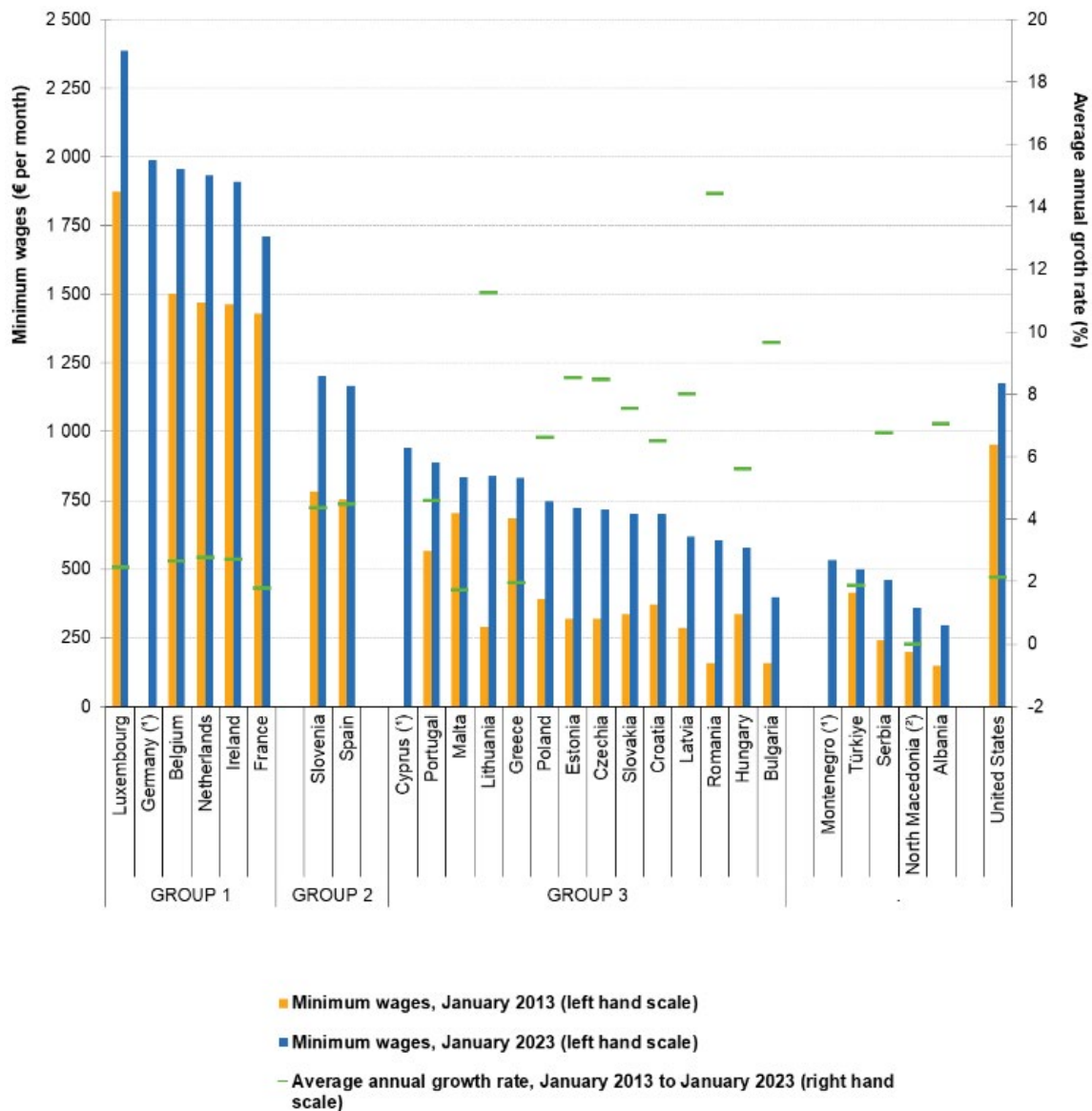


Figure 6: Minimum wages January 2013 & January 2023

### 3. EDUCATION

Throughout the years, Malta has become a more and more attractive destination for international students seeking a high-quality education. The popularity of its education, as well as its attractiveness are mainly due to the following reasons.

In comparison to other European countries, Malta’s tuition fees are relatively affordable.

Additionally, students from other EU states may be eligible for scholarships and other funding opportunities to assist with the costs of studying in Malta.

Malta boasts a well-developed education system that provides a diverse range of academic programs, degrees, and courses that are globally recognized.

Malta is the only country in the EU where English is an official language: this means that EU citizens can migrate to Malta for as long as necessary to learn English without requiring a visa.

### 4. INTERNATIONAL PROTECTION



Migration can also be motivated by political instability, persecution, and conflict. Over the past few years, the Maltese islands have provided protection to numerous refugees as well as asylum seekers who have fled from their countries of origin due to such issues.



Figure 7: Sea arrivals per year in Malta

The sea arrivals top countries of origin are exposed in the below graph:

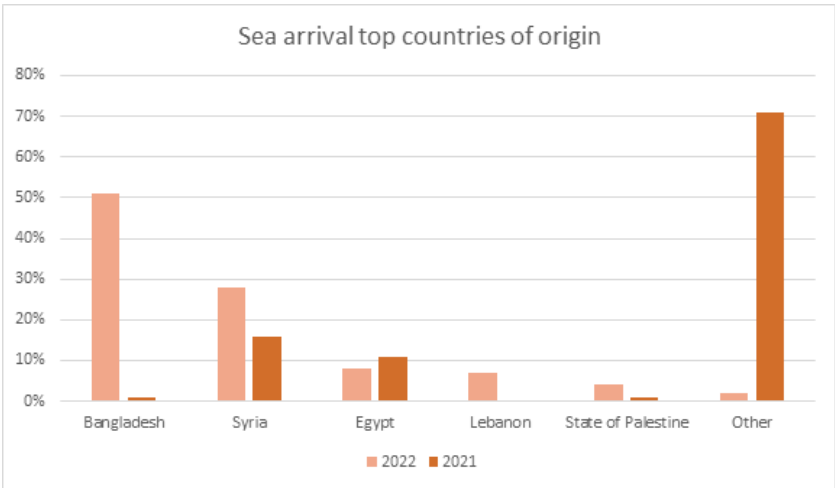


Figure 8: Sea arrivals per top countries of origin

At the time of this report (in May 2023), Malta has totalized 92 arrivals by sea in the year 2023, which represents 0.16% of the arrivals by sea in the European Union.



Figure 9: Arrivals by sea in Europe in May 2023

## 5. LIFESTYLE

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Several other significant factors contribute to the desire to migrate to Malta. Some of those factors are mentioned here below, though not limited to them.

High quality life: there is a low crime rate within the Maltese islands, making it a safe place for individuals and families to live.

Pleasant climate: Malta is known for its hot summers and mild winters. Such weather appeals to many people, especially those from colder climates or fast-paced environments

Affordable cost of living: though the cost of living in Malta is not the cheapest in Europe, it is relatively affordable compared to other EU countries. This makes it an attractive destination for those seeking a high-quality life without financial stress.

Healthcare: Malta has a modern and well-equipped healthcare system, with both public and private hospitals offering high-quality care to its residents.

Retirement: with its affordable cost of living and excellent healthcare system, Malta is an attractive destination for retirees. Non-EU citizens who meet the eligibility criteria may apply for a retirement visa in Malta.

## 6. FAMILY REUNIFICATION

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Family reunification is a common reason for migration to Malta, where family members who are already residing in Malta can sponsor their relatives to join them in the country. This includes spouses, children, parents, and other dependent family members.

Family reunification is a common reason for migration to many countries, and Malta is no exception. This type of migration allows families to be reunited, thus promoting social cohesion.

In conclusion, Malta has become an attractive destination for migration due to a combination of factors such as its strategic location in the Mediterranean, favourable economic opportunities, and its membership in the European Union. The steady increase in population over the years is a testament to the appeal of Malta as a destination for individuals seeking better prospects and a higher quality of life.

However, the challenges and consequences related to documentation cannot be overlooked. The process of obtaining and maintaining appropriate documentation poses significant hurdles for migrants in Malta. The next section will be exclusively dedicated to exposing those hurdles.



Here below are some examples.

## 8.1. EXAMPLE OF ACHRAF, ATTEMPTING TO STUDY IN MALTA

The following excerpt is the testimony of Achraf, a young Moroccan currently living in Casablanca, who attempted to relocate to Malta for studying purposes.

### **CHALLENGE TO ACCESS THE EMBASSY OF EGYPT**

***I had just graduated as a Mechanical Engineer in Casablanca, but I wanted to have an equivalent degree in the European Union in order to gain an advantage in the labour market. I chose Malta because my mother's siblings have been living there for over two decades, and I wanted to be with them.***

***With their blessing, I reached out to study institutions in Malta, including the University of Malta. One of the education centres had accepted my application. My family and I paid the school fee, and a letter of admission was given to us. From that aspect, everything went smoothly.***

***Things became complicated when I applied for a visa. To cut a long story short: I was required to travel from Morocco to Egypt, request an appointment at the Malta Embassy in Egypt for the visa proceedings. And the closest appointment date was ... more than two months after my first school day.***

***This was despite the fact that the letter of admission specified the date of commencement of class. I pleaded for the appointment date to be moved up, to no avail. Eventually, the visa was denied, because there was no confidence that I was really going there for school – as class had begun by the time of the interview.***

### **CONSEQUENCES**

Achraf believed he had a “strong case” for the visa to be granted to him – he had an admission letter, he had family in Malta that proved both to the Embassy and the school they were able to host him, and they committed themselves to sustain him during his studies in Malta.

He fulfilled all the necessary requirements to obtain the visa he needed to study in Malta. Those requirements are listed here below.

- Possession of a valid travel document covering the course duration
- Notarized authorization from parents or legal guardians for minors
- Comprehensive health insurance policy for the entire stay
- Payment of application fee
- Sufficient financial resources to cover living costs
- Evidence of return travel arrangements or funds to purchase a ticket
- Residential address in Malta
- No threat to public policy, security, or health
- Letter of admission from a recognized institution in Malta
- Evidence of payment of course fees or exemption for hosted applicants
- Sufficient language proficiency for the chosen course

Yet, because of the lack of a Malta consulate licensed to provide visas in Morocco, he could not relocate to Malta.

Consequently, Achraf lost a full year during which he could have pursued other studying possibilities in Malta and also in Morocco. Indeed: it was late for him to apply for other studies as he had missed the deadlines, and he had spent considerable funds to travel and apply for a visa.

## 8.2. EXAMPLE OF TWO WOMEN FROM THE PHILIPPINES

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### ***INCIDENT IN THE PHILIPPINES***

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In April 2023, the Philippines Bureau of Immigration intercepted two victims of human trafficking who were on their way to Malta. Initially posing as tourists, the two women eventually admitted their intention to travel to Malta for employment.

They received their travel documents from an unknown person outside the airport, unaware that their employment visas to Malta had been cancelled beforehand.

The Immigration Commissioner warned against dealing with recruiters and highlighted the exploitation of human trafficking victims in the Mediterranean.

A more complete account of the incident can be found on [this link](#).

### ***CONSEQUENCES***

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Such an account provides some insights of how challenging the migration process can be.

First, it highlights the ongoing problem of human trafficking, which is a global issue that affects many vulnerable individuals seeking better opportunities abroad.

Second, it emphasizes the importance of proper documentation and legal pathways for migration. In this case, the victims were lured into trafficking by fraudulent recruitment and were not aware that their visas had been cancelled, which put them at risk of abuse and exploitation.

Third, it highlights the need for stronger enforcement measures and penalties to combat human trafficking and fraudulent recruitment.

Finally, the story underscores the importance of being cautious and vigilant when dealing with recruiters and to ensure that proper procedures are followed, and the appropriate documentation is provided, when seeking opportunities abroad.

## 9. UPON ENTRANCE ON THE MALTESE TERRITORY AND LIFESTYLE

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This section will focus specifically on the challenges that third country nationals face as soon as they reach Malta, and on a quasi-daily basis.

### 9.1. ID MALTA

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#### ***ROLE OF ID MALTA***

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Identity Malta, often referred to as “ID Malta” by migrants, is the agency responsible for managing immigration, and therefore identity documentation for both EU and non-EU citizens. Identity Malta is renowned to work closely with other government agencies to ensure that the migration process is efficient and transparent.

Immigrants in need of new Identity documents, visa extension or renewal of identity documentation often rely

on Identity Malta.

In other words, every non-Maltese citizen who relocates to Malta will eventually have some contact with Identity Malta. For most Third Country Nationals, Identity Malta is the first government agency they deal with as soon as they arrive in Malta.

## ***CHALLENGES ENCOUNTERED BY MIGRANTS REGARDING IDENTITY MALTA***

Whilst we acknowledge that Identity Malta plays a crucial role in managing the immigration within the borders of Malta, there are some challenges that immigrants face when dealing with the agency. Here are some of them.

Limited availability of information: Migrants may struggle to access reliable information about the migration process, requirements, and available resources.

Language barriers: The official language of Malta is Maltese, but English is widely spoken. However, non-English speaking applicants may have difficulty understanding the application process, requirements, and instructions.

Complex and lengthy application processes: The application process for visas and residence permits can be complicated, time-consuming, and require the submission of extensive documentation. The process may also vary depending on the type of visa or permit required, and even the applicant's country of origin.

Delays in processing applications: Due to high volumes of applications, processing times for identity documents can vary, and may even take longer than expected. This can lead to frustration and uncertainty for migrants.

Lack of transparency: Some applicants may find it challenging to navigate the application process due to a lack of transparency in the decision-making process or unclear communication from Identity Malta.

Limited customer service: Migrants experience challenges in accessing support or assistance from Identity Malta. The agency can be difficult to contact, and there have been reports of long wait times and unresponsive staff.

Application fee it's worth noting the fee required in every application to be quite a lot especially if someone changes employment, where the initial payment is regarded as lost and one has to do initial payment, which in most cases also requires one to resubmit all the documents which had previously been submitted. This fee is usually €280.50

## ***CONSEQUENCES***

It is important to note that throughout the years, immigrants have noticed an overall improvement of Identity Malta. However, the challenges previously mentioned come with their set of consequences – some of which are listed here below:

Psychological distress: The documentation application process can be stressful and can provoke anxiety, particularly for those who are facing uncertainty or have experienced trauma in their home country. The challenges faced when dealing with Identity Malta can exacerbate these feelings, leading to psychological distress and mental health problems.

Reduced integration: Difficulties to access appropriate identification documents can make it harder for migrants not only to integrate into Maltese society, but also to access essential services, such as healthcare and education.

Social isolation: Migrants who are waiting for their documentation application to be processed may feel socially isolated, particularly if they are not able to work or engage in community activities during this time. This can lead to feelings of loneliness, reduced opportunity for employment and disconnection from society.

Risk of exploitation: Some migrants may be vulnerable to exploitation by unscrupulous individuals or businesses who take advantage of their situation. This can include being charged exorbitant fees for their basic needs as accommodation or other services or being subjected to unfair labour practices.

## 9.2. OFFICIAL FOREIGN REPRESENTATIONS IN MALTA

### CURRENT SITUATION

A less evident aspect of documentation challenge for immigrants in Malta is their ability to renew than home country documents, such as their passports. In such a situation, having a diplomatic representation of their home state is crucial.

As of now, Malta is host to 12 foreign embassies and 28 consulates. Whilst we acknowledge that the territory of Malta is limited in space – and can contain a limited number of diplomatic representations – the renewal of migrants' documentation creates various limitations and require extra effort.

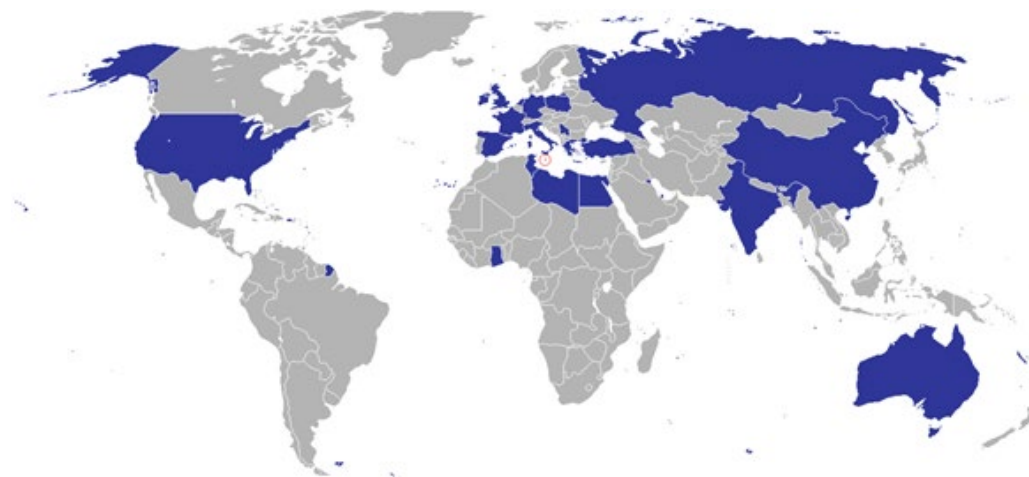


Figure 11: Map of diplomatic missions in Malta.

### CHALLENGES RESULTING FROM THE CURRENT SITUATION

A necessary condition to apply and/or renew a work permit in Malta is to provide the original and the copy of a valid passport (please refer to section 2.3.3.1). As outlined in earlier sections of this report, it is evident that a significant number of third country nationals have migrated to Malta for employment reasons.

The majority of third country nationals working in Malta are from the Asian, African and South American continent. Yet, except the Asian continent, there are very few diplomatic representations of the African and South American continent within the Maltese shores.

If the passport of a third country national is expired, and they have no diplomatic representation in Malta, their options are very limited. Their options are even more limited if they lose their passport or other official documents.

In the case of those whose passports are about to expire, the usual procedure is to travel overseas – usually to Rome, Italy – for the sole purpose of renewing documents. In other (fewer) cases, foreign states send a representative to Malta, who then collects all passports in need of renewal – and brings them back once they are renewed.

### CONSEQUENCES

Not having any diplomatic representation for the majority of third country nationals in Malta comes with their set of consequences. The main ones are listed here below:

**Difficulty in residing in Malta:** Obtaining an extension of visa or work permit in Malta depends directly on migrants' capacity of providing an available and a valid passport. Failure to meet that condition will jeopardize the immigrants' daily life conditions in Malta.

**Financial strain:** Renewal of passport often equates to traveling overseas. This can be time consuming and costly.

Limited protection: In the event of an emergency or crisis, the level of protection and assistance is definitely not the same as citizens of other countries with diplomatic representation in Malta.

