



Labour market integration of asylum seekers and refugees

Malta

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Summary table on support available to (a) asylum seekers; (b) refugees; and (c) third country nationals (TCN) in Malta (underlining of the answer denotes that the provision is problematic)

| | Refugees | Asylum Seekers | Third Country Nationals | Recipients of Subsidiary Protection |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------------------------|
| Is the PES involved in the labour market integration of (a) asylum seekers (b) refugees (c) third country nationals (TCN)? | Yes | No | <u>Yes</u> | No |
| Do (a) asylum seekers, (b) refugees and (c) TCN have access to: <ul style="list-style-type: none"> Hiring subsidies | Yes | No | <u>Yes</u> | No |
| <ul style="list-style-type: none"> Start-up (self-employment) support | n/a | n/a | <u>n/a</u> | n/a |
| <ul style="list-style-type: none"> On-the-job training | Yes | Yes | <u>Yes</u> | Yes |
| <ul style="list-style-type: none"> Other labour market integration support? | Yes | Yes | Yes | Yes |
| Is there a systematic mentorship scheme in place for (a) asylum seekers (b) refugees and (c) TCN? | No | No | No | No |
| Are (a) refugees, (b) asylum seekers and (c) TCN eligible to receive unemployment benefits or unemployment assistance? | Yes | No | <u>Yes</u> | No |
| Are benefits that are generally received by (a) refugees, (b) by asylum seekers (if applicable) and (c) TCN, conditional on job search requirements/activation? | Yes | No | <u>Yes</u> | No |
| Does the support provided to (a) asylum seekers, (b) refugees (c) TCN end as soon as they get a job? | Yes | Yes | Yes | Yes |
| Please specify which services asylum seekers or refugees have access to that other TCN do not have access to. | Registration with PES on the unemployment register Entitlement to unemployment benefits/assistance | Cannot register with PES Entitled to 'per diem allowance' | Cannot register with PES unless they are long-term residents | Cannot register with PES Entitled to 'core welfare social benefits' |

1 What is the role of PES in integrating (a) (some¹) asylum seekers² and (b) refugees³?

If the PES is not involved, is there another agency dealing with the labour market integration of migrants?

Does the support offered differ according to different factors (e.g. socio-demographic characteristics, family circumstances, host country language skills etc.)?

Does the support differ according to the skill level of the target group?

Are there specific programmes for these target groups?

To what extent do these target groups benefit from measures for broader target groups?

Malta's initial reception and detention policy with respect of persons who enter the country in an irregular manner is currently under review. While detention is still practiced, asylum seekers cannot be detained for more than nine months (previously asylum seekers could be detained for up to 12 months), upon which time they become entitled to labour market access. Once asylum seekers and beneficiaries of international protection are released from the Initial Reception Facility or from Detention, they are offered accommodation at Open Centres managed by the Agency for the Welfare of Asylum Seekers (AWAS), or an entity or NGO working in partnership with the Agency. The objective of Open Centres is to provide accommodation and educational opportunities to residents. Residents are encouraged to take up employment and leave the Open Centre, if possible, within six to eight months, and within no more than 12 months. In case of humanitarian considerations, accommodation may be extended beyond the 12 month period (Ministry for Home Affairs and National Security, 2015). Residence at Open Centres helps facilitate informal integration for instance by providing cultural orientation training on the values and social of the host society.

Prior to 2013, integration measures formed part of various initiatives by different Government departments or entities; this resulted in a situation in which integration was treated differently by the various entities according to their field of work. The responsibility for the integration of third country nationals (TCNs) now falls under the Ministry of Social Dialogue, Consumer Affairs and Civil Liberties (MSDC), specifically under the remit of the newly set-up 'Integration Unit'. This unit is first and foremost responsible for coordinating and harmonising all services related to the immigration, residence and employment of TCN's and secondly for ensuring that mainstream integration services are accessible to beneficiaries of international protection living in the community. More specifically, language training, cultural orientation classes and skills training will continue to be provided to TNC's living in Malta with the aim of enhancing their employability. It is envisaged that training and education provision will be extended to all TCN's who wish to enhance their linguistic skills and are interested in following a cultural integration programme (Office of the Deputy Prime Minister, 2015).

With regards to the form of protection offered, in line with the Malta Refugees Act, the Office of the Refugee Commissioner in Malta may recommend two types of protection: (1) Refugee status and (2) Subsidiary protection. Additionally, The Office of the Refugee Commissioner can also recommend another type of protection i.e. Temporary Humanitarian Protection, an administrative procedure which is granted in special and extraordinary cases where applicants are found not to be eligible for recognition as

¹ The reasoning for including (some) is that there is no requirement by the EU that asylum seekers are included in integration policies.

² Persons who have applied for international humanitarian protection but have not been granted it yet.