Limited possibility to travel: For third country nationals, obtaining a visa is often necessary when traveling overseas. Typically, the visa is stamped in a valid passport page. As a result, it is important for the passport to be both valid and available. Without a valid or available passport, it is not possible to travel, even if the purpose of the trip is to renew the passport.

### 9.3. EMPLOYMENT OF THIRD COUNTRY NATIONALS IN MALTA

A major source of challenge regarding the documentation of third country nationals is the obtainment of the employment license. In this section, we focus on the employment conditions of third country nationals, as they constitute a considerable share of the workforce in Malta.

#### **WORK PERMIT REQUIREMENTS.**

To apply for a single-work permit in Malta, third-country nationals must have a valid authorization to reside and work in the country. This can be in the form of a residence permit or a visa. Having the necessary authorization is a prerequisite for obtaining a work permit, and failure to meet this requirement may result in the application being rejected.

Work permit applicants are also required to present the following documents in their original formats:

- » Completed CEA Form C (Non-EU) endorsed by the employer;
- » Filled Form ID 1A and payment of €280.50;
- » Copy of passport, including blank pages;
- » Employer's letter explaining the need for the position;
- » Supporting documents such as contracts and work sites;
- » Signed work contract between applicant and employer;
- » Filled position description and signed by both employer and applicant;
- » Applicant's signed CV;
- » Proof of efforts of searches made for Maltese/EEA/Swiss candidates for this post
- » Qualifications of the applicant with recognition from MQRIC
- » Reference letters and Declaration of Suitability
- » Comprehensive health-insurance policy
- » Lease or purchase agreement of property with a Rental Declaration Form if renting

Once all the here-above documents are provided to Identity Malta, the work-permit application is officially kicked-off.

#### **CHALLENGES RELATED TO THE WORK PERMIT.**

In this section, we will expose the challenges that arise once the work permit is granted to the applicants.

Validity period: In most cases, such a document is valid for a year – after which a renewal is necessary. In other words, each year, unless the employment contract is terminated, every applicant is to submit another application.

End of validity: As its appellation indicates, the work permit – or employment license – is a document that links its holder to their employer. The work permit stops being valid if the employer does not renew it or if the work contract has been terminated. Any employer change necessitates a new work permit for third country nationals.

Application fee: In most cases, work permit holders pay an annual fee of €280.50 – that is if there is no change



of employer and if the employer does not cover some of the fee expenses. However, for those on a minimum wage (approximately €800.00 monthly), such fee can become a financial strain.

**Priority of employment:** Employers in Malta are obligated to prioritize hiring Maltese nationals, followed by EEA and Swiss candidates, before considering third country nationals. Although third country nationals recognize this priority, it can be difficult to occupy a job position that has been rejected by everyone else.

### **EXAMPLE OF GEOFFROY (ALIAS):**

Geoffroy was hired from Africa to work as an auditor in a company based in Malta. He relocated with his wife; he had a good salary. Nevertheless, he didn't pass the probation period and found himself jobless at once, with the urgency to find a job within 10 days.

He managed to secure another job, but that came after the 10 day- period and he was then living in an irregular situation. In order to avoid any possible arrest, he took a lawyer to defend his cause and spent his savings in legal fees, while at the same time, he had to find an affordable housing solution.

But most importantly, he had to exit the country to another non-EU country from where his new employer would start the hiring process.

By the time he left Malta, he had sold most of his belongings to survive and he decided not to come back to Malta.

### **CONSEQUENCES:**

Here below are some consequences related to the work permit related challenges:

**Frequent application:** the high frequency of the work permit application increases the possibility of delays and / or rejection to the applicant. Also, the higher the frequency, the less hope there is in becoming a permanent resident of Malta.

**Additional fees:** If the permit holder changes employers, a new work permit application must be submitted, which could result in additional fees and paperwork.

**The 10-day rule:** If the work contract is terminated, the work permit becomes invalid, and the applicant must find a new job and apply for a new work permit within 10 working days. It is extremely challenging anyone to secure a new job within such a short timeframe.

**Risks of precariousness & irregular status:** Failure to find a job and apply for a new work permit within 10 days results in an irregular status in Malta. This means deportation can happen at any given time.

**Risk of exploitation:** Some migrants may be vulnerable to exploitation by unscrupulous individuals or businesses who take advantage of their situation. In some cases, business owners would not declare employing such migrants for the sole reason of not initiating the work permit proceedings. On the other hand, migrants, in need to sustain themselves, are more likely to accept such practice, as there is no other choice.

It is a reality that Malta is now a multicultural and multi-racial country. The recent census of 2021 revealed that 1 in 4 residents is a foreigner.

The geographical position of the country has made it a *de facto* immigration country, but policies put in place by the authorities and possibilities by foreigners to navigate the administrative path of documentation are still quite problematic, as illustrated with some of the challenges described above.

Yet, it is clear that foreigners are here to stay, based on their growing number over the years. It is therefore a matter of urgency that the path to long-term residency and citizenship be envisioned in a clear way.

## **9.4. LONG TERM INTEGRATION**

As previously mentioned, the number of foreign nationals in Malta has been on the rise over the past years. In

fact, we have encountered several third country nationals who have even been living in Malta for decades, but they were not granted any form of long-term resident status.

After speaking with them, it has become clear that obtaining long-term residency status can be a complex process. In this section, we will expose the complexity related to the obtaining of long-term residency by third country nationals.

## 9.5. PERMANENT RESIDENCY

### DEFINITION

Permanent residency in Malta is a legal status granted to non-EU/EEA/Swiss nationals who have lived and legally resided in Malta for a continuous period of at least five years.

It grants the holder the right to stay in Malta indefinitely, work and study without the need for a work permit or student visa, access to social services, and the possibility of eventually obtaining Maltese citizenship.

### REQUIREMENTS

To apply for the permanent residence status, the applicant must provide documentary evidence to support their request. Such documentary evidence may include:

- » A covering letter explaining the intentions of the applicant to apply for long-term residency status and the applicant's background in Malta, including information on the first settlement in Malta, the nature of stay throughout the years, and the existence of any family members.
- » Chronological list of dates of arrivals and departures from the Schengen territory.
- » Full copies of the passport/s used in the last five years prior to the submission of the application.
- » Tax declarations of the last five years prior to the submission of the application, confirming that the applicant earned the national minimum wage with an additional 20% of the national minimum wage for each family member.
- » A certificate by a warranted architect confirming that the applicant's accommodation is regarded as normal for a comparable family in Malta and meets the standards established by the Housing Authority.
- » Evidence of sickness insurance covering the applicant and all related family members where applicable.
- » Evidence of integration measures, including but not limited to:
  - I Belong course provided by the Directorate for Human rights and Integration: confirmation of at least 100 hours of attendance and the achievement of an examination pass mark of at least 75%.
  - A pass mark of at least 65% in MQF Level 2 Maltese language certificate.
  - Documentation showing that the relevant course fees have been paid

### CHALLENGES AND EFFECTS

When it comes to obtaining a permanent residence status in Malta, there are some challenges that are worth mentioning, as third country nationals. Some of them are listed here below:

Stable employment in Malta: Finding stable employment in Malta can be a challenge, as employers are required to prioritize Maltese and EU citizens for job vacancies. Securing a long term and stable employment can therefore be challenging for non-EU nationals.

Income requirements: A criteria necessary to obtain the long-term residency – or permanent residency – is the ability to have sufficient financial means. Often, third country nationals feel obligated to share an accommodation, as they do not have enough financial means to cater for the cost of living in Malta.

Cap on number of applications: There are limitations on the number of third-country nationals who can be

granted long-term residence status in Malta each year, which means that there is significant competition for these permits.

Discretion of the Maltese government: the Maltese government has the right to refuse applications for long-term residency without providing an explanation. This makes it challenging for applicants to understand why their applications were rejected and how they can improve their chances in the future.

Realities: Several third country nationals who had been living in Malta for over five years are not granted such status when they apply. This is despite having had the same employer for five years (with a regular income) and paying taxes and social security.

### **EXAMPLE OF DEMBA K., APPLICANT OF PERMANENT RESIDENCY IN MALTA**

In this section, we will expose the case of Demba, a Senegalese born who had been living in Malta for the past seven years. The excerpt below is a paraphrase of his own testimony.

***I entered Malta in 2016 in an irregular way. Since then, I have worked hard and never had any incident with the police or even my employers. I have been working for my current employer for the past 5 years.***

***I left Senegal days after my son was born, and I came to Europe with the hopes of providing a better future for him. I could not bear the thought of him living in the same conditions as I grew up. Children are supposed to outgrow their parents' success, and I was determined to make sure my son had a future brighter than my childhood.***

***Therefore, I came to Malta, and have worked as hard as possible since then. I stayed away from trouble, and I made sure to keep a good relationship with everyone I have ever met.***

***Three weeks ago, I hired a lawyer to represent me, as I wanted to file for permanent residence status. I was hoping to finally bring my wife, and my son. I saw them last 7 years ago after my son was born.***

***Shortly after that, police officers came to arrest me at my workplace, in front of my colleagues to interrogate me. They kept me until my lawyer came for me. It was intimidating. In seven years, the police never interrogated me. But that day, they demanded to see my passport and my visa.***

***The following day, I left Malta and fled to Italy. I am still in shock. My employer is willing to sponsor me, so I still keep hope.***

### **CONSEQUENCES**

Demba's story highlights the difficulties faced in obtaining legal residency status, even after years of working and contributing to society. The sudden arrest and interrogation by the police, despite a clean record and strong work history, demonstrate the vulnerability of irregular migrants in Malta.

Additionally, the police had not previously interrogated Demba in seven years, but suddenly chose to do so when he hired a lawyer and applied for permanent residency. Such proceedings were perceived as an attempt to intimidate him – and every other migrant.

Finally, there are deep feelings of hopelessness and uncertainty of the future amongst the migrants present on the Maltese soil. Such feeling is even more exacerbated for those that have witnessed Demba's arrest.

## **9.6. HOUSING AND ACCOMMODATION**

### **REQUIREMENTS**

A key requirement to be granted a permanent residency is to obtain a certificate by a warranted architect confirming that the applicant's accommodation is regarded as normal for a comparable family in Malta and meets the standards established by the Housing Authority (please refer to section 2.4.1.2)

Obtaining such a certificate necessitates having decent and stable accommodation. However, one pressing issue faced by foreigners in Malta is the high prevalence of renting as their primary housing option, which often leads to vulnerability and exploitation at the hands of proprietors.

## **CHALLENGES**

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Due to their limited options, many foreigners in Malta are forced to accept unfavourable rental conditions, including exorbitant prices, substandard living conditions, and arbitrary eviction threats. This imbalanced power dynamics put the foreign at a huge disadvantage and at a risk of exploitation.

They may face discrimination or unfair treatment from property owners who exploit their lack of legal protection or knowledge of their rights. Language barriers, cultural differences, and the fear of potential repercussions further compound this power imbalance, should such tenants assert their rights.

In the scope of our research for this report, we have heard stories about foreigners being kicked out of their accommodation in Malta by unscrupulous landlords, with no court order. When reported to the police, the latter claimed there was nothing they could do, as it is a civil affair – not a criminal one. A typical example can be read on [this link](#).

Not to mention: evictions in such conditions often come after a cycle of “bullying”, as landlords usually refuse to declare their secondary homes as rented – thus leading to tenants paying an inflated amount of money for other charges (e.g. water and electricity fees).

Such abuse is particularly amplified when a foreigner is undocumented. Landlords, very much aware of the uncertain legal status of such tenants, then often take advantage of the limited options available to foreigners to seek redress and assert their rights within the legal framework.

## **CONSEQUENCES:**

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These abuses not only violate the rights and dignity of individuals but also have wider implications for social cohesion and integration. When foreigners are subjected to mistreatment by landlords, it can undermine their sense of security and belonging in Malta.

It may hinder their ability to fully participate in society, contribute to the local economy, and establish meaningful connections with their communities.

## **9.7. CITIZENSHIP**

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### **DEFINITION**

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Citizenship refers to the legal status of a person as a member of a particular country or state, entitling them to certain rights, privileges, and protections, as well as imposing certain duties and responsibilities.

Citizenship can confer a range of rights and benefits, such as the right to vote, the right to work and live in a country, and access to social services and public goods.

### **REQUIREMENTS**

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As foreigners, we are aware of four ways to obtain Maltese citizenship. Those ways are by:

**Birth:** one of the parents of the born child is Maltese (by birth, naturalization or citizen) at the time of the child's birth

**Registration:** A person can obtain the Maltese citizenship by registration if they fall into one of the following categories:

- direct descendant of a Maltese national (prove they are a descendant of a Maltese national in a direct line)
- former citizen of Malta (by birth, registration or naturalization),
- spouse of a Maltese citizen (minimum of 5 years of marriage, and still married and living with them at the time of the application),
- widower or widow of a Maltese citizen (was married for at least 5 years to a now deceased Maltese national)

**Naturalization:** This is the path for any foreigners who had been residing in Malta for a minimum of five years at the time of their application to become a Maltese citizen.

**Exceptional services by direct investment:** Investors can become Maltese citizens after having a residency status for one year. Investments in such cases range from € 600,000 and € 750,000. This represents the quickest route to acquiring Maltese citizenship. During the processing of the application, these individuals are not required to reside in Malta.

The required documents to obtain citizenship in Malta vary based on the specific criteria of the application. The applicant must complete an application form, pay the relevant fee, and provide supporting documentation.

This documentation may include government-issued identification, birth certificates, and documents related to the applicant's lineage, such as parents' or grandparents' birth or marriage certificates, or adoption records.

Furthermore, the applicant must have at least two sponsors, one of whom must be a lawyer, judge, Member of Parliament, senior law enforcement officer, or priest. The other sponsor may be any Maltese citizen who does not fall under the aforementioned categories.

## **CHALLENGES**

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The conditions to access Maltese citizenship by birth and registration are quite straightforward. If one is capable of providing proof through the documentation, then citizenship is granted.

**Financial strain vs. financial power:** citizenship through investment in Malta typically involves a significant financial commitment. The applicant is required to make substantial investments in the Maltese economy, such as purchasing property, donating to charities, etc. Such requirements constitute financial challenges for the majority of third country nationals living in Malta.

**Integration in society vs. lack of thereof:** Investment-based applicants for citizenship are not required to reside in Malta during the application process, yet they have higher chances of obtaining citizenship compared to those who have been residing in Malta for an extended period. The latter group is typically more familiar with Maltese culture and way of life, and they have integrated into the local society. This creates a perception of social injustice, as they feel that investors can simply purchase citizenship without truly integrating into Maltese society.

**Discretion of the Maltese government:** The Maltese government holds discretionary power in granting citizenship, and they have the authority to reject applications without providing a detailed explanation. This lack of transparency can pose challenges for applicants, as they may not have a clear understanding of the reasons behind the rejection.

## **CONSEQUENCES**

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The denial of Maltese citizenship to third country nationals can result in a range of significant consequences, restricting their access to various rights and benefits. These limitations include the inability to participate in national elections and hold certain public offices, as well as facing restrictions on their freedom to travel within the European Union.

Furthermore, the absence of citizenship may subject individuals to immigration restrictions, making it challenging to secure employment or pursue educational opportunities. This creates significant barriers to their full integration into Maltese society and hinder their ability to participate fully in social, economic, and political aspects of community life.

## 9.8. MARRIAGE

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### **EXAMPLE OF FRED (ALIAS)**

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Fred, who arrived irregularly in Malta over 15 years ago, formed a strong bond with the country through his marriage to a Maltese woman and the establishment of a family. This union provided Fred, previously an asylum seeker, with the opportunity to experience the stability and benefits of being a legal citizen. He successfully built a business and made significant contributions to Malta's economy. Additionally, he invested in his marriage and had a child with his wife.

However, after four years of marriage, Fred and his wife went through an involuntary divorce, requiring a legal process to determine the division of assets and the rights of their child. Unfortunately, this happened just a year before Fred was eligible to apply for Maltese citizenship, resulting in him losing everything he had built.

The response from Maltese authorities was disconcerting. Fred's residency status was abruptly revoked, leaving him facing the imminent threat of deportation to his home country in Africa. Overnight, he went from being a long-term resident with full rights to becoming undocumented.

Custody of his child was granted to his ex-wife, his assets were frozen, and he was instructed to return to his country of origin. The authorities seemed to suggest that his presence in Malta had no significance without the marriage.

Fred was essentially told that his feelings for his child did not matter and that his hard work as a businessperson was rendered meaningless. Through the enforcement of the letter of the law, an undocumented person is perceived as devoid of suffering, love, and tears.

Despite these challenges, Fred summoned all his strength and resilience to fight back and secure the right to remain in Malta. He currently holds a 12-month permit to stay, which needs to be renewed annually.

### **CONSEQUENCES**

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Instances like Fred's case serve as examples that depict the cruelty of the legal system in Malta against foreigners, particularly those seeking asylum.

The treatment reserved to someone who has formed a relationship, built a family, and contributed to Maltese society raises questions about the fairness and compassion exhibited by the authorities. Such experience has come with its set of considerable consequences. Listed below are some of them:

**Start from scratch:** the humanitarian status he was granted at his arrival in Malta does not exist anymore. So he was back to being undocumented.

**Sentiment of cancellation:** The sudden removal of someone's permanent residential status can disrupt the sense of identity, belonging, and stability in the place they once called home. It also comes with practical challenges, such as restricted access to rights, benefits, and opportunities that were previously available to them.

**Risk of deportation:** due to his status of undocumented alien, there is a risk of deportation. Not to mention the social isolation and the emotional distress.

**No recognition of his contribution to the Maltese society:** It is important to note that in this particular case, Fred is a business owner. He has been running his own company for years. In addition, he was a board member of an NGO in Malta, which advocates for a better integration of foreign communities. Per law, because of the removal of his permanent residence status, he could no longer be a member of the aforementioned NGO.

**Family division:** This gentleman is not only the father of a Maltese citizen but also of another resident of Malta. The possibility of being deported puts him at risk of being separated from his children at any given time.

Though we have exposed a number of difficulties faced by legal foreigners residing in Malta, it would be unfair not to shed some light on the hurdles faced by international protection seekers. This is because Malta is host to a considerable number of foreigners falling under the category of international protection seekers.

In the following section of this report, we will focus exclusively on the experiences of international protection seekers in Malta. We will examine the specific challenges they encounter throughout the including the effectiveness of the international protection system.

# INTERNATIONAL PROTECTION SEEKERS

## 10. SCOPE AND DEFINITIONS

In this section, we will specifically expose the situations of a category of migrants under international protection.

Exposing the situation amongst certain groups International Protection seekers was deemed necessary as they represent a considerable share of the migrant population in Malta.

For the purpose of this report, the following categories are considered as such:

**Asylum seekers:** Individuals who have fled from their home country to seek protection from persecution and/or serious harm in another country. In other words, they are seeking the refugee status.

**Individuals who were denied asylum:** These are individuals who have applied for asylum in a state foreign to their home state, to no avail.

**Subsidiary protection:** Subsidiary protection is a form of protection granted to individuals who do not qualify as refugees but would still face serious harm if returned to their home country.

## 11. BENEFITS AND CHALLENGES

On the one hand, those who are granted the statuses of refugee and subsidiary protection may enjoy the following conditions:

- » Obtain a renewable residence permit for three years to stay in Malta with freedom of movement
- » Receive a Travel Document to leave and return to Malta without a visa, except when detained or imprisoned
- » Access employment, social welfare, housing, integration programs, education, training, and medical care provided by the State of Malta.
- » Receive adequate healthcare, especially if they are considered vulnerable persons.
- » Family members of individuals granted subsidiary protection in Malta have the same rights and benefits to maintain family unity.

On the other hand, it is important to note that the majority of asylum and subsidiary protection applications are denied in Malta, as illustrated here below.

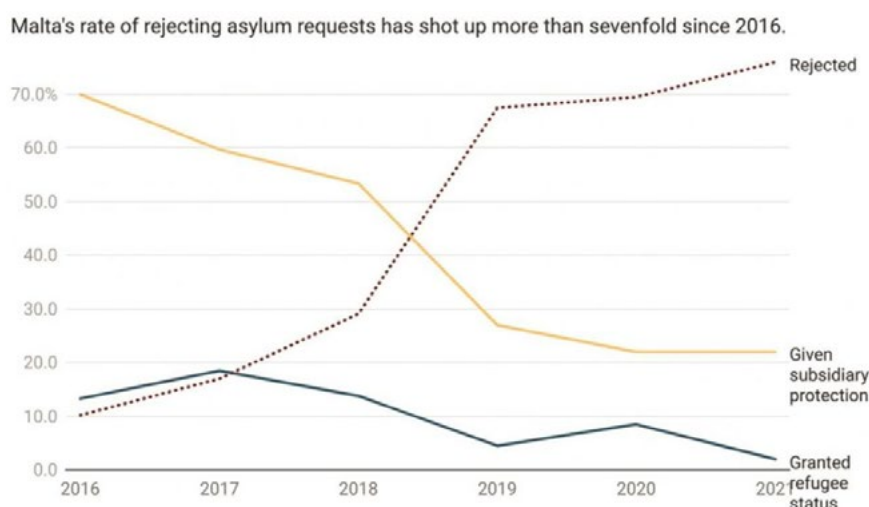


Figure 12: Decision rate regarding asylum application

Indeed: when such applicants' applications are rejected, the applicants become irregular aliens and are expected to leave the State. If they fail to leave voluntarily, they may be subject to deportation or other forms of enforcement action.

However, it is important to note that they are often forced to find irregular ways to leave the State. And when caught, they are placed in detention. In other words, they are in an irregular situation in Malta, yet they cannot voluntarily and legally leave. Such situations can cause emotional distress.

Individuals who were denied asylum or subsidiary protection have the right to appeal the decision through a legal process. If they are successful in their appeal, they will be allowed to stay in Malta on humanitarian grounds. Nonetheless, winning and appeal is regarded as an exception, rather than a rule.

Finally it is important to note that individuals whose asylum applications have been rejected often face significant challenges in Malta, including restrictions on healthcare, social welfare and other services.

A typical example of such distress can be found in the following section, where we will expose the story of a young woman who gave birth shortly after she was denied asylum in Malta.

## 12. SITUATION OF STATELESSNESS

### 12.1. DEFINITION AND STATE OF AFFAIRS

Statelessness refers to the situation where an individual is not recognized as a citizen by any country, leaving them without legal protection and access to basic rights.

The 2021 census revealed that there are 171 stateless individuals residing in Malta.

### 12.2. TESTIMONIES

While preparing for this report, the Steering committee have come across three other stories that are worth sharing.

#### **FIRST TESTIMONY OF STATELESSNESS**

A mother whose asylum application was denied. Shortly after the rejection of her application, she gave birth.

Years after the giving birth, the baby is still with no birth certificate, and no citizenship. In other words, the child is stateless.

She cannot access her home country's embassy (located in Italy) to declare the birth, and she cannot legally leave Malta.

Officially, that child does not exist. To our knowledge, there is no law in the Maltese legislation to cater for Statelessness of a child.

#### **SECOND TESTIMONY OF STATELESSNESS**

After completing her studies in Malta, a young woman found love and got married. She and her husband are now proud parents of two children. However, their situation took a difficult turn.

While her husband was granted the Specific Residence Authorization (SRA), a document available to asylum seekers who arrived irregularly before 2016 and demonstrated stability and employment records for at least 5 years, the woman and her children did not meet the criteria.

The fact that the woman had entered Malta through *regular* channels excluded her and the children from the SRA that her husband received.



Previously, the family had been protected under the Temporary Humanitarian Protection new (THPn) status, but unfortunately, the government dismantled this protection and replaced it with the SRA, which did not cover the woman and her children.

Consequently, they suddenly found themselves without valid documentation, placing them at risk of deportation.

### ***DESTINY'S STORY OF THE CONTESTED DUBLIN RULE***

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Destiny is a holder of an Italian residence permit document who has been working in Malta for the past few years. Though he is grateful for the opportunity to earn a living, he faces a constant struggle to maintain his legal status in Malta.

This is because Destiny's resident permit document was issued by Italy, where he first sought asylum. This means that once and often, he must return to Italy to renew the aforementioned identity document. It is a costly and time-consuming process, but he has no other choice: if he fails to renew his document, he could be deported.

While Destiny is highly appreciated by his employer in Malta, the latter cannot declare him because of the Dublin Regulation that ties asylum seekers to their country of entry in EU territory. A revised policy would allow him to stay in Malta without having to renew his document every few months.

Despite these challenges, Destiny remains hopeful that someday, he will be able to obtain a more permanent status in Malta and finally be able to live without fear of deportation.

## **12.3. ANALYSES**

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Giving birth implies a long-term vision for the parent and for the child. Such long-term implication is even more significant for individuals who are in an irregular situation, particularly if they are unable to regularize their status.

Indeed, when someone gives birth while in an irregular situation, it can have a profound impact on their circumstances. The birth of a child in such circumstances adds complexity to the long-term plan and legal status of the parent.

The more people in irregular situations, the greater the likelihood of this population growing through births. Furthermore, it is important to note that international law prohibits statelessness, recognizing the fundamental right to a nationality and legal identity.

Therefore, it is essential for Maltese legislation to include provisions that identify and address cases of statelessness, ensuring that appropriate measures are in place to protect the rights and well-being of affected individuals, as well as limiting the growth of irregular populations.

Dublin Regulation is not less of an issue. It has separated family members and prevented many from being reunited. Moreover, it hinders the possibilities of qualified migrants to take advantage of working opportunities across Europe.

## **13. CONSEQUENCES**

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Whether it is because of a rejected asylum application, or even statelessness, being in an irregular situation has a great impact on individuals. Some consequences of that impact include:

No legal identity: Stateless individuals do not have any legal identity, making it difficult or impossible to obtain a passport, driver's license, or other identification documents. This can also make it difficult to access services such as banking or housing.

Limited access to basic human rights: A rejected asylum applicant can possibly be denied access to basic human rights such as education, healthcare, social welfare, etc.

Restricted movement: These individuals do not have a valid passport or other travel documents, which can

restrict their ability to travel internationally or even within their own country.

Vulnerability to exploitation: They may be more vulnerable to exploitation by employers, traffickers, or others who may take advantage of their lack of legal status.

No sense of belonging: Being denied identity documents and recognition often leave the concerned individuals with feelings of isolation, exclusion, a sentiment of non-existence and without a sense of belonging.

Whilst acknowledging the significance of the challenges previously outlined, it is imperative to address the concerns faced by foreigners residing in Malta and propose recommendations to improve their experiences and ensure a smoother transition process.

In the following section, we will outline a set of recommendations aimed at mitigating the challenges encountered by foreigners during their transit and documentation processes in Malta. These recommendations will also aim to foster a more inclusive environment in Malta.

# RECOMMENDATIONS

## 14. INTRO

In this section, we will explore the recommendations derived from migrants who have personally encountered the challenges associated with documentation. These recommendations carry significant importance, not only for individual migrants but also for the Maltese society.

Indeed: by actively listening and addressing the concerns and needs expressed by migrants, their well-being can be enhanced, their rights can be upheld, and a more inclusive and equitable society can be fostered.

By acknowledging and implementing these recommendations, policymakers, authorities, and relevant stakeholders can pave the way for more efficient and equitable systems that promote the well-being and integration of third country nationals within Malta.

Evidently, the recommendations listed here below will be beneficial to the third country nationals if implemented. However, it is also crucial to outline that these suggestions will also be profitable to the Maltese society as a whole.

## 15. REGULARIZATION PROGRAMS

Establishing a streamlined and accessible pathway to regularization for undocumented migrants is of paramount importance and definitely beneficial – both for undocumented migrants but also the Maltese society as a whole – for several reasons.

On the one hand, it is clear that undocumented migrants are already present in the society and the Maltese society is aware of their contribution to the community, economy, and even socio-cultural aspects. By providing them with an opportunity to regularize their status, it enables them to fully participate in society, access essential services, and contribute legally and openly.

On the other hand, migrants believe that the Maltese society would benefit significantly from regularizing them. Indeed:

When individuals have the opportunity to obtain legal status, they are more likely to invest in their communities, contribute to the local economy, and engage in positive social interactions. This, in turn, strengthens community bonds and enhances social harmony.

Additionally, regularizing the status of undocumented migrants can help address labour market needs and skills gaps. Many undocumented migrants possess valuable skills and work experience but may face barriers due to their legal status. By allowing them to regularize their status, the Maltese society can tap into this pool of talent, boosting economic growth and productivity.

Finally, providing a pathway to regularization sends a message of fairness and compassion. It recognizes the human rights of undocumented migrants and acknowledges their inherent dignity. It aligns with principles of equality and social justice, creating a more humane and inclusive society.

## 16. ADVOCACY FOR POLICY CHANGES

By advocating for policy changes, elected officials, activists and lawmakers can raise awareness about the existing issues, mobilize support, and drive the necessary reforms to create a more inclusive and effective system. Indeed:

Advocacy can shed light on the specific challenges faced by individuals in obtaining documentation, such as lengthy processes, limited access to information, or inadequate resources. By highlighting these issues, advocates can bring them to the attention of policymakers, urging them to take action and implement necessary reforms.

In addition, advocating for policy changes can promote the rights of individuals and ensure that their voices are heard in decision-making processes. It can empower affected communities to share their experiences,

concerns, and recommendations, thus fostering a participatory approach to policy development. This, in turn, can lead to more responsive and effective policies that address the real needs and aspirations of the people affected by documentation challenges.

Moreover, improved policies and procedures regarding documentation challenges can eventually attract skilled migrants, investors, and businesses, further contributing to economic growth and development. This will be a foundation for a society where all individuals feel valued and included.

Finally, advocacy for policy changes aligns with Malta's commitment to international human rights standards and conventions. It demonstrates Malta's dedication to fulfilling its obligations and promoting equality, non-discrimination, and the protection of human rights.

## 17. EXTENSION OF THE TEN-DAY GRACE PERIOD

The Steering Committee recommends a review of the ten-calendar day period for change of job or employer. Many third country nationals have been subjected to various degrees of abuse because of this short grace period, as it has been increasingly difficult to secure a new employment within the ten days. Extending the period of ten days for third country nationals to find a new job in Malta can bring several benefits for both the workers and the country itself.

For third country national workers, an extended timeframe would provide them with more time to search for suitable employment opportunities. This would reduce the pressure and stress associated with finding a job within a limited period, allowing them to explore a wider range of options, consider different industries, and make informed decisions about their career paths.

It would also provide an opportunity for such workers to acquire new skills or undergo training programs that could enhance their employability – ultimately increasing their chances of securing stable and sustainable employment.

Furthermore, extending the timeframe can have positive economic implications for Malta. By granting third country nationals more time to secure employment, it increases the likelihood of them finding suitable jobs that match their skills and qualifications.

This, in turn, can lead to greater job satisfaction and productivity, benefiting both the workers and the Maltese economy. It also reduces the risk of individuals being pushed into informal or exploitative work, fostering fair labour practices and ensuring that workers are adequately protected.

Finally, increasing the ten-day period will help alleviate the pressure employers may feel into filing for the work permit for a new recruit.

## 18. HOUSING AND ACCOMMODATION

It is essential to combine efforts to improve documentation processes with robust measures aimed at protecting tenants and raising awareness. Strengthening tenant rights, expanding legal avenues for seeking redress, and educating foreigners about their rights as tenants are vital in the fight against landlord abuse and the establishment of a more just and respectful living environment for all foreign residents in Malta.

By improving the transparency and accessibility of the documentation process and implementing comprehensive measures to protect tenants, the risk of landlord abuse and exploitation can be significantly diminished. This, in turn, would contribute to the development of a rental market that upholds fairness, inclusivity, and the rights and dignity of all residents, regardless of their nationality or legal status.

## 19. DETECT, PREVENT AND CATER FOR STATELESSNESS

Malta's commitment to preventing and reducing statelessness is reinforced by its adherence to international human rights norms, as outlined in the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Through the implementation of effective detection mechanisms, Malta can proactively identify individuals who

may be at risk of statelessness and take the necessary measures to prevent it. Such measures are important because statelessness can create a marginalized and disenfranchised population, which may be susceptible to exploitation, radicalization, or social unrest.

By providing pathways to identify and address statelessness, Malta mitigates these risks, thus fostering a harmonious society where not only everyone's fundamental rights are protected, but each individual has equal opportunities to thrive and contribute to the society.

## 20. PUBLIC EDUCATION, OUTREACH AND AWARENESS

Public education, outreach, and awareness are crucial elements in improving the documentation process for foreign communities in Malta. Firstly, raising awareness among the Maltese public about the challenges and experiences of migrants regarding documentation helps building a more inclusive society.

Moreover, promoting awareness among both the Maltese public and migrants creates a friendlier environment for foreign communities. It encourages dialogue, mutual respect and a better social cohesion, whilst contributing to the dismantling stereotypes and prejudices that may arise from a lack of awareness.

In addition, outreach and education initiatives targeted towards migrants themselves play a pivotal role in empowering them with knowledge about their rights, responsibilities, and the available documentation processes.

Foreigners may be unaware of the legal requirements or available resources, leading to difficulties in obtaining proper documentation. By providing clear and accessible information, migrants can navigate the system more effectively and make informed decisions regarding their documentation status.

Finally, public education and outreach campaigns facilitate greater cooperation and collaboration between migrant communities and relevant authorities. Building trust and mutual understanding between migrants and government institutions is essential.

Such trust helps ensure that the documentation process is fair, transparent, and inclusive. It encourages migrants to actively engage with the process and contribute to their own integration within Maltese society.

## 21. MORE TRANSPARENCY

Previously, we have established that despite providing all the necessary documents to obtain a permanent residency or the Maltese citizenship, the final decision remains at the discretion of the relevant minister – who is not obligated to provide for a justification in case of denial. The foreign community views such discretion as a lack of transparency.

As a result, our recommendation is for the Maltese government to become more transparent to foreigners regarding documentation processes for several reasons. Firstly, transparency fosters trust and confidence between the foreign residents and the governmental entities.

Indeed, when the documentation processes are clear, accessible, and transparent, it reduces uncertainty and anxiety for foreigners, allowing them to better understand their rights, obligations, and the steps required to obtain the necessary documentation.

Furthermore, transparent documentation processes contribute to efficient and effective administration, thus reducing unnecessary delays and administrative burdens. This helps prevent arbitrary decision-making and discriminatory practices.

Additionally, transparency in documentation processes aligns with principles of good governance and respect for human rights. It upholds the principles of fairness, equality, and non-discrimination, ensuring that individuals are treated fairly and equally in their interactions with the government.

## 22. STANDARDIZATION

Standardization plays a crucial role in the documentation process by ensuring consistency, transparency, and

reliability. Recommending a standardization of the process is because foreign individuals will be receiving conflicting information from Identity Malta during their documentation journey.

Standardizing of the documentation process minimizes the potential for discrepancies or inconsistencies in the information provided to individuals. This promotes fairness and equal treatment for all applicants, regardless of their background or circumstances, enhancing the overall credibility and efficiency of the system.

Moreover, when there is a standardized procedure to obtain documentation, individuals have a better understanding of what is expected from them during the documentation process. This reduces the chances of misunderstandings or incorrect information being given.

Finally, standardization enables better coordination and allocation of resources. It also allows the authorities responsible for documentation, such as Identity Malta, to provide adequate training and support to their staff.

In other words, the personnel would have the necessary knowledge and expertise to assist individuals accurately and consistently, including through customer service.

## 23. FAMILY REUNIFICATION FOR REFUGEES

The Dublin Regulation, which governs the responsibility for examining asylum claims in the European Union (EU), has been a subject of debate and calls for review. One key aspect that warrants reconsideration is the restriction on refugees' ability to move to another EU country where they have family ties or better job prospects.

Allowing refugees to exercise greater mobility across countries would bring significant benefits for both refugees and states. Firstly, reviewing the Dublin Regulation to facilitate family reunification would uphold the fundamental human right to family life.

For refugees, being able to reunite with their family members in another country provides a sense of security, emotional support, and a better chance at rebuilding their lives. It alleviates the psychological burden of separation and promotes social cohesion within families.

Moreover, allowing refugees to move to countries with better job prospects would enable them to contribute to the labour market and society more effectively. Many refugees possess valuable skills, qualifications, and experiences that can benefit their host countries.

By granting them the freedom to seek employment in countries where their skills are in demand, the labour market can be enriched, addressing skills gaps and fostering economic growth. This can lead to reduced dependency on social welfare systems and a more self-sufficient refugee population.

Additionally, greater mobility for refugees can promote equitable distribution of asylum seekers across the EU. The current system places a disproportionate burden on certain member states, leading to overcrowded reception centres and strains on resources.

Allowing refugees to move to countries where they have family ties or better job prospects would distribute the responsibility more evenly, ensuring a fairer sharing of the challenges associated with hosting refugees.

## CONCLUSION

In summary, this report has demonstrated that documentation processes in Malta can either provide opportunities or create obstacles for migrants.

From one perspective, the right identity documentation provide advantages such as:

1. The ability for immigrants to legally reside and work in their host country. This allows them to access employment opportunities, secure housing, and establish a sense of stability.
2. Access to essential services such as healthcare, education, and social welfare benefits, which are crucial for their well-being and integration into society.