³ Covers all beneficiaries of international humanitarian protection – both refugees and subsidiary protection.

refugees or beneficiaries of subsidiary protection, but who are nonetheless considered to be in need of protection due to special humanitarian reasons. While persons enjoying any of these three forms of protection can access the labour market by applying for an employment licence with the Employment and Training Corporation (ETC) – Malta's public employment service (PES) - their rights with regards to employment support by the PES and their rights under the Maltese Social Security Act vary.

Refugees and other TCNs who have long-term resident status can register for employment with the ETC, and are therefore eligible for the services offered to persons on the ETC unemployment register. Such services include being assigned an Employment Advisor who offers support and guidance in the job search process by assisting the jobseeker in developing a Personal Action Plan. The Employment Advisor also refers the jobseeker to training programmes, employment schemes and other initiatives. In cases where jobseekers are considered as disadvantaged (as in the case of persons with a disability, persons with socio-economic difficulties, former substance abusers and former prison inmates), these are referred to the Inclusive Employment Services. This unit offers services specifically designed to help disadvantaged individuals who have a harder time finding work.

Whilst jobseekers holding Refugee status can benefit from the services as outlined above, persons who enjoy Subsidiary Protection and Temporary Humanitarian Protection cannot register for work and are not eligible to participate in measures which are specifically reserved for persons listed on the unemployment register. They can, however, still access certain services at the various Job Centres managed by the ETC such as accessing information on current vacancies and training courses as well as participate in certain active measures such as training programmes. However, when it comes to training programmes, priority is given to unemployed job seekers listed on Part 1 of the unemployment register in cases of limited availability.

Nevertheless, when it comes to training, persons enjoying (1) Refugee status (2) Subsidiary Protection and Temporary Humanitarian Protection (3) Asylum seekers and Failed Asylum seekers can benefit from training programmes offered by the ETC, provided that they submit certain supporting documentation with their application. The ETC is currently providing a number of different training programmes including traineeships and work exposure schemes. Furthermore, in addition to the standard services and training programmes (including language courses) offered to jobseekers, two EU-funded projects specifically aimed at facilitating the integration of TCNs were launched by the ETC in 2014. The first project, 'Living and Working in Malta – Training for TCN Integration' aimed to facilitate the integration of TCNs in Maltese Society through the delivery of two main courses: (1) Language courses in the two main languages used in the Maltese Islands (Maltese and English), since communicating effectively is critical for TCNs to interact with others and integrate in the community; and (2) a specific course dedicated to cultural awareness and employment (Living and Working in Malta) which aims to provide TCNs with knowledge on the local aspects of daily life as well as information on Maltese history, economy, social aspects, environment and EU and local legislation. It should be noted that language courses catering for foreigners have been offered by the ETC for several years; however the courses offered within this project are more customised to the integration needs of TCNs. The exact level according to the Common European Framework of Reference for Languages to which language tuition is offered is unavailable.

Another entity which deals with the labour market integration of migrants is the Agency for the Welfare of Asylum Seekers (AWAS), whose remit involves the management of reception facilities, the provision of information programmes in the area of employment, housing, health, welfare and education, and the promotion of Government schemes related to resettlement voluntary returns. Within the area of integration measures in employment, between 2011 and 2012, the AWAS set up the 'Employment Support Initiative' for refugees and beneficiaries of protection. This project was funded by the European Refugee Fund and the ETC and the Foundation for Shelter and Support to

Migrants (FSM), a local NGO, were project partners. The aim of this initiative was to provide employment support and advice by means of employment support offices set up in the Marsa and Hal Far reception centres to help their residents find legal employment and prevent them from resorting to the illegal market (European Commission against Racism and Intolerance, 2013).

NGOs have also played an active part in providing integration services to migrants. During the period 2010-2015, the FSM was in charge of running the 'Marsa Open Centre', one of the largest reception centres, through a public-private partnership. With the aid of EU funds, its residents have been offered various educational opportunities, including training in English language, Maltese culture, food handling and hygiene and first aid to empower them and increase their employability. In 2015, the contract with FSM was terminated by the Maltese Government, and the AWAS - which runs another seven open centres - became in charge of the Marsa Open Centre. In the Budget for 2016, the Government announced that AWAS would be setting up an 'Immigration Work Office' within the Marsa Open Centre and Hal Far with the aim of reducing irregular employment of immigrants. This job brokerage service is set to be operated on the basis of a Private-Public Partnership and the use of a voucher system.

2 How does the support provided to (a) (some) asylum seekers and (b) refugees compare to other categories of migrants (third country nationals)?

The support provided to different categories of migrants, including that provided by the PES, varies depending on the status of the migrant. With regards to access to employment, all target groups require an employment licence to work in Malta.