3. A sense of security and protection. Migrants with legal status are less vulnerable to exploitation, as they have legal rights and can seek recourse if their rights are violated.
4. The possibility to assert their labour rights, receive fair wages, and have access to legal channels for dispute resolution. This enhances their overall safety and reduces their susceptibility to abuse, discrimination, or arbitrary detention.
5. The ability to move freely within the country and potentially internationally, allowing for family reunification and the ability to visit their home countries.

From another perspective, the lack of proper identity documentation triggers its set of obstacles, namely:

1. Without valid papers, they often live in constant fear of being discovered by immigration authorities and face the risk of detection, detention and deportation. This fear of detention and forced removal restricts their freedom of movement and leads to a constant state of anxiety and insecurity.
2. Migrants lacking proper documentation may also be afraid to seek help or report crimes for fear of being detained, deported, or punished. This can lead to social isolation and exclusion from community life.
3. Without documentation, migrants may encounter significant barriers in accessing basic services and rights. They may be denied healthcare, education, and social welfare benefits, leaving them in vulnerable and precarious situations.
4. The lack of proper documentation also hampers migrants' employment prospects. Many employers require valid work permits or legal status, making it difficult for undocumented migrants to secure formal employment. As a result, they are often pushed into the informal labour market, where they are exposed to poor and exploitative working conditions, low wages, and a lack of employment protections.
5. Undocumented migrants may face challenges in establishing their identity and proving their qualifications. Without official documents, they may encounter obstacles in obtaining recognition of their educational credentials or professional qualifications, limiting their opportunities for career advancement.

Creating an efficient and accessible process for undocumented migrants to regularize their status is crucial and highly advantageous for both the migrants themselves and Maltese society as a whole.

Regardless of their documentation status, third country citizens residing de facto in Malta are already part of society and they undoubtedly contribute to the growth of the Maltese economy, and to the popularity of the Maltese socio-cultural aspects.

By creating an efficient, transparent and standardized access to a long-term residence status, citizenship and / or legalization of their status, such citizens will be able fully participate in society, access essential services, and contribute openly and lawfully.

Indeed, the undocumented migrant communities believe that regularizing their status would bring significant benefits to Maltese society. When individuals have legal status, they are more inclined to invest in their communities and engage in positive social interactions. This strengthens community ties and promotes social harmony.

Facilitating the documentation process can also help address labour market needs and fill skills gaps. In fact, several Malta-residing foreigners possess valuable skills and work experience, but the challenges they encounter with the difficult and non-transparent documentation processes often hinders their opportunities, as well as Malta's growth capability.

By reducing – if not eliminating these challenges – Malta can utilize and can benefit from migrants' talents, leading to an even greater economic growth, an increased productivity and an even better quality of life.

Embracing and implementing the recommendations exposed in this report will empower Malta into creating a more inclusive society, protecting fundamental rights, and fostering economic growth, whilst upholding its commitment to international human rights standards.

## SOURCES

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<https://embassies.net/malta-embassy>

<https://www.identitymalta.com/>

<https://nso.gov.mt/>

<https://www.macrotrends.net/>

<https://ec.europa.eu/>

<https://www.unhcr.org/mt>

<https://asylumineurope.org/>

<https://www.maltatoday.com.mt/news/>







# The Netherlands

## Country Shadow Report

The report was written by the Steering Committee, Croatia

August 2023



## NOTES

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The report was written in August 2023 by the Steering Committee, the Netherlands.

The content of this report represents the views of the authors and is their sole responsibility. In case of any questions regarding this report, feel free to contact [Syrian Volunteers Netherlands](#).

*The 2incING project aims to promote and support refugee and migrant participation in the design and implementation of integration and related policies at local, regional, national and European level. The project is a partnership of four CSOs (Croatia, Greece, Malta and The Netherlands), one alliance (Belgium) and one university (Netherlands), which gives a holistic multidisciplinary approach to the topic. The project is divided into five work packages focused on educational activities that are followed up with concrete tasks which will produce concrete policy tools for advocating refugee and migrants inclusion in policy making processes. The approach of the project is based on the creation of knowledge based on experience.*

*The Shadow Report is one of the tasks of the work packages. The Shadow Report is a toolkit for wide use for advocates, but specifically for refugee and migrant advocates focusing on the rights of people on the move. The terms refugee advocates and migrant advocates are used to denote people with a refugee and migrant background who are involved in advocacy for refugee and migrant rights.*

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## LIST OF ABBREVIATIONS

**AZC:** (Asielzoekerscentrum, Asylum centre) If the IND chooses to review the asylum application through the regular asylum procedure within eight days, an individual seeking asylum will stay at the Process Reception Centre. Once granted protection, the asylum seeker will be relocated to a Centre for Asylum Seekers before being provided with housing in the Netherlands.

**COA:** Centraal Orgaan Opvan Azielzoekers (Central Organisation Shelter Asylum Seekers). This public organization is responsible for the shelter and support of people who are in their asylum procedure.

**DUO:** Dienst Uitvoering Onderwijs (Service carrying out an education). This public organization is responsible for carrying out many educational policies and laws.

**ELIP:** Einde Lening Inburgeringsplichtig (End loan obligation to integrate). This program is set up to support people who fall under the Integration Law of 2013 in complying with their integration obligation.

**GZA:** Gezondheidszorg Asielzoekers, (Health care asylum seekers). This organization is responsible for carrying out the healthcare of the general practitioner.

**KNM:** Kennis van de Nederlandse Maatschappij (Knowledge of Dutch Society). This is one of the integration exams that most people have to pass to comply with the integration obligation.

**MAP:** Module Arbeidsmarkt en Participatie (Module Labor Market and Participation). This is a course on the labor market offered under the Integration Law of 2021.

**ONA:** Oriëntatie Nederlandse Arbeidsmarkt (Orientation Dutch Labour Market). A course and an exam in the Integration Law of 2013 cover this topic.

**PIP:** Personal Plan of Integration and Participation. A plan that stipulates the personal integration trajectory of people who fall under the Integration Law of 2021.

**PVT:** Participatie Verklaringstraject (Participation Declaration trajectory). A trajectory based on getting familiar with the Dutch rights, obligations and 'Dutch values'. It is completed by signing a declaration, in which people confirm to agree with the rights, obligations and values.

**RMA:** Regeling Medische zorg Asielzoekers (Regulation medical healthcare asylum seekers).

**RMO:** Regeling Medische zorg Oekraïne (Regulation Medical Healthcare Ukraine).

**TDP:** Temporary Protection Directive. European legislation which can be activated when many people flee to European countries in a short amount of time. It ensures that the national asylum system is not being over-asked while at the same time protecting the rights of the people who fled.

**TWV:** Tewerkstellingsvergunning (Being-put-to-work-permit). Employers generally have to apply for this permit to be able to hire someone who is from a non-EU country and does not have a residency permit in the Netherlands. This is the case for people who are in their asylum process. Employers are exempted from this obligation when they hire someone who falls under the TDP.

**UAF:** (The Foundation for Refugee Students) is a Non-governmental organization supporting theoretically-educated students or professionals forced to migrate to the Netherlands.

**UWV:** Uitvoeringsinstituut Werknemersverzekeringen (Carrying-out Institute Employee Insurances). The public organization focuses on supporting people who are (temporarily) out of employment.

**UNHCR:** The United Nations High Commissioner for Refugees.

**WEB:** Wet Educatie en Beroepsonderwijs (Law -job-related- education). Municipalities get financial resources through the WEB to offer free education on basic skills, like language, math and digital skills.

## INTRODUCTION

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The shadow report gives information on how policies, rules and regulations directly influence the lives of newcomers and specifically captures the experiences of newcomers concerning work, education and (mental) health. The report introduces various case studies which illustrate that policies aiming to support newcomers do not always result in the expected positive outcomes in the lives of newcomers. The case studies point out what aspects of current policies should be organized better. The discrepancy between the wanted results of supportive policies and the reality can have multiple causes. Some examples are: In reality, people cannot access the resources because they face specific obstacles that must be considered in the policy. Secondly, resources are not accessible because the people who could benefit from them do not know their existence. Lastly, the actors responsible for carrying out policies need more resources or expertise. Therefore, the policy cannot be carried out the way it's intended to. Thus, the resulting outcomes often are far from newcomers' reality and aspirations. Thinking about the discrepancy between the expected effects of policies and reality helps to identify possibilities for improvement.

This report is intended for policy-makers and stakeholders who work on newcomer integration strategies in the Netherlands. It is also designed for researchers and research institutions who evaluate policies related to newcomers and their integration. Additionally, it includes recommendations and insights for service providers and NGOs to consider and incorporate into their organizational processes and advocacy messages. The report is intended to serve as an example of how research and knowledge may be produced in collaboration with impacted communities.

In this report, the term "newcomers" is employed in a broad sense to encompass individuals who have been forcibly displaced, including those who possess a legal refugee status and those who are currently in the process of seeking asylum. This inclusive definition is utilized to acknowledge the diverse range of experiences and legal statuses among individuals who have been displaced, while also recognizing the shared challenges they encounter during the process of integration. Whenever necessary for legal context and precision, specific distinctions will be made to clarify the particular legal status or stage of the asylum process that individuals may be in. By adopting this comprehensive definition, our aim is to address the needs and concerns of all individuals who have been displaced and are striving to establish a new life within a host country.

For the shadow report, several methods were employed, considering the many facets of the problems it addresses and its multidimensional approach. More specifically, the initiative began with the G100 conference on December 12th 2022<sup>1</sup>, when attendees, who are people with refugee experience settled all around the Netherlands, were divided into three groups in accordance with the three topics of the day, namely access to (mental) healthcare, access to education, and access to the workforce.<sup>2</sup> In this way, there were three tables with one of these themes at each one, and the groups rotated between the tables for two rounds. Each table had a discussion facilitator who oversaw the conversation and a note-taker who recorded the challenges and recommendations brought up by the participants. The primary purpose of the rotation was to collectively co-create a space by referring to the challenges and offering recommendations through the lived experience. In addition to the data from G100, the Steering Committee, which is a group of individuals responsible for providing guidance, oversight, and strategic direction for this project, and its members are Saleem Bshara, Nour Saadi, Yordi Lassooy, Sajad Salmanpour, Mostafa Betaree, Anna Bilenka, Husniya Kedr, Idris el Hassan, Handenur Taspinar, Mohammed Badran, was asked to provide case studies through making use of the committee members' existing networks and contacts, on the same three topics that, in essence, originate from people who are experiencing these policies and offer recommendations to improve current and future policies. Alongside the steering committee, Handenur Taspinar, Jolien de Vries and Marina Armyriotou wrote the experiences in this shadow report format.

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1. Pakhuis de Zwijger. (12 December, 2022). G-1-00: New Voices for Europe - Council.

2. The G100 conference and this report primarily focus on these three topics that emerged as critical discussion points. However, it's worth noting that these topics are not exclusively limited to the scope of this report.

## METHODOLOGY

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For the purposes of this report, a case study methodology was utilized, based on qualitative data collection through various methods like observations, interviews, and document analysis. This approach allows for a comprehensive exploration of the subject matter, including legal and societal context. The case studies provide insights into the actual experiences of individuals impacted by policies, revealing complexities and details often absent in reports without firsthand experience.

To enhance the depth and breadth of our analysis, desk research was integrated, which complemented the case study methodology. This involved extensively gathering information from various existing sources, a process aiming to construct a robust knowledge foundation, rooted in contextual understanding and informed by legal documents and broader research. By merging these varied insights, we effectively situated our report's case studies within a broader framework, thereby enriching the comprehensiveness of our analysis.

As with any research, the subjectivity and viewpoint of the individuals who collect and present the data should be considered. In this research data were collected by attendees of the G100 workshop and conference and elaborated by the members of the Steering Committee, who used their networks and contracts. Thanks to the Steering Committee's social positioning and experiential knowledge, they have a unique viewpoint to understand the experience of forced migration, which challenges the dominance of non-migrant-led organizations in knowledge production. This favorable positioning helps reveal complexities and details absent from reports based on data acquired by individuals without firsthand experience as a newcomer to the Netherlands.

To ensure the confidentiality and privacy of participants, pseudonyms were utilized in the case studies. This approach was adopted to safeguard their identities and personal information throughout the study.



## ACCESS TO THE WORKFORCE

This theme explores the challenges newcomers face in recognising their qualifications and their access to the labor market. Many newcomers encounter difficulties in having their diplomas and work experience acknowledged, which can lead to demotivation and the feeling of exclusion. Additionally, it addresses language proficiency as a significant barrier. This chapter emphasizes the need for a fair system that recognizes work experiences and provides support for newcomers navigating the workforce.

### OBSTACLES TO ACCESS TO THE WORKFORCE

#### RECOGNITION OF THE QUALIFICATIONS

An area that many newcomers face is the recognition of their qualifications. Even if they hold a master's degree or have extensive experience, their diplomas may not be acknowledged, which can demotivate them and make them feel excluded. Additionally, job opportunities are primarily available through social connections, and those who do not have such connections face greater challenges. The story of Hüdaverdi serves as a telling example of newcomers filling in needed roles in the Dutch society and to recognise the qualifications of newcomers:

##### The story of Hüdaverdi

Hüdaverdi worked as a math teacher for sixteen years at a school which was affiliated with the Gülen movement in Turkey. The failed coup in 2016 changed everything for him and his family. Hüdaverdi and his wife, who was also a teacher, got fired immediately the day after. It was not safe for them and they fled Turkey. In the Netherlands, Hüdaverdi's passion for teaching remained unwavering. Upon learning about the 'Docent Vluchteling voor de Klas' program, he joined without hesitation. Teaching was more than a career for him; it was a calling and a social responsibility. Hüdaverdi's journey was not without challenges. Despite the universality of mathematics, adapting to the Dutch education system required him to master pedagogical and linguistic differences. He spent nights meticulously preparing to explain mathematical concepts in Dutch, even resorting to watching Dutch mathematics tutorials on YouTube at a slower pace to grasp unfamiliar terms. Connecting with other Turkish mathematics teachers in the Netherlands through online groups also aided his learning process. The 'Docent Vluchteling voor de Klas' program supported him with providing the necessary supplementary training.<sup>3</sup>

#### LIMITATIONS WITH APPLYING TO REGULAR JOB OPENINGS

Critics argue that despite the existence of policies granting access to the labor market, the practical reality often falls short.<sup>4</sup> According to Article 15 of the European Shelter Guideline (Opvangrichtlijn)<sup>5</sup>, effective access to the Dutch labor market should be provided within a nine-month timeframe. However, critics highlight that this goal is frequently impeded by various barriers and challenges.<sup>6</sup>

The labor market in the Netherlands tends to place significant emphasis on certified skills, such as educational degrees and formal training courses. Unfortunately, this system often fails to acknowledge and recognize valuable work experiences that may not be documented on paper. This presents a significant obstacle for newcomers, particularly those originating from countries where formal documentation is not required to access employment opportunities. The systematic failure to acknowledge and value their previous work experiences hinders their ability to enter the Dutch labor market and contribute their skills effectively.

##### The story of Hassan

3. VluchtelingenWerk. (6 September, 2022). Wiskundedocent Hüdaverdi zet alles op alles om weer voor de klas te staan.
4. Radboud Repository. (21 August, 2023). Asielzoekers en Daadwerkelijke Toegang tot Werk in Nederland.
5. Richtlijn 2013/33/EU van het Europees Parlement en de Raad van 26 juni 2013 tot vaststelling van de normen voor de opvang van verzoekers om internationale bescherming (herschikking).
6. Obstacles are detailed mentioned in the literature in Appendix 2: Rights & policies during asylum process.

Hassan is a 35-year-old refugee from Turkey who has been living in the Netherlands for four years. He brings with him a passion for writing and storytelling, as well as diverse experience in various fields from his home country. However, Hassan has encountered significant hurdles in his journey to secure suitable employment and integrate into the Dutch workforce. This case study sheds light on the challenges he has faced and explores potential solutions for enhancing employment opportunities for refugees like Hassan. Challenges Faced by Hassan:

#### Language Barrier:

Despite his determination to learn Dutch, Hassan continues to face a significant language barrier. Limited exposure to practicing the language has hindered his ability to communicate effectively during job interviews and professional interactions. Hassan feels that his language proficiency is often the sole criterion by which employers judge his qualifications, disregarding his valuable skills and experiences in other domains.

#### Misinformation and Unclear Rights:

Navigating the complex welfare system and understanding the rights and benefits associated with transitioning from welfare to employment have proven challenging for Hassan. The lack of clear and accessible information has left him uncertain about the steps he needs to take to secure suitable employment. This confusion and uncertainty have hindered his ability to make informed decisions and effectively utilize available resources.

#### Racism and Discrimination:

Hassan has experienced discrimination based on his country of origin and refugee status. He has observed that employers sometimes judge applicants based on their names and appearance, leading to biased decision-making and unequal treatment. This systemic racism restricts equal opportunities for individuals from diverse backgrounds and undermines their chances of fair employment.

After struggling to understand a system which is totally new to him, Hassan believes having his own business is a better choice than trying to get employed. Now he is writing a book and trying to create his own business by networking with other newcomers from his country.

Hassan believes newcomers need organizations to guide them through the employment and economic systems in the Netherlands. Also, there needs to be a fair platform that allows newcomers to use their work experience to get a job here in the Netherlands because many people may not have certificates from school. Still, they have much work experience that could be used in the labor market.

## FOR NEWCOMERS WHO ARE STILL IN THE ASYLUM PROCEDURE

One of the significant obstacles to effective access to the labor market for newcomers is the restriction on the amount of time they can work while in the asylum procedure. Currently, Dutch policy limits newcomers to work a maximum of 24 weeks per year (after passing 6 months of their asylum procedure). This restriction has a significant impact on their lives, as it prolongs their exclusion from the job market and prevents them from engaging in meaningful employment. Consequently, many newcomers are forced to navigate the informal job market, which exposes them to precarious working conditions and limited opportunities for career development. It is important to note that this policy has been deemed contradictory to Article 15 of the Opvangrichtlijn, as declared on the 18th of April 2023. Addressing this restriction and providing newcomers with greater access to the labor market would not only empower them economically but also contribute to their overall integration and well-being in the host country.

## TENSION BETWEEN PARTICIPATION AND INTEGRATION LAWS

Newcomers often fall under the integration law and the participation law at the same time. However, there is a notable tension between participation and integration laws when it comes to the labor market access for newcomers. This tension can create challenges and contradictions in the policies and practices related to labor

market integration. The participation law focuses more on 'finding a job as soon as possible' rather than 'finding a fitting job'. Moreover, what is a 'fitting job' for someone is, in practice, often defined by the contact person of the municipality. Which can differ from the perspective of the newcomer. The focus on pace leaves little space for newcomers to re-ground in the Netherlands and invest in preparing themselves for the Dutch labor market. So that newcomers can find a job that actually fits their capabilities and experiences.

When newcomers receive an 'asylum residency permit', they get access to most Dutch public services and social benefits. One of the social benefits is called '*uitkering*'. The state provides this form of income when people are unemployed. Newcomers who were forced to migrate often do not have a job in their first period in the Netherlands. One of the reasons is that it's hard to find a job while waiting for the decision on one's asylum procedure as mentioned in the previous paragraph. People who get an income from the municipality fall under the **participation law**. While enjoying the right to an '*uitkering*', people must also comply with various obligations. The most important one is that people have to look for a job proactively. This also means that they have to accept all job offers that are considered as compatible with one's skills and capabilities. The municipality is responsible for offering people support in finding a job and for checking whether someone is complying with the obligations. A municipal contact person often carries out this task. During a Steering Committee discussion on 8th of May 2023 the following quote was shared by one of the members.

*"There is tension between 'uitkering' and working. With benefits, people get a stable position, whereas with a job it can be seen as a gamble and hence an unstable position. The uncertainty in people whether they would succeed without having enough experience in the Netherlands. There is a gap between the stage of benefits and starting to work where it could be filled with the prospect and preparation towards working in the Netherlands and the fear of an income gap when the situation turns negative for the newcomer. At the same time, newcomers feel a lack of support after leaving benefits and finding a job."*

Another critical point is the lack of support for and therefore from organizations. Organizations often have no idea how to deal with people from different backgrounds or do not have enough capacity to provide the support for newcomers. In advance, they are afraid to employ these people. Nevertheless, the municipality has the capacity but organizing such projects as job coaches and hence closing the gap is another challenge. How can we ease the process for the organizations and the aftercare of support that newcomers need, and how can the municipality apply instruments, such as job coaches, to help newcomers who are receiving benefits and in need of these job coaches?

## CONCENTRATION ON SPECIFIC JOBS FOR NEWCOMERS

The concentration of newcomers in certain industries, such as landscaping, cleaning, care, and package delivery, is a common observation resulting from the way municipalities allocate individuals based on accessibility and availability. While these roles are important for the functioning of Dutch society, it is concerning that there is a lack of diversity in the allocation of newcomers across various professions. On 8th of May 2023 the following quote was shared by one of the Steering Committee members.

*"This is very worrying because the Netherlands is aging, which means we have a shortage in all professions, which is also getting bigger. Why can't we train status holders in all kinds of different professions so that these roles are fulfilled? Why do we think of short-term solutions and not long-term solutions? A long-term vision. Can't we take residence permit holders in such a way that they can fulfill other important roles? We do not only need parcel deliveries, cleaners, and other important roles in Dutch society."*

## INADEQUATE JOB PLACEMENTS FOR NEWCOMERS

The integration process for newcomers in the Netherlands often involves placement in workplaces as part of the obligations set by the Participation Law. These obligations require individuals to actively seek employment or engage in activities that contribute to their eventual employment. However, the quality of these workplace placements is often overlooked, leading to inadequate experiences for individuals like Ali. This case highlights the need for closer scrutiny and improvement of the activities offered to newcomers, ensuring that they truly support their integration journey and provide meaningful opportunities for language acquisition, skill development, and long-term employment prospects.

## The story of Ali

Ali came six years ago to the Netherlands. After he got his status, he was assigned to a studio room in a small village near a bigger city. He did well with his 'inburgering' course and could complete his obligations on time. He found the language very hard to learn, he couldn't communicate or express himself in the Dutch language. He was placed as a volunteer in a company where all newcomers in the region worked. This workplace was intended to provide an opportunity for language learning, familiarization with Dutch work ethic, and gaining experience for future paid employment. However, Ali observed that most conversations took place in languages other than Dutch, such as Arabic and Tigrinya, hindering his language development and integration goals. Furthermore, the assigned tasks, such as sorting small spare parts or closing lids on bottles, did not contribute to his desired skill development or prepare him for a profession he could utilize in his future career.

"I have been working for almost a year and a half in this place but haven't improved my Dutch language yet or learned a profession I can use for my future job. It feels like modern slavery, and nobody asks why? Especially the municipality. They never came and checked on us. The only thing they care about is that we have something to do. This is strange because we really want to work and have the ability to do so, so why are they keeping us in this place for such a long time? In the meantime, I have lots of stress from the family reunification case. My wife and two kids are still waiting for their process to join me here, but IND refused my request twice. But if I had a job, I could have brought them by now. I sleep very badly, because I have lots of bad thoughts at night. And during the day, I have to go to this useless place to do the same thing every day. So I ask myself, why am I alive?"

## DIFFICULTY IN SECURING INTERNSHIPS

Many internship positions require fluency in Dutch, which can be a significant barrier for those still learning the language. Even for international organizations, Dutch proficiency may be a requirement. Non-native Dutch newcomers need help obtaining internships, which are critical for gaining work experience and building a career. Even those with considerable work experience, such as an accountant with over 20 years of experience, may be rejected due to their age and language difficulties. Obtaining the necessary support to learn Dutch can also be challenging, with some not receiving help they are entitled to despite the law requiring it. Without knowledge of Dutch, even those with advanced qualifications may find it challenging to secure employment.

Lastly, because language proficiency is often a requirement, Dutch students are therefore given priority. There are many reports showing that students with a migration background have to make more effort in finding an internship. These students are rejected more often, however internship discrimination is often not recognized by schools.<sup>7</sup>

## ABSENCE OF MEANINGFUL SOCIAL INTERACTIONS

Newcomers frequently experience social isolation, which can have a detrimental impact on their mental well-being and overall development. This is exemplified in the case of Aster. As an individual from Eritrea living in the Netherlands, Aster's integration journey has been hindered by a lack of social contacts and connections. Living in a small village and residing in a cramped studio with her two children, Aster has felt isolated and confined within her living situation. The absence of meaningful social interactions and support networks has taken a toll on her mental well-being and hindered her personal development.

## The story of Aster

Aster is a mother of two children, a teenager and a baby. She came from Eritrea and lived in the Netherlands for seven years. She finished her integration course with lots of struggle and got her Dutch nationality. After her integration course, she volunteered as a waitress and got a certificate of participation and completion. But that didn't help her find a paid job or another volunteer job yet. She wants to work and improve her language skills but has limited contact with other people or neighbors. She longed to have a contact person from her municipality to discuss this matter, but nobody has contacted her in the last couple of years, even though she takes welfare.

7. Kennisplatform Inclusief Samenleven. (n.d.). Stagediscriminatie.

She blamed herself and the Dutch system for not speaking the language as she wished. Aster lives in a tiny studio with her two children in a small village. She is unhappy about her life here in the Netherlands. She feels like a prisoner in her own home, which causes a lot of stress and depression symptoms. The lack of proper guidance from the government/municipality or other organizations, and living in a small village have worsened her integration process and her well-being.

## EXCLUSION

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Some members of the G100 conference have also faced exclusion due to their background or religion. For example, someone wearing a *hijab* (head coverage for Muslim women) may face prejudice, leading others to assume they are a housewife and not a researcher. Research of Nidi<sup>8</sup> shows that there is a difference in the percentage of labor participation between Syrian newcomers with a *hijab* versus without. Only eight percent of the women who wear a headscarf have paid work, compared to eighteen percent of the women without a headscarf. The Nidi report presents more factors of exclusion and exclusion can be more pronounced in smaller towns and villages compared to larger cities, where people are more exposed to international cultures.

In conclusion, the Dutch job market can present significant challenges for newcomers, from language barriers to discrimination and lack of recognition of qualifications. These obstacles can impede their career progress and make it difficult to achieve their professional aspirations. Therefore, it is essential to create a more inclusive job market that values diversity and provides opportunities for all individuals, regardless of their background.

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8. Zwan v. d., R., Tubergen, v. F. (9 December, 2022). Syrische vrouwen in Nederland ervaren barrières op de arbeidsmarkt.

# ACCESS TO EDUCATION

This second theme explores the challenges of accessing education in the Netherlands, including information accessibility, language and educational exclusion, and bureaucratic obstacles. Newcomers highlighted difficulties in obtaining accurate information about the educational system, language barriers, exclusion based on education and experience, and discouraging behavior from Integration organizations, as described further in the chapter. Comprehensive reforms are needed for equitable access to education. Improved information accessibility, fair treatment, tailored support, and streamlined processes are crucial for inclusivity and equal opportunities.

## OBSTACLES TO ACCESS TO EDUCATION

### INFORMATION ACCESSIBILITY

One of the issues that arose frequently was the difficulty of obtaining information regarding the Dutch educational system both for parents and their children causing hardships in understanding how it works and managing to access it. Also, integration organizations cannot adequately mentor or intellectually direct the arrival due to the fact that they are mostly volunteers working in them. When people seek advice from a reputable Dutch institution, the institution is unaware of the individual's situation and provides generic solutions that may not apply to everyone. For example, this occurs when school provides advice for newcomers' children. Often those who give advice are not aware of the individual situation and they lack faith in the newcomer's ability to study like their native-born peers.

Refugee children's prospects are determined solely based on teachers' assessments of their CITO exam results, their parents' educational backgrounds, and their level of language proficiency. Integrating these children into the current educational system while acknowledging their full ability proves to be challenging, as exemplified by the following quote from a discussion with the Steering Committee members on 8th of May 2023, which illustrates the difficulties faced in this process.

*"IQ test that prevents many young people from continuing their studies or developing. Almost in advance, an IQ test is administered to many newcomer children, even though they have barriers of language and culture. The education system in the Netherlands is also different, where they need extra time to get used to it first. That time or period is then seen as a weakness and giftedness. An IQ test is taken that is completely out of line with their cultural background and context. For example: doing puzzles or putting together something visual is how an IQ is tested. These children have never seen activities like these before, which is why most children fail because of this. It is also based on a snapshot. Language barriers also still exist, although interpreters are employed—the cultural context and how the test is administered need to be corrected. Research has been done about this, discouraging these children from going to college." In addition to discrimination, especially the accessibility of the Dutch education system."*

### FOR PEOPLE ABOVE THE AGE OF THIRTY

The following story of Ahmed illustrates some exclusions in the current system for people who are above the age of thirty: that a person encounters due to ongoing efforts to enter education.

#### The story of Ahmad

Ahmad, a 31-year-old newcomer from Syria, exemplifies the obstacles faced by individuals seeking education and financial support. Having fled his home country due to war and conflict, Ahmad arrived in a new country with hopes for a better future. However, his aspirations were met with numerous challenges. Despite his eagerness to pursue higher education in the form of a HBO (Applied Sciences) program, Ahmad discovered that his age rendered him ineligible for available study loans. This limitation hindered his ability to access the necessary resources to fulfill his educational ambitions. Language limitations further compounded Ahmad's difficulties. When he approached organizations in search of funding, he encountered barriers due to his limited proficiency in the Dutch language. He felt excluded and unable to effectively communicate his qualifications and study plans directly. Frustrated by this experience, Ahmad sought assistance from a volunteer working in an NGO dedicated to helping refugees. Through the intervention of the volunteer, Ahmad's qualifications and experiences were carefully reviewed. The volunteer acted as a liaison, reaching out to the funding organization on his behalf.

People thirty years old and above find it more difficult to acquire resources for learning, such as funding and nighttime language classes that can be taken alongside a job. This lack of accessibility often leads to discouragement and a decline in interest in studying among this age group. Further, those who approach universities reported that they often receive ambiguous or no explanations from universities regarding their rejections.

### **FOR PEOPLE WHO ARE STILL IN THE ASYLUM PROCEDURE**

In addition to the aforementioned challenges, individuals undergoing the asylum procedure encounter further difficulties in accessing higher education, especially regarding the Dutch language. Without refugee status, their access to education, including language courses, is limited. This poses a significant obstacle to their integration and educational advancement. There is a lack of available institutionalized language courses in Dutch (and in English for those who want to follow higher education), which further hinders their ability to learn and develop language skills.

### **EXCLUSION IN HIGHER EDUCATION**

Another prevalent challenge is the exclusion faced by newcomers, who are often unfairly perceived as lacking in education and experience. This prejudiced perception leads to the necessity of establishing dedicated support locations within universities to assist newcomers and status holders in accessing master's and PhD programs.

It is expected that newcomers with prior education and job experience will devote the same amount of time to their studies as those with neither experience nor education in the field of employment (such as those who have just graduated from high school). In this way, the skills and knowledge of newcomers appear to be utterly ignored. There is a lack of shorter, more manageable learning paths that, rather than repeating a lengthy education, only concentrate on facts unique to the Dutch setting. Someone with extensive expertise who wishes to return to their field of employment as soon as feasible will frequently find that pursuing a lengthy education is a great demand.

For instance, a Steering Committee member highlighted a story of the challenge faced by a person with fifteen years of expertise in the economics industry who cannot secure employment in the Netherlands due to the non-transferability of her expertise. Consequently, she is compelled to undergo four years of re-education or else face a decrease in salary, as her current job does not align with her educational background.

### **CHALLENGES WITH BUREAUCRACY**

Newcomers encounter discouraging behavior from municipalities, case managers, and some integration organizations when seeking guidance for their desired educational paths. Newcomers reported that often they feel unheard when requesting information from organizations (explicitly designed to encourage newcomers).

In addition, newcomers have mentioned that accessing clear information from UAF (UAF Foundation for Refugee Students) presents significant hurdles for newcomers. One of the key difficulties lies in the limited and concise nature of the information provided by the UAF. The information may not adequately address newcomers' specific circumstances and needs, leaving them with unanswered questions and uncertainties about available resources and funding opportunities for their education. Clearer and more detailed guidelines from the UAF would greatly benefit newcomers in navigating the complexities of assessing educational resources and financial support. Providing comprehensive information that takes into account individuals' varying circumstances and durations of stay in the Netherlands would empower newcomers to make informed decisions about their education and better plan for their future.

### **LANGUAGE PROFICIENCY AS BARRIER IN ACCESSING SUPPORT**

In the Netherlands, there is a widely held assumption that newcomers must first learn Dutch and reach a B1 language proficiency level before they can receive any support. However, this emphasis on language proficiency as a strict requirement to start studying or working can have unintended consequences. Many newcomers experience isolation for extended periods, spending years solely attending language classes without being able to fully engage in other activities.

During the G100 panel discussion, a proposal was put forward to challenge this assumption. It suggested that individuals receiving direct support from the UAF should be considered eligible regardless of whether they have reached the stated B1 proficiency requirement mentioned on the UAF website.

The rationale behind this proposal is to ensure that newcomers receiving support from the UAF are not excluded from accessing funding guidance based solely on their Dutch language proficiency level. It recognizes that language proficiency should not be the sole determining factor for individuals seeking financial support and guidance for their education.

Lastly, adopting this proposal would foster inclusivity and create opportunities for newcomers to receive the necessary guidance and support, regardless of their current language proficiency level. It would recognize that language learning and education can progress in tandem, reducing isolation and allowing newcomers to fully participate in various activities, including their desired studies or work.



## ACCESS TO (MENTAL) HEALTHCARE

Access to (mental) health services is crucial to promoting well-being and addressing the challenges individuals face. However, numerous obstacles hinder this access, leading to adverse effects on newcomers' lives. To address these barriers effectively, it is necessary to identify the obstacles, determine their impact, consider the target groups affected, identify the responsible actors, and gauge the magnitude of the required changes. By understanding these factors, we can develop strategies and initiatives to improve access to mental health services and positively change society.

## OBSTACLES IN ACCESS TO (MENTAL) HEALTHCARE

### POLICIES, REGULATIONS AND ORGANIZATIONAL STRUCTURES

The organization of systematic processes<sup>9</sup> for newcomers in the Netherlands causes an additional mental burden for newcomers. This is clearly visible in the systematic organization surrounding the asylum process. Throughout this process, various factors negatively impact mental health. Firstly, the need to fight for basic necessities such as access to work and education and being unable to access them directly can be deeply distressing. Secondly, the prolonged waiting period and the inherent uncertainty associated with the asylum process often harms individuals' mental well-being.

Thirdly, navigating one's way around the complex and bureaucratic organizational structures in the Netherlands can cause "navigation stress". The more challenging it becomes to navigate the intricacies of the system in the Netherlands, the greater the stress and anxiety experienced. The lack of readily available practical assistance and guidance to address these challenges further exacerbates the mental strain. The constant need for critical thinking and problem-solving adds to the burden, as individuals are often left to figure out complex situations independently.

### MENTAL HEALTH SUPPORT IS NOT THE DEFAULT

Accessing mental health support is not readily available and often requires individuals to take extra steps. Unfortunately, these necessary actions can be counterintuitive in certain situations. For instance, individuals may postpone seeking help for their deteriorating mental well-being due to fears that it may slow down their asylum procedure. In such cases, having mental health issues can lead to increased scrutiny and prolonged waiting times for a legal status. Further, the asylum procedure does not prioritize creating an environment where people can effectively address their mental health concerns. This lack of accommodation further highlights the challenges individuals face in accessing the necessary support for their mental well-being from the start within the asylum system.

### KNOWLEDGE ABOUT MENTAL HEALTH

Stigma and cultural beliefs can prevent individuals from seeking help or even acknowledging their own mental health needs. It is crucial for host countries and communities to provide education and resources about mental health, creating a supportive environment where newcomers can address their psychological well-being. By promoting awareness and offering accessible mental health services. The following story of Daryna's highlights the lack of knowledge about mental health among newcomers and refugees

#### The story of Daryna

Daryna and her two kids from Chernivtsi, one of Ukraine's most heavily attacked cities at the beginning of the war, have been hiding in a basement from the Russian attacks. Her youngest son is autistic and can't handle loud noises. The bombing, therefore, has created a negative impact on the mental health of this child, which then caused much stress for Daryna. When they arrived in the Netherlands, Daryna was responsible for finding schools and arranging everything her children needed. In the meantime, she has not been taking

9. In the previous chapters, we discussed the different challenges regarding work and education which is a part of the newcomer's process in the Netherlands. Besides these two challenges, newcomers also deal with the whole system of reception and integration which is very bureaucratic and over-organized making it difficult to navigate and thus can cause additional mental burden.

care of herself, therefore neglecting her mental health. In Ukraine, there is a stigma around mental health. Daryna believes she is a strong woman who can handle all her problems. After a while, she started yoga classes through a recommendation from another Ukrainian woman in the Netherlands. She couldn't keep her tears in, and the yoga classes alone relieved her. Since the first positive class, she has been booking classes once a week for six months, positively impacting her mental health and allowing her to focus more on everyday life with her children.

Noticeably, a small change of guidance can already have a big impact on an individual's everyday life. The following story is based on the previous one and concerns individuals who might lose trust due to not being able to understand how the healthcare system operates and deals with it.

*“People lose trust in the local health system, tend to avoid going to the huisarts [general practitioner], and need help understanding how to communicate with Dutch doctors. They don't understand why Dutch doctors are googling in front of them and don't know how to express their needs towards the specialist. In Ukraine, it's normal for the doctor to prescribe what you need and for them to explain the following steps. Whereas in the Netherlands, the system works oppositely. Often, you tell the doctor what you want and how you want it; thus, the patient is responsible. Because of these cultural differences, access to the health system becomes challenging.”*

## PROFESSIONAL SENSITIVITY TO THE ASPECT OF MENTAL HEALTH

Professionals entrusted with supporting newcomers often lack the expertise to address their mental well-being effectively. Even when professionals do not explicitly work in the field of (mental) health, awareness of mental well-being is crucial. To provide adequate assistance to individuals grappling with complex issues, these professionals must have access to the right information and resources to identify signs and provide the right support. In light of this, the following case study emphasizes the issue raised.

*“There were many examples at the G100 conference where people were unaware of their mental health problems at the beginning. Some of them eventually did, after time spent in the Netherlands, and requested support from general practitioners. Often, general practitioners are not well-informed about post-traumatic syndrome triggered by work experiences and would recommend patients sleep, walk more or stress less, which ignores the root of newcomer's problems. In some cases, it can even worsen their situation and causes a lack of trust towards the health system in the Netherlands. As a result, people tend to seek support within a newcomer's network to discuss their problems in their cultural language. In some cases, they tend to ignore the issues. There are plenty of specialists coming from the countries of origin who can support the Dutch doctors. This initiative has been suggested several times, but unfortunately, the request has not been answered so far. This would provide help for both sides.”*

The experiences of newcomers are multifaceted, encompassing various challenges such as navigating the asylum process, coping with separation from family and friends, adjusting to a new country, and dealing with the aftermath of war or threats in their home country. These experiences intertwine, creating a complex web of emotional and psychological needs. Equipping professionals with the appropriate knowledge and resources such as culture-sensitive approach and trauma-informed support<sup>10</sup> will enable them to better understand and address these interconnected experiences, allowing for more comprehensive and tailored support for the mental well-being of newcomers.

Additionally, there is a lack of cultural sensitivity in order to address newcomer's (mental) health issues. The story of Adoney that follows, told by an interpreter with a refugee background, is an illustration of this problem.

### The story of Adoney

Adoney has an appointment with a psychiatrist and two nurses. He dials in an interpreter to translate the conversation. Because of psychotic disorders and complaints, Adoney has been on sleeping medication and tranquilisers for a long time. He still sleeps poorly, and his symptoms are not getting better. Adoney explains the difficulties of reaching his parents and the challenges around family reunification. Due to the length of the procedure, he has not been able to contact his parents for months. These concerns overshadowed his health. The interpreter noticed that the nurses only addressed the treatment and medication, suggesting they should consider increasing the dosage. This made Adoney frustrated, and he expressed the feeling that

10. MentalHealth.org. (12 November, 2015). Trauma-Informed Approach and Trauma-Specific Interventions.

he did not feel heard. “Are you trying to overdose me?” he said, frustrated. Although the nurses listened to what he said, they referred him to speak with the psychiatrist later at noon so that they could continue talking about the medication. The nurse clarified that she was not qualified to discuss asylum procedures. The interpreter notices a sense of cultural insensitivity. Adoney’s frustrations grow, and in despair, he tells him that he will jump off the bridge since there is no reason to live. The interpreter hears chaos in the background, and in a far distance, Adoney tells the nurse that he is done and that they won’t see him again. The nurse picks up the phone and explains that the patient left the room without his keys. The interpreter addressed her concerns about the entire conversation, and the nurse did not seem to understand. Whatever happened after this phone call is unknown, but the conversation caused a traumatic experience for the interpreter, even though the nurse admitted to having acted wrongly.

Cultural sensitivity is a lacking subject within GGZ. It is crucial to raise awareness and encourage newcomers to seek help and be open about their mental health issues. Even though some may seek help, many situations show newcomers are not getting the proper help they need. The story above shows us a good example of the importance of inclusivity and cultural sensitivity within the mental health field. The example below serves as another illustration of the additional issues that may result.

### The story of Shadi

Shadi is a Syrian boy who arrived in the Netherlands at sixteen. Before coming to the Netherlands, he stayed in Turkey for a couple of years. He started high school but did not finish his studies. A refugee organization has supervised and guided him in the Netherlands. Unfortunately, the organization’s staff and volunteers did not consider the cultural differences and specificities, and he was placed in a group of young refugees of African descent, which made him isolated and faced a new situation as a young man alone in another country and distanced from his culture. As he was told later, employees put Shadi in for an experiment to test him for harmful behaviors. The experiment was that an employer hid an item Shadi borrowed from his colleague. In response, Shadi bought a similar item to return to his colleague. Another ‘test’ he has been put in was tempting him to smoke marijuana with colleagues, and Shadi rejected this offer multiple times. Although the employees were very pleased with the result, it left Shadi with a sour aftertaste, and he felt humiliated, which caused distrust towards the organization. Shadi reached 18, and another organization helped him obtain independent housing. Nonetheless, housing was another source of worsening his complex psychological conditions after living alone, in uncertainty, and far away from his family while dealing with a new society, language, religion and social customs at a crucial age. This led Shadi into a severe depressive state. After a while, Shadi’s mother and some of his siblings arrived in the Netherlands but unfortunately faced Shadi in a deplorable state of depression and withdrew from society. After seeing his situation, his mother tried to guide him towards psychological treatment. Like many newcomers, culturally receiving psychological treatment has been seen as negative. Shadi was convinced that the psychiatrist he eventually saw was a general doctor. He underwent treatment which enabled him to do voluntary work and brought him out of his state of isolation. Shadi still has a long way to go<sup>11</sup>.

Delaying education, treatment, and the late discovery of mental illness led to Shadi’s hindrance from development in his life and starting integration. It caused long-term psychological suffering from which he may be unable to recover completely.

## THE INFLEXIBILITY OF SUPPORTING SYSTEMS

The inflexible functioning of supportive services in the Netherlands presents several obstacles that hinder providing adequate care. In this paragraph, these obstacles are discussed. A first and major challenge is the time constraint, which often hampers the ability to deliver comprehensive support. An example given during the G100 was the ten-minute time slot per doctor appointment. This may be enough for some, but for others it is not. This concept is designed to expect that a patient is able to explain the health problem as briefly and concisely as possible, but unfortunately not everyone is capable of doing so. Moreover, a ten-minute appointment is not enough for someone speaking little Dutch and where translation is needed. Appointments with translations often take twice as long.

11. The information of the refugee organization is made known by the authors, but for the sensitivity of the story we kept the names of the organization hidden.

Secondly, the cultural organization of healthcare in the Netherlands may not always align with the expectations and preferences of everyone. For instance, a mother expresses concern about her 18-year-old son's therapy sessions, as she wishes to be actively involved in his support system, which is not typically considered in individual-focused therapy. This mismatch can create a sense of disconnect and hinder effective communication between the therapist and the family.

Thirdly, General practitioners (GPs) are pivotal in facilitating access to specialized health professionals. However, individuals frequently face challenges when attempting to reach these specialized services. Negative experiences during medical consultations, such as GPs asking oversimplified questions or resorting to internet searches and offering superficial advice like taking painkillers, contribute to a sense of not being taken seriously and erode trust in the healthcare system. Additionally, individuals who do not speak Dutch or have a history of mental health distress may not receive the seriousness and attention they deserve. Furthermore, when individuals are unsure about their specific needs or goals for the medical appointment, they may feel disregarded or overlooked.

Additionally, navigating the unwritten rules of the Dutch healthcare system can present further obstacles. Some individuals have discovered that speaking assertively about mental health concerns is necessary to be taken seriously and potentially bypass waiting lists. However, not everyone is aware of these unspoken norms or comfortable advocating for themselves in this manner. Moreover, the financial aspect of mental health services can be a significant barrier. The cost of such services can be prohibitive, and the availability of certain therapies is often dictated by insurance coverage rather than individual needs. As a result, individuals may not have access to the specific type of therapy they prefer or find most effective in their situation. These factors contribute to the complexity and challenges faced by individuals seeking appropriate and accessible mental healthcare in the Dutch system.

Lastly, language barriers significantly impact effective mental health care. Accessing the subconscious and establishing trust are crucial components of therapy, which are more challenging to achieve with a translator. Using a shared language between the therapist and the individual fosters a sense of trust and allows for direct communication, enhancing the effectiveness of therapy. Therefore ensuring access to healthcare services in the language of the individual is crucial. This can be achieved through professional translation services when suitable, as well as employing healthcare professionals who can directly provide services in the patient's language. The following quote, from a discussion with the Steering Committee members on 8th of May 2023, emphasizes the cited problem in this manner.

*"We see that many professionals and aid workers do not know how to use an interpreter and that the costs are often not reimbursed. With many campaigns, it is finally time for mental health care and maternity care to be reimbursed, but unfortunately, this has not yet been arranged for general care. If a status holder goes to the doctor, general practitioner or hospital, they, unfortunately, have to pay for the interpreting services themselves or bring someone from their network. This causes many problems; often, parents get their children to translate since they do not have anyone else in their network to interpret. Children are not allowed to fulfill that role. This means that if there is a long-term illness, they must always try to arrange someone for this themselves. It is then demotivating and creates a significant barrier for them. The lack of an interpreter's fee is a big part of situations that go wrong.*

*In addition, professionals need more clarity about the perception of illness in different communities. People express their illnesses in a completely different way that professionals need to become more familiar with, which causes miscommunication. This can be prevented by, for example, using key persons or cultural mediators. To conclude, knowledge needs to be improved among professionals, for example, where they can find these key persons. There is no joint action with professionals, neighborhood teams, or municipalities."*

Following is an additional example through a case study.

### The story of the family Mustafa

The Mustafa family has had complaints for a long time. They feel they are not taken seriously by general practitioners. The GP often indicates that they should rest enough, eat a healthier diet and take paracetamol. This family regularly visits the GP but is not referred or prescribed medication and has now stopped going to the GP. The oldest child of seventeen had complaints but, regardless, got the same conclusion. Then the daughter went again, but this time with a friend who has a slightly better comprehension of Dutch and can help her with translation. She has kidney problems. The GP indicated that she might be pregnant, which was a big insult since she is a practicing Christian. She clarified she doesn't have a boyfriend and takes her religion

seriously. She felt highly offended next to her friend and stopped going to the doctor because of it. After a while at school, she passed out. She was taken to the hospital in an ambulance, where she discovered a severe kidney infection. Her kidneys were failing, and she was hospitalized for three weeks. The GPs were extremely shocked; the family was taken seriously when arriving at the GP after this accident. She is now happily recovering, but this could have turned out differently.

## LIMITED RANGE OF HEALTH SERVICES

The range of health support services is limited. Individuals seeking mental health support may encounter difficulties due to the complexity of their trauma and the limitations of available services. The lack of effective support for such complex questions shows the need to diversify the range of available health services in the Netherlands.

Another example that amplifies the limited range of health support services is connected to experiencing loneliness. The experience of loneliness, particularly for newcomers who have left behind a strong support network of friends and family, poses significant mental health challenges. The cultural differences and the inability to reach out to a community can exacerbate feelings of isolation and loneliness. To address these issues, it is crucial to implement solutions that acknowledge and embrace cultural diversity and the importance of social connections. Group sessions emphasizing the social aspect of well-being can play a pivotal role in combating loneliness and fostering a sense of belonging.

Recognising that mainstream Dutch healthcare services may not meet everyone's needs, we can think about expanding the range of health support services. By reforming the mental health system to be more inclusive, culturally sensitive, and community-oriented, we can provide better support and promote mental well-being for individuals from diverse backgrounds. Therefore, it's essential to broaden the accessibility of alternative therapies such as group sessions, creative therapy, and psychedelic-assisted therapy. Insurance policies should not restrict these options and should be available for individuals to choose the support that best suits their situation.

The experiences of newcomers can offer ways to reimagine the Dutch healthcare system, its biases and the underlying principles. It offers alternatives to the current reactive healthcare system in which health questions are treated relatively isolatedly, separated from the public domain and people's daily lives. Another option is to view health as a public responsibility. And efforts can be made to train all individuals, including through the education system, to be supportive towards fellow citizens. Implementing preventive measures, such as providing regular check-ups, can help identify and address health issues before they become more severe.

## ACCESS TO THE HEALTHCARE WORKFORCE

The mentioned obstacles point out various needs and shortages with regards to the health sector: The need for expertise on professional cultural sensitivity; The need for a more tailored and diversified range of health services; The general shortage of professionals in the health sector; And more specifically the shortage of health professionals who can offer services in the first language of newcomers. These problems could be addressed by finding solutions for the barriers that currently prevent newcomers with professional experience and healthcare education from utilizing their expertise in the Netherlands. An example of such a barrier is when high language proficiency requirements are posed. Because tailored trajectories to meet these requirements are scarce, these language standards often hinder newcomers' ability to access the health sector as professionals.

Creating opportunities for newcomers to work in their health professions allows them to contribute to filling gaps in the healthcare system and utilizes their valuable skills and experience. A possible solution is allowing newcomers (with experience and education in healthcare) to enter the healthcare sector early by shadowing a doctor. This means that someone can work under the supervision of a doctor till one meets the requirements to work independently again. A period of shadowing allows early access to the health labor market. It offers the opportunity to gain experience in the Dutch healthcare sector and to already apply one's professional knowledge and skills to a certain extent. A shadowing period can be accompanied by an educational trajectory to meet the requirements to work independently again soon.

To gain the necessary additional qualifications more effectively, these trajectories should allow for flexibility. So that one can focus on bridging the gap between working in healthcare in one's home country and working in the Dutch healthcare system. In other words, educational trajectories should focus on what is really necessary

to learn to use one's acquired skills and knowledge in the specific context of the Dutch health sector. And more specifically, tailored to what service someone will provide in the Netherlands. The necessary additional qualifications, among others, depend on whether someone (also) provides health services in one's first language. Allowing for flexible and focused educational programs reduces costs compared to requiring newcomers to complete an entire study program.

In addition to appropriate study programs, proper validation of experience and education would ensure easier access to the healthcare workforce. Recognizing the qualifications and expertise of newcomers with experience and education in health services is essential. Validating their credentials can facilitate their integration into the Dutch labor market and allow them to contribute their skills to fill gaps in the healthcare workforce.

Lastly, to fully leverage newcomers' resources, opportunities should be created to share their resources and expertise. This offers a way to enrich the Dutch healthcare system and develop ways of offering care more comprehensively and culturally sensitively.

## RECOMMENDATIONS

In this chapter we bring together all the recommendations, deriving from the three main chapters on work, education and (mental) health. When applicable, the recommendations are backed up by rights, regulations and best practices.

### RECOMMENDATIONS FOR ACCESS TO WORK

- » Newcomers are often not well informed about their rights as employees. Create easy access to this form of information and provide it at the right time. There is often a need for this kind of information when someone starts working. However, under the old integration law (see Appendix 3.1), the job-support from a municipal contact person most often stops at the moment someone finds a job. Follow-up/aftercare with check-in moments should be maintained as a regular practice in the job matching process to bridge the cultural and information gap in the job market, which would be beneficial to both the employee and the employer.
- » Municipalities should offer support that fits with the situation people are in, instead of approaching the search as 'finding a job as soon as possible'. This approach often derives from a tension between the integration law and the participation law. Newcomers fall under both laws at the same time. In the participation law, more focus is on 'finding a job as soon as possible' rather than 'finding a fitting job'. Moreover, what is a 'fitting job' for someone is in practice often defined by the contact person of the municipality. Which can differ from the perspective of the newcomer. The focus on pace leaves little space for newcomers to re-ground in the Netherlands and invest in preparing themselves for the Dutch labor market.
- » Hiring job coaches that have lived experience as a newcomer Creating a job opportunity for people who can share information with other newcomers will ensure free-flowing and community-based knowledge about what vacancies and resources are available when job searching and dealing with workplace conflict. This would benefit people as they can access the information they may not have otherwise.
- » Having a clear and transparent knowledge of the needs of the Dutch labor market when an individual is applying for work would help them understand the limitations they face and the procedures they must undergo to shift careers, find new jobs, or deal with workplace discrimination.
- » Develop hands-on training programs to help newcomers gain practical workplace experience, which will help them in their career progression. Within the new Integration Law (see appendix 3.2) municipalities enjoy much liberty in developing integration trajectories. This can be put to use by offering more of such hands-on learning programs.
- » Develop standardized procedures and guidelines for evaluating certifications obtained in different countries or regions. This may involve collaborating with relevant authorities, professional associations, or certification evaluation agencies to establish equivalency frameworks or recognition processes.
- » Implement robust skills assessment mechanisms (e.g. skills passport<sup>12</sup>) that take into account both formal qualifications and practical work experience. This can involve conducting interviews, skill tests, and job simulations to accurately evaluate the skills and capabilities of newcomers.<sup>13</sup>
- » Foster strong partnerships and collaboration with employers to gain insights into their specific job requirements, desired qualifications, and recruitment processes. This collaboration can help professionals align their evaluation and matching processes with the needs of the job market, increasing the chances of successful job placements.
- » Vacancies should mention the minimum and the desired level of language proficiency if any, which would help people assess if they meet the minimum requirements for the job while combining it with advanced language courses.
- » Create a monthly newsletter of ready-to-work newcomers profiles and their qualifications available to share with the companies to make their talent visible. This would be helpful for companies to find suitable candidates with diverse backgrounds for the job and reach the community.

Make work accessible from the moment someone arrives in the Netherlands. For people who are in their asylum process, many obstacles are in the way of Work. Among others, the *Tewerkstellingsvergunning* (TWV: Being-put-to-work-permit) requirement to revise this policy. And lift the restriction on the amount of time that

12. Amsterdam Economic Board. (n.d.). Reizen over de Arbeidsmarkt: Skillspaspoort.

13. Note: To ensure cultural sensitivity tests, develop skills tests together with the newcomers themselves.

people can work: a maximum of 24 weeks per year. At the moment of writing (May 2023) this restriction is still part of the Dutch policy. However, on the 18th of april 2023 this regulation has been declared to be contradicting Article 15 of the Opvangrichtlijn and is currently on the high court legal procedure.

- » Centers for discriminatory complaints should be known, and the government should take strict measures to prevent discrimination in the workplace. This is necessary to comply with Article 1 of the Dutch Constitution, which mentions that discrimination is based on whichever ground is never allowed. All people who are based in the Netherlands have to be treated similarly, when in similar circumstances.<sup>14</sup>
- » Anonymous applications would help to prevent discrimination in the recruitment process.

## RECOMMENDATIONS FOR ACCESS TO EDUCATION

- » Provide clear and tailored information about the broad range of educational opportunities in the Netherlands. This is not only useful for one's own wish to enter education, but also for parents. Reliable and clear information helps them to understand the educational system better, enabling them to support their children and make sure they are involved in the discussion about their children's educational options.
- » Make professional education support accessible to all newcomers. Currently, volunteer organizations often lack accurate information and turn to Dutch institutions, which may not fully understand newcomers' regulations. This can lead to misleading advice.
- » Ensure good collaboration between municipal contact persons and organizations that support people in their education trajectories (like UAF). Due to a lack of communication between these parties, newcomers get various sorts of information and doubt which one is reliable. A clear and direct communication between the newcomer, the case manager at an organization and the municipal contact person is crucial to be able to make well-informed decisions on one's future education.

## RECOMMENDATIONS FOR ACCESS TO (MENTAL) HEALTH

- » To alleviate the mental burden stemming from current organizational complexities, prioritize enabling newcomers' access to key activities like work, education, and leisure, fostering stability and well-being. Simplify bureaucratic structures to reduce stress. Introduce a two-tiered health education system: empower individuals to self-analyze mental health and navigate Dutch healthcare. Launch upon arrival, especially in asylum centers, supplemented by group sessions and creative therapies for enhanced support and healing.
- » Involving cultural mediators who can bridge the gap, provide informative support, and establish online groups on platforms such as WhatsApp with people from similar backgrounds are essential considerations. Key persons should be adequately compensated for their expertise and skills rather than relying on voluntary contributions.
- » Ensure language-accessible healthcare services as mandated by Dutch laws such as the 'Wet kwaliteit, klachten en geschillen zorg' and the 'Zorgverzekeringswet'. Effective healthcare hinges on clear communication between individuals and healthcare providers, which is hindered by language barriers. To counter this, widespread availability of translation services is vital to maintain high-quality care. Research highlights the detrimental impact of translation service scarcity on healthcare quality, leading to negative patient outcomes. While government financing covers mental healthcare (GGZ) translation services in 2022, comprehensive language support is needed across all healthcare sectors. Notably, children should not be relied upon for translation. Recruiting language-proficient healthcare professionals and leveraging newcomers' expertise can enhance inclusivity, cultural sensitivity, and gender and faith considerations within the healthcare system.
- » Investing in prevention strategies by identifying symptoms in the early stage and responding adequately by working closely with local organizations and cultural mediators.
- » Collaborate with Refugee-led Organisations (RLOs) to develop a training program aimed at equipping professionals, who engage with newcomers and lack the skills to recognize and address mental health concerns.
- » To harness the expertise of newcomers with healthcare experience and education and address healthcare gaps, establish avenues for newcomers to join the sector through doctor shadowing. This entails supervised work alongside a doctor, granting early access to the healthcare labor market. This

14. Rijksoverheid. (17 February, 2023). Minister Bruins Slot tekent Grondwetswijziging artikel 1.



initiative offers the chance to acquire Dutch healthcare sector experience and partially apply professional skills. A concurrent educational track during shadowing can facilitate regaining full independence for future practice.

- » Proper innovative hands-on validation of experience and education is urgently needed: Recognizing the qualifications and expertise of newcomers who have experience and education in health services is essential. Validating their credentials can facilitate their integration into the Dutch labor market and allow them to contribute their skills to fill gaps in the healthcare workforce.

## CONCLUSION

As this report concludes, it illuminates the intricate connection between policies, regulations, and newcomers' daily lives, focusing on work, education, and (mental) health. Through revealing case studies, it underscores the gap between policy goals and practical outcomes, highlighting areas needing improved organization. Factors such as practical obstacles, resource awareness, and implementation constraints contribute to this disparity, prompting the identification of enhancement opportunities.

Firstly, the chapter about access to work, captured the challenges and experiences of newcomers revealed in relation to the labor market, where the main problem described is the undervaluation of newcomers' qualifications and capabilities. For example, the degrees and qualifications earned in their home countries are often not valued as highly in the Netherlands, leading to them being rejected for jobs or settling for work that does not match their abilities. Additionally, people's looks and Dutch language proficiency are often used to stereotype them, leading to their intelligence and potential being underestimated.

Furthermore, the municipal mandate to work as soon as possible means that people are not given enough time to develop themselves and their skills, resulting in highly educated individuals working in low-paying jobs such as supermarkets. Discriminatory experiences are also widespread, and older age (50+) is often considered a disadvantage to employers. This, coupled with job salaries being less than government support, creates a demotivating environment for newcomers.

Internships are a crucial way to gain work experience in the Netherlands, but getting hired for an internship can be challenging. On the other hand, most people struggling with finding a paid job are accepted for voluntary work instead. Mobility within the Netherlands can also be an issue, especially for newcomers housed in areas with limited job opportunities.

Ukrainian newcomers face the additional challenge of having only short-term clarity about their future in the Netherlands. Moreover, the language requirement is often used as an excuse not to hire people, even though their experience and proficiency in English should be sufficient for many jobs.

Finally, newcomers with a smaller network find it harder to access job vacancies via contacts, highlighting the importance of personal networks in finding work. Overall, newcomers' challenges in the Netherlands reveal a complex landscape in which different groups face different challenges. For example, newcomers may face more significant restrictions on where they can live and may have less paperwork or degrees. At the same time, migrants may be younger and have validated degrees but still face discrimination. These issues must be addressed to ensure everyone has an equal opportunity to contribute to and benefit from Dutch society.

The second topic about access to education within the G100 context highlighted several key issues individuals, particularly newcomers, face in accessing education in the Netherlands. Three main challenges have been identified: information accessibility, language and educational discrimination, and bureaucratic obstacles. Information accessibility emerged as a significant hurdle, with difficulty obtaining accurate information about the Dutch educational system. Both parents and children faced challenges in understanding how the system works and accessing the necessary resources.

Language barriers further compounded this issue, as refugee organizations often lack the resources to provide adequate guidance and support. Language and educational discrimination were also prevalent concerns. Newcomers often faced unfair perceptions of lacking education and experience, leading to a need for dedicated support within universities. The existing educational system often disregarded the skills and knowledge of newcomers, forcing them into lengthy re-education processes that hindered their employment prospects. Bureaucratic challenges were another major barrier.

Newcomers encountered discouraging behavior from municipalities, case managers, and refugee organizations when seeking information and guidance. Language discrimination was observed, with inadequate support provided to non-Dutch speakers compared to native speakers. Disparities in treatment were also noted between newcomers from different countries and Dutch students. Additionally, integrating refugee children into the education system posed difficulties, with IQ tests and language barriers being particularly problematic. The government has taken some steps to address these concerns, as exemplified by a recent amendment to the Civic Integration Regulation. The amendment reduces the required number of exam attempts for exemption based on demonstrable efforts, acknowledging the disproportionate burden faced by individuals and the expenses involved. This change is expected to alleviate pressure on exam capacity and reduce regulatory burdens for integration requirements.

However, it is suggested that the provided solutions are limited and further efforts are needed to address the broader issues identified. Improved information accessibility, fair treatment, and tailored support for newcomers are essential to ensure equitable access to education. Efforts should be made to recognize and utilize the skills and knowledge of newcomers, offer more flexible learning paths, and create specialized scholarships for newcomers. Additionally, bureaucratic processes should be streamlined, and cultural sensitivity should be integrated into assessment methods and educational policies.

Overall, the chapter on education sheds light on the complex challenges faced by individuals seeking access to education in the Netherlands and emphasizes the need for comprehensive reforms to promote inclusivity and equal opportunities.

Lastly, the experience of newcomers with the Dutch health care system offers essential insights, underlining the significance of (mental) health services for well-being, hindered by barriers leading to adverse outcomes. Identifying obstacles, assessing impact, recognizing affected groups, understanding stakeholders, and quantifying needed changes are vital for effective barrier removal. Addressing challenges requires systemic solutions spanning policies, regulations, structures, and mental health support. Gaps in defaults for mental health assistance and professional sensitivity, coupled with inflexible systems, limited services, language barriers, and workforce shortages, intensify the hurdles. These insights guide strategies for improved accessibility and quality, uplifting newcomers' mental well-being and advancing inclusive healthcare. The mental health system's cultural bias emphasizes professionalization, bureaucracy, and individualism, overlooking diverse needs.

A comprehensive approach is essential to enhance access, combatting multifaceted barriers. Recognizing impact, identifying affected groups, involving stakeholders, and gauging change's magnitude yield effective solutions. Combating stigma, bolstering resources, ensuring equity, enhancing coordination, and advocating policy changes foster a society valuing mental health, necessitating collaboration among policymakers, healthcare professionals, communities, and individuals. Access to mental health services is a fundamental individual right and a crucial aspect of a healthy, inclusive society, realized through a holistic, supportive environment promoting universal mental well-being.

In conclusion, this report delves into the intricate interplay between policies, regulations, and the daily lives of newcomers in the Netherlands, particularly in the realms of work, education, and mental health. The analysis reveals a disconnection between policy intentions and practical outcomes, underscored by compelling case studies that expose areas in need of enhanced organization. A host of factors, encompassing practical barriers, resource awareness, and implementation challenges, contribute to this disparity, paving the way for the identification of avenues for improvement. The investigation into access to work brings to light the hurdles newcomers face within the labor market, highlighting issues of qualifications undervaluation, stereotypes based on appearance and language, and the clash between immediate employment mandates and skill development. Education, the second focal point, uncovers three principal challenges: limited information accessibility, language and educational bias, and bureaucratic impediments, all of which hinder equitable education access. Lastly, the examination of newcomers' experiences with the Dutch healthcare system underscores the critical importance of (mental) health services, accentuated by barriers that detrimentally affect outcomes. These findings collectively illuminate the necessity for comprehensive reforms across these domains to foster inclusivity, equal opportunities, and overall societal well-being.

## CONTEXT OF THE SHADOW REPORT

This report is based on the experiences and recommendations of people who were forced to migrate from a non-EU country. Therefore, the following part zooms in on laws and policies that are extra relevant for this group of people. This is not a coherent overview. It offers a summary of rules and regulations that are directly relevant to the topics mentioned in the main three chapters of this report: education, work and (mental) health. It can help to contextualize the data in the three main chapters and the recommendations.

## EU AND INTERNATIONAL RULES AND REGULATIONS

EU and international regulations offer guidelines for national laws and policies. The right to work and follow education are explicitly mentioned, access to the workforce, education and health care are captured by international and European rights agreements (see Appendix 1). These rights apply to every human being. In addition, the 1951 Refugee Convention and its 1967 Protocol are specifically relevant for people who were forced to migrate. These are the legal documents that form the cornerstone of UNHCR's (the United Nations Refugee Agency) existence and work.<sup>15</sup> These legal documents define the term 'refugee', their rights and the international standards for ensuring their protection. The right to work, healthcare and education are captured in these documents as well. (see appendix 1).

The Temporary Protection Directive<sup>16</sup> (TDP) is a form of European legislation that can be activated when many people from a country outside of the EU are forced to migrate and go to EU countries. Activation of the Directive protects the national asylum system from being over-asked. Meanwhile, it ensures the protection of the rights of the people who belong to the group for which the Temporary Protection Directive has been activated. This Directive was activated for the first time in March 2022, following the Russian invasion in Ukraine in February 2022. People who fled this war in Ukraine fall under the Temporary Protection Directive. Their rights concerning education, workforce and healthcare are mentioned in the directive (see Appendix 1).

## DUTCH NATIONAL RULES, REGULATIONS AND POLICIES

Different rights and policies are relevant for people with different residency statuses. Most relevant to the content of this report are the rights and policies that are specifically relevant for people who are 1) in the asylum process, 2) are granted a temporary residency after the asylum process 3) fall under the protection of the TDP (Temporary Protection Directive).

### **Rights & policies during the asylum procedure (see Appendix 2)**

It is important to note that this concerns the 'regular' asylum procedure. The word 'regular' is meant to stress the following rights and policies are not directly relevant for people who fall under the protection of the TDP. The organization COA (Centraal Orgaan Opvang Azielzoekers, Central Organisation Shelter Asylum Seekers) plays a big role in ensuring the rights of people who are in their asylum procedure. These rights and policies stay relevant up till a decision has been made on someone's asylum procedure. Appendix 2 denotes the relevant rights and obligations with regards to work, education and health.

### **Rights & policies temporary residency (based on asylum application) (see Appendix 3)**

When people between the age of 16 and approximately 67<sup>17</sup> get an 'asylum-residency-permit', they are obliged to integrate. What this means is formulated in the Integration Law and the national and municipal policies on integration. In the following text we specifically focus on what the integration obligation means for people with an 'asylum-residence-permit'.

## TWO INTEGRATION LAWS

The integration law has changed recently. From the 1st of January 2022 the new Integration Law (Wet

15. UNHCR. (n.d.). The 1951 Refugee Convention.

16. European Commission. (n.d.) Temporary Protection.

17. The Integration Law is only relevant for people between the age of 16 and the age that people are old enough to apply for 'elderly-income' (AOW) from the government. People who fall outside of this age category are exempted from the obligation to integrate.

Inburgering 2021) is implemented. Before this date, people fell under the Integration Law of 2013. A clear understanding of both laws is crucial for making sense of this report. Most of the case studies capture the experiences of people who fall under the rules of the Integration Law of 2013. Therefore, understanding of the Integration Law of 2013 helps to contextualize the case studies and to deduct the lessons learned. And knowledge about the Integration Law of 2021 allows us to transform the lessons learned into recommendations that are directly relevant for the current legal framework.

Both integration laws mostly focus on the details of the integration obligation. And they elaborate on how to comply with this obligation within three years. Topics related to access to work and (mental) health care are touched upon only briefly and indirectly. With regards to health and work, newcomers with a ‘residency-permit-asylum’ fall under the same rules and regulations as people with Dutch nationality. This is different when it comes to the topic of education. Both integration laws expand broadly on education. Specifically, education helps one to prepare for fulfilling the integration obligation. For example courses on the Dutch language and ‘knowledge of Dutch Society’ to pass the integration exams.

### **Integration Law of 2013 (see Appendix 3.1)**

The integration law of 2013 emphasizes the newcomer’s responsibility to complete the integration trajectory. They receive little support from the government and are expected to look for the right integration education all by themselves. This lack of structural support is a broadly-recognized pitfall of this law. Therefore, some extra services and programs are offered for people who still fall under the Integration Law of 2013.

### **Integration Law of 2021 (see Appendix 3.2)**

The integration law of 2021 places a bigger responsibility on municipalities. Municipalities became responsible for developing local integration policies. And they get a bigger role in offering support to newcomers with regard to their integration trajectory (eg. information about how and where to find language classes). Newcomers are being appointed a contact person at their municipality. They set up a Personal Plan of Integration and Participation (PIP) with this person. This plan mentions, among others, which of the three ‘integration routes’ someone will follow:

**B1 - route:** focused on passing the language integration exams on B1-level

**Z-route:** When it’s expected that it will not be possible to reach the B1- level of Dutch within three years, one can follow the Z-route. The focus is on improving one’s Dutch as much as possible within three years and on various forms of participation in society.

**Education route:** The main aim is to prepare as soon as possible for entering a ‘regular (job-oriented) education’ by following both ‘topic-focused lessons’ and Dutch language lessons on the B1 level.

## **RIGHTS & POLICIES DURING ACTIVATION OF THE TDP**

(See Appendix 4)

Activating the TDP in March 2022 protects people who fled the war in Ukraine while ensuring that the ‘regular’ asylum system in the Netherlands is not being over-asked. The way the TDP has been organized, changed a lot over a short period of time. Because this process of relatively rapid change has not yet ended, it is important to note that the information in this report captures the status quo in May 2023.

### **Embedding of the TDP in the Netherlands**

Each contracting state has embedded the TDP differently into their national policies. The Netherlands has chosen to integrate the Temporary Protection Directive (TPD) by adding a rule in the Vreemdelingenwet 2000. When people want to be recognised as a temporarily displaced person, they first have to apply for asylum. When it’s decided that someone falls under the TPD, the decision on the asylum application will be postponed till six months after the TPD has ended. This means that during the activation of the TPD, people who fall under this directive have the same legal status as all people who are waiting for a decision on their asylum procedure<sup>18</sup> However, when the crisis of 2022 started in Ukraine, the Netherlands decided to organize the way they receive people from Ukraine differently

18. Verblijfblog. (n.d.) Oekrainers moeten toch asiel aanvragen.

than the way they receive people from other countries. This led to a reality where people in 'regular' asylum procedures and people who fall under the TDP experience different opportunities and obstacles with regards to the topics of: (mental) health, education and work. A difference that a lot of attention has been paid to is related to work: Employers who want to hire people from Ukraine are exempted from requesting a permit to do so. While if they want to hire people who are in the 'regular asylum procedure' this obligation to get the permit still holds. Appendix 4 elaborates more on this and other regulations and policies related to work (mental) health and education.

## APPENDIX

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## APPENDIX 1: EU AND INTERNATIONAL RULES AND REGULATIONS

**International and European human rights.** Related to the three main topics, the following articles are particularly interesting:

- Article 23 from the Universal Declaration of Human Rights mentions the right to work for everyone and to freely choose one's own work<sup>19</sup>. This right is mentioned in many other international and European regulations (eg the EU Declaration of Human Rights)
- Article 26 from the Universal Declaration of Human Rights mentions the right to education. Basic and primary education should be free for everyone, and primary education should be mandatory. Additionally, job-related education should be made publically accessible.
- Article 24 mentions the right to a living standard that ensures the good health of oneself and their family.

**The 1951 Refugee Convention and its 1967 Protocol.** These are the legal documents that form the cornerstone of UNHCR's existence and work.<sup>20</sup> These legal documents define the term 'refugee', their rights and the international standards for ensuring their protection. Related to the three main topics, the following articles are particularly interesting:

- According to the 1951 Convention refugees should have access to elementary education, and the Contracting States should facilitate their access to other levels of education. Additionally, the 1967 Protocol relating to the Status of Refugees further extends this right to refugees who may not fall under the strict definition of a refugee under the Convention.
- According to the 1951 Convention, Contracting States are required to provide refugees with the same access to healthcare as that which is available to nationals. This includes providing access to preventative and curative healthcare services, as well as mental healthcare services.
- Under Article 17 of the 1951 Refugee Convention, refugees are granted the most favorable treatment provided to foreign nationals in the receiving country in terms of wage-earning employment and self-employment. This implies that refugees should not be subjected to discriminatory treatment regarding their access to work opportunities.

### The Temporary Protection Directive<sup>21</sup>.

This is a form of European legislation that can be activated when many people from a country outside of the EU are forced to migrate and arrive in EU-countries. Activation of the Directive protects the national asylum system from being over-asked. Meanwhile it ensures the protection of the rights of the people who belong to the group that the Temporary Protection Directive has been activated for. This Directive has been activated. People who fled the war in Ukraine fall under the Temporary Protection Directive. As with any European Directive, the legislation sets out a goal for all EU-member. However, each country can make its own decision on how to reach this goal. With regards to the three main topics of this report, the following rights, captured in the Directive, are most relevant<sup>22</sup>:

*'access to employment, subject to rules applicable to the profession and to national labor market policies and general conditions of employment*

*access to medical care*

*access to education for persons under 18 years to the state education system'*

19. College voor de Rechten van de Mens. (n.d.). Wat is de Universele Verklaring van de Rechten van de Mens?.

20. UNHCR. (n.d.). The 1951 Refugee Convention.

21. European Commission. (n.d.) Temporary Protection.

22. European Commission. (n.d.) Temporary Protection.

## APPENDIX 2: RIGHTS & POLICIES DURING ASYLUM PROCESS

The following part applies to people who undergo the 'regular' asylum procedure. The word 'regular' is meant to stress the following rights and policies are not directly relevant for people who fall under the protection of the TDP. The TDP has been activated to protect the regular asylum system from being over-asked.

### Work

Access to the Dutch labor market for people who are in their asylum procedure is arranged in the Wet Arbeid Vreemdelingen (Law Labor Foreigners). In order to work, the employer has to apply for a TWV (Tewerkstellingsvergunning, 'being-put-to-work-permit'). This is legally possible from the moment that someone is six months into her/his/their asylum procedure and has the right to shelter by COA (Central Organisation Shelter Asylum Seekers).

Obstacles mentioned in the literature are:

- Applying for a TWV is experienced as an administrative barrier, for it's a complex and lengthy process. (see appendix 2)
- To apply for a TWV, often a BSN (national citizen number) is required. However, there are delays in applying for this number.
- Negative stimulus, like unclarity about how much of one's income a person has to pay to COA (for costs of living).

### Education

**Access to education for minors** -> Various rules and regulations ensure the access to education for minors. Two important ones are:

- the 'Leerplichtwet' -> obligation to follow education for all minors who reside in the Netherlands, regardless of one's residential status
- the Wet op het primair onderwijs (WPO, Law primary education), the Wet op voortgezet Onderwijs (WVO, Law secondary education) -> laws that formulate the right to primary and secondary education for all minors who reside in the Netherlands, regardless of one's residential status
- and the Wet COA -> which stipulates that COA is responsible for granting minors access to education.

Education is either provided at the Asylum Centre, or children have access to education at a school outside of the shelter. This is often special education for children who are new in the Netherlands. And it has a strong focus on learning the Dutch language.

**Access to education for adults:** The Wet Vreemdelingen 2000 mentions the right to education for all people who are forced to migrate. However, for adults the actual access to education strongly depends on the requirements to enter education and the institutional fees. .

**Access to practical-job-oriented education** -> People who are in their asylum process can apply for a regulation that grants them the right to follow practical-job-oriented education (VMBO) or adult-education (educational programs that can be combined with having a job or caring for one's family) for free<sup>23</sup>. However, to enter practical-job-oriented education (VWMBBO) you often need to master the Dutch language to a high extent: approximately level B1.

**Access to theoretical-job-oriented education** (HBO or University) -> This education is sometimes offered in English. It can be made financially accessible by financial support offered by UAF. This organization works nation-wide and has close connections to the government and municipalities. Moreover, Dutch law stipulates that individual schools are flexible in the fees they charge for people from outside of the EU. However, whether schools use this flexibility to lower fees for people who are in their asylum process depends on the vision and possibilities of the school itself.

23. Rijksoverheid. (n.d.). Kwijtschelding lesgeld mbo en vavo voor asielzoekers aanvragen.

Hence, when access to education for adults (who are in their asylum process) is facilitated, this is often through a dispersed net of actors and possibilities.

According to the problems newcomers experience and their demands, the governmental institutions have provided a few answers to the aforementioned concerns, which, however, are limited.

As an example, it is essential to provide a report from the Ministry of Social Affairs and Employment regarding the exams taken. More specifically, the article discusses a regulation issued by the Minister of Social Affairs and Employment on March 23, 2023, which amends the Civic Integration Regulation 2021. The amendment is related to the transitional law concerning the Civic Integration Regulation. It aims to reduce the required number of exam attempts per exam component for the purpose of exemption based on demonstrable efforts.

The amendment specifically modifies Article 12.2a of the Civic Integration Regulations 2021. It renumbers and inserts new paragraphs to adjust the number of exam attempts. The previous requirement stated that individuals integrating into society must make at least four attempts for each examination component not passed. The amendment changes this requirement to at least three attempts.

The reason behind this amendment is to address concerns raised by various parties, including Refugee Work. They argued that the previous condition was disproportionate and ineffective, as each exam attempt involved significant expenses and time investment. A study conducted by Bureau Significant further supported the reduction of exam attempts, indicating that the current civic integration exam was too ambitious for some individuals. The reduction in attempts is expected to alleviate pressure on exam capacity at DUO (*Dienst Uitvoering Onderwijs*: Service carrying out an education).

The decision to reduce the number of exam attempts from four to three was influenced by the research findings and the adoption of a motion by the House of Representatives requesting the government to find a solution and reduce the number of attempts. However, further reductions to two attempts or less were not chosen to maintain an appropriate threshold for exemption and ensure reciprocity in efforts made by individuals integrating into society.

The amendment also applies to young people with learning difficulties and aligns with the regulation that came into effect on January 1, 2023. The change in the regulation will lead to a reduction in the regulatory burden for individuals subject to the integration requirement seeking exemption. It is estimated that approximately 4,400 people will need to take an average of almost 2.5 fewer exams to meet the conditions for exemption, resulting in decreased regulatory pressure and saved hours.

The amendment also extends to immigration law and naturalization, reducing the number of exam attempts required for exemption in those areas as well.

### *(Mental) health*

**Access to general health care** -> The Regeling Medische zorg Asielzoekers (RMA<sup>24</sup>) organizes access to healthcare for people who are in their asylum procedure. People receive basic health care for free. The organization GZA (gezondheidszorg Asielzoekers) is responsible for carrying out the healthcare of the general practitioner. This health care is provided at asylum seeker centers. For other sorts of health care people can go to 'regular health care providers', but only if the 'regular health care provider' has a contract with RMA healthcare. All hospitals have a contract with RMA healthcare. But for example not all physiotherapists have contracts with RMA healthcare.

**Access to preventive mental health care** -> Multiple preventive psycho-social health programs have been set up to support newcomers. (Eg. mindfit, mindspring, bamboo, 7roses). Whether these are provided in asylum seeker centers is decided by COA. Mindspring used to be offered at asylum seeker centers, but due to financial cut downs this is not the case anymore.

24. RMA Healthcare. (n.d.). Regeling Medische Zorg Asielzoekers.

## APPENDIX 3: RIGHTS & POLICIES TEMPORARY RESIDENCY (BASED ON ASYLUM APPLICATION)

When people between the age of 16 and approximately 67<sup>25</sup> get an 'asylum-residency-permit', they are obliged to integrate. What this means is formulated in the Integration Law and the national and municipal policies on integration. In the following text we specifically focus on what the integration obligation means for people with an 'asylum-residence-permit'.

The integration law has changed recently. From the 1st of January 2022 the new Integration Law (Wet Inburgering 2021) is implemented. Before this date, people fell under the Integration Law of 2013. A clear understanding of both laws is crucial for making sense of this report. Most of the case studies capture the experiences of people who fall under the rules of the Integration Law of 2013. Therefore, understanding of the Integration Law of 2013 helps to contextualize the case studies and to deduct the lessons learned. And knowledge about the Integration Law of 2021 allows us to transform the lessons learned into recommendations that are directly relevant for the current legal framework.

### Integration Law 2013

The content of this law mostly focuses on the details of the integration obligation. And on how to comply with the integration obligation. People generally have 3 years to pass all parts of the integration trajectory:

- » Dutch exams on A2 level (speaking, reading, writing and listening)
- » KNM (Kennis van de Nederlandse Maatschappij) exam -> general knowledge of the Dutch society
- » ONA (Oriëntatie Nederlandse Arbeidsmarkt) -> general knowledge about the Dutch labor market
- » PVT (Participatie Verklaringstraject) Participation Declaration trajectory -> a trajectory based on getting familiar with the Dutch rights, obligations and 'Dutch values'. It is completed by signing a declaration, in which people confirm to agree with the rights obligations and values.

(Partial) exemption from the integration obligation and extension of the integration deadline is possible under some circumstances.

The integration law of 2013 emphasizes the newcomer's responsibility to complete the integration trajectory. A broadly-recognized pitfall of this approach is a lack of structural support for newcomers. Therefore, some extra services and programs are offered for people who still fall under the Integration Law of 2013.

### Education

**Integration education:** Newcomers can choose their own school to follow courses that prepare them to pass the integration exams (ONA, Dutch, and KNM). To finance these courses, one can apply for a loan of maximal 10.000 euro at DUO (public service for carrying out education policies). When people pass the integration exams in time (generally within 3 years) the DUO-loan turns into a gift. If one does not pass the integration exams in time, one will be fined and the loan has to be paid back when one either passes the exams or when one is exempted from the integration obligation.

**Extra support program:** At the moment an extra program, called ELIP (*Einde Lening Inburgeringsplichtig: End loan obligation to integrate*)<sup>26</sup>, is set up to support people with complying with their integration obligation. Municipalities are in charge of carrying out the ELIP-program. They get financial resources to be able to support newcomers who are in their last period before the integration deadline. Municipalities are left in charge of how to organize this support.

**'Regular' education:** When people started a 'regular education' before or on one's eighteenth birthday they can be (temporarily) exempted from the integration obligation. During the time of their education, their integration deadline is extended. Depending on the certificate they obtain, they can be exempted from (parts of) the integration obligation.<sup>27</sup>

25. The Integration Law is only relevant for people between the age of 16 and the age that people are old enough to apply for 'elderly-income' (AOW) from the government. People who fall outside of this age category are exempted from the obligation to integrate.

26. Wennekes, L. (12 January, 2023). Wijzigingen in Wet en Regelgeving Inburgering. Gemeente.nu.

27. Dienst Uitvoering Onderwijs. (n.d.). Aanvraag: Vrijstelling van Inburgeringsplicht.

## Work

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When it comes to finding work, newcomers with a 'residency-status asylum' fall under the same law as people with a Dutch nationality: the Participation Law.

## (Mental) health

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Little to no extra attention is given to the topic of (mental) health. It is only recognised in relation to applying for an exemption from the obligation to integrate. If one suffers from health problems, one can apply for this exemption. For all other health-related questions, newcomers with a 'residency-status-asylum' fall under the same health system as people with a Dutch nationality.

## Integration Law 2021

A big difference with the law of 2013, is that the law of 2021 places a bigger responsibility on municipalities. Municipalities became responsible for developing local integration policies. And they get a bigger role in offering support to newcomers with regards to their integration trajectory (eg. information about how and where to find language classes). Newcomers are being appointed a contact person at their municipality with whom they check-in once in a while about their progress in complying with the integration obligation.

Like the law of 2013, the content of the Integration Law of 2021 mostly focuses on the details of the integration obligation. And it elaborates on how to comply with this obligation. Within three years people have to complete various parts:

- PVT (Participatie Verklaringstraject) Participation Declaration trajectory -> a trajectory based on getting familiar with the Dutch rights, obligations and 'Dutch values'. It is completed by signing a declaration, in which people confirm to agree with the rights obligations and values.
- The parts that fit with one of the three 'integration routes'. The routes and the requirements to pass them will be explained in the subsection education.

Offering three integration routes is a distinctive feature of the Law Integration 2021. It attempts to offer more personalized integration trajectories (instead of one integration trajectory that has to be followed by everyone). Which integration route is chosen, partly depends on the 'Brede Intake' (general intake). This intake consists of conversations with one's municipal contact person and a test that should give an insight on one's learning capabilities (this is called de 'leerheidstoets'). When a route has been chosen, it is included in one's 'Personal Plan of Integration and Participation' (PIP).

Like under the Integration Law of 2013, there are a few grounds to apply for (partial) exemption of the integration obligation and extension of the integration deadline. However, the grounds on which to apply for exemption have become less, compared to the Integration Law of 2013.

## Education

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**Integration education** -> The education that newcomers will follow depends on the chosen route. The three routes are:

- B1-route -> To complete this route, one has to:
  - pass an exam on KNM (Knowledge of Dutch Society)
  - pass Dutch language exams (speaking, listening, reading and writing) on level B1. Or on A2 level, when it has been demonstrated that B1 will be hard to reach within 3 years.
  - follow the workshops and finish the participation hours that are part of the Module Labor Market and Participation (MAP).
- Z-route ('zelfredzaamheidsroute, meaning self-reliance-route) -> To complete this route, one has to:

- Follow a set amount of hours of Dutch language education. The aim is to reach A1 level of Dutch. People do not have to take an exam to pass this part. And they will receive a certificate (instead of a more formal diploma that people who pass the B1/A2 language exams)
- Follow a set amount of participation hours. Part of this is participating in the MAP-workshops.
- Education-route -> This route takes about 1,5 to 2 years and is intense in the amount of education hours. It is completed when one:
  - finishes the language-switch-trajectory (taalschakeltraject) and passes all its exams. The language-switch-trajectory prepares one for entering a 'regular (job-oriented) education' by offering both 'topic focused lessons' and Dutch language lessons on B1 level.
  - passes the exam on KNM (Knowledge of Dutch Society)

\*The workshops and participation hours for MAP are only required when one does not complete the language-switch-trajectory. When this trajectory has not been finished, one can still comply with the integration obligation by passing the requirements of the B1-route (see above).

Newcomers (with an asylum-residency) can follow education to learn the Dutch language and learn about the Dutch Society (KNM-course). They can follow this education at a school that the municipality has a contract with. Unlike the law of 2013, the education costs are covered by the municipality, instead of being a personal loan at DUO (that has to be paid back when someone exceeds the integration obligation deadline).

**Regular education** -> When people directly want to follow 'regular education' they can get a (temporary) exemption from the integration obligation. Unlike the law of 2013, this is not restricted only for people who already follow this regular education before they turn 18. During the time of this regular education, one's integration deadline is extended. And depending on the certificate one obtains, a person can be exempted from (parts of) the integration obligation.<sup>28</sup>

### Work

Like the law of 2013, the topic of work is not explicitly addressed in the Law of 2021. When it comes to finding work, newcomers with a 'residency-status asylum' fall under the same law as people with a Dutch nationality: the Participation Law. However, the law of 2021 does explicitly establish a link between the integration trajectory and participation policy (finding work). This link is established in the 'Personal Plan of Integration and Participation' (PIP). This plan contains goals with regards to the integration trajectory as well as with regards to participation.

Moreover, because municipalities are in charge of carrying out both the integration law and the participation law, they can integrate these policies. For example by offering trajectories that combine learning the Dutch language and working (so called 'leerwerktrajecten').

### (Mental) health

Like the law of 2013, the topic of (mental) health is not elaborated upon much. Dealing with health problems is mentioned as a ground to apply for prolonging one's integration deadline (no ground for exemption from the integration obligation anymore).

However, the implementation of the Integration Law of 2021 leaves more room to include the topic of (mental) health. During the general intake, the aim is to focus attention on all aspects of someone's life so that these aspects can be taken into account when setting up the PIP. This also includes someone's (mental) health.

Moreover, some municipalities chose to offer preventive psycho-social health programs focused on newcomers (Eg. mindfit, mindspring, 7roses) as part of the integration trajectory.

28. Dienst Uitvoering Onderwijs. (n.d.). Aanvraag: Vrijstelling van Inburgeringsplicht.

## Appendix 4: Rights & policies during activation of the TDP

*\*The following text is about the Dutch national embedding of the Temporary Protection directive and captures the status quo in May 2023. This is good to keep in mind, for the policy has been, and still is, changing quite rapidly.*

The Netherlands has chosen to integrate the Temporary Protection Directive (TPD) by adding a rule in the Vreemdelingenwet 2000. When people want to be recognised as a temporarily displaced person, they first have to apply for asylum. When it's decided that someone falls under the TPD, the decision on the asylum application will be postponed till six months after the TPD has ended. This means that during the activation of the TPD, people who fall under this directive have the same legal status as all people who are waiting for a decision on their asylum procedure<sup>29</sup>. However, when the crisis of 2022 started in Ukraine, the Netherlands decided to organize the way they receive people from Ukraine differently than they way they receive people from other countries (who apply for asylum).

### Work

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In the Netherlands, fast and direct access to work is organized by making expectations on asylum-related rules when it comes to people who fall under the TDP. Normally employers are obliged to apply for a TWV when they want to hire people from a non-EU country who do not have residency permit in the Netherlands. Applying for a TWV is a complicated and lengthy process (see explanation at the sub-section 'work' in this Appendix). However, employers who want to hire someone who falls under the TDP, are exempted from this obligation. Instead, they only have to report that they hired a person who falls under the TDP. Simplifying the process for employers creates more incentive to employ people who fall under the TDP. This exemption has not been made for people who fall under the TDP and want to work as a freelancer.

Moreover, people who fall under the TDP do not face restrictions with regards to working hours. This is different for people in the regular asylum process. Up till the date of May 2023, they have not been allowed to work more than 24 weeks per year (although a recent court decision might change this, see subsection 'work' in this Appendix)

### Education

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The TDP mentions the right for minors to follow education, but does not mention access to education for adults. However some opportunities have been created by educational institutions which decided to offer higher education (academic year 2022-2023) for reduced fees (instead of the high fees for non-EU students). Moreover, both English courses and Dutch courses were provided by the common efforts of societal organizations. These efforts often don't have a formal or sustainable character.

Like other people who apply for asylum, people who fall under the TDP do not have access to regular 'studiefinanciering' (loans offered by DUO to pay education fees). And up till the day of writing, UAF does not financially support people who fall under the TDP. Albeit UAF was involved in the joint effort of lowering education fees for students from Ukraine who want to follow higher education in the academic year 2022-2023

### (Mental) health

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People receive basic necessary health care through the Regeling Medische zorg Oekraïne (RMO<sup>30</sup>). This healthcare is free and can be provided by any 'regular' health professional. When someone works, this person can also choose to get health insurance (then this person can not apply for the RMO-health care anymore).

In May 2023, a national organization (LOOP<sup>31</sup>) has been set up. It functions as a central point where people who are looking for/are offering social-psychological support for people who fled the war in Ukraine.

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29. Verblijfsblog. (n.d.) Oekrainers moeten toch asiel aanvragen.

30. RMO. (n.d.). Over RMO.

31. Loket Ontheemden Oekraïne PSH. (n.d.). Loket Ontheemden Oekraïne.