ETC services

As mentioned previously, Refugees and other TCNs who have Long-Term Resident status can register for employment with the ETC and are therefore eligible for the services offered to persons on the ETC unemployment register including being assigned an Employment Advisor. Whilst persons enjoying Subsidiary Protection, Temporary Humanitarian Protection, asylum seekers and failed asylum seekers cannot register on the unemployment register; they can, however still benefit from active labour market measures such as participation in training programmes. Their participation is contingent on the provision of supporting documentation such as a copy of the certificate issued by the Refugee Commission. On the other hand, TCNs (who do not have Long-Term Resident status) can neither register with the ETC nor participate in active measures.

Employment licences

In relation to the issuing of employment licences, there exist certain differences. In the case of TCNs (citizens from outside the EEA/Switzerland), applications for an employment licence or Single Permit applications are, generally, subject to labour market considerations. Such authorisation is not automatic, and is only granted where EEA/Swiss nationals cannot be identified for the position in question. There are several aspects to labour market consideration, including the national situation in respect of surpluses or shortages in the given occupation and sector; the employer's history and situation in terms inter alia of recruitment and redundancy patterns; business investments; and contractual commitments. Skill level, relevant experience and overall suitability for the role in question are also taken into account. For the other target groups i.e. Refugees, Beneficiaries of Subsidiary Protection and Temporary Humanitarian Protection, asylum seekers, failed asylum seekers and TCNs who have acquired Long-term Resident status, employment licences are not subject to labour market considerations.

Social benefits and access to goods and services

Certain categories of TCNs qualify automatically for benefits such as Long-term Resident permit holders: the Status of Long-Term Residents (TCNs) Regulations allows for TCNs

after five years residence in Malta, to apply for Long-term Residence status and be allowed equal access to education and training, employment and self-employment, social security, social assistance and social protection, tax benefits and access to goods and service amongst others (Camilleri & Falzon, 2014). Additionally, TCNs who are citizens from states who ratified the European Social Charter and those married to an EU national also qualify automatically. On the other hand, other TCNs may be eligible for some of these benefits subject to various conditions being satisfied. Information on access to social benefits of refugees and asylum seekers is provided under Question 6.

3 Do (a) asylum seekers, (b) refugees and (c) other third-country migrants have access to other ALMPs such as:

- Hiring subsidies,
- Start-up (self-employment) support
- On-the-job training
- Other labour market integration support?

Depending on their status, migrants may benefit from certain types of ALMPs. As mentioned previously, Refugees, Long-Term Residents, persons enjoying Subsidiary Protection, Temporary Humanitarian Protection, asylum seekers and failed asylum seekers can benefit from active labour market measures such as participation in training programmes and traineeships. On the other hand, TCNs (who do not have Long-Term Resident status) cannot participate in active measures.

With regards to hiring subsidies, these are generally administered by the PES and priority to such ALMPs is normally given to persons listed on the ETC unemployment register. It is only very recently that such types of ALMPs have started to target inactive persons. One such recent scheme is the Access to Employment (A2E), an ESF co-funded scheme managed and monitored by the ETC. A number of target groups are eligible for participation and the scheme covers part of the basic wage costs. However, while ESF does not exclude their participation, persons enjoying Subsidiary Protection, Temporary Humanitarian Protection, asylum seekers, failed asylum seekers and other TCNs cannot apply to participate in this scheme. Refugees and Long-Term residents can be considered for participation provided they are registering with the ETC or else are inactive and belong to one of the target groups. Groups are categorised as (a) disadvantaged and severely disadvantaged persons (including persons over the age of 24 who are long-term unemployed; single adults with dependents and who are not in full-time employment; unemployed persons who have not attained an ISCED Level 3 and persons over 50 years of age) and (b) persons with a disability i.e. any person who is a registered disabled person under national law and is not in full-time employment. Applicants still under assessment should be able to benefit from the Malta's National Programme Asylum, Migration and Integration Fund (AMIF), when this starts operating.

Lastly, with regards to other support, the Government has recently proposed the setting up of an 'Immigration Work Office' which will be in charge of operating a job brokerage service specifically for migrants. At this stage scant information is available vis-à-vis the specifics of this proposed service. However, it is expected that such service will help ensure that minimum standards of employment are adhered to, leading to the reduction of the potential exploitation, abuse and illegal employment faced by a large number of migrants.

4 What are the concrete obstacles/challenges faced by (a) asylum seekers and (b) refugees in successfully integrating into the labour market

Migrants in Malta face a number of obstacles to labour market access, including the requirement of a work permit, difficulties relating to the recognition of qualifications, barriers related to language and culture as well as risks related to discrimination and exploitation.

Work permit requirement

Recognised Refugees, beneficiaries of Subsidiary Protection and beneficiaries of Temporary Humanitarian Protection are entitled to access the labour market, both as employees and also as self-employed workers. However, in order to do so, such persons require an employment licence issued by the ETC. The maximum duration of the employment licence is 12 months, and it is renewable. In such cases, the person is granted an employment licence in their own name. Obstacles in this regard include the application costs: a new application costs EUR 58 while the annual renewal costs EUR 34.

Asylum seekers are also entitled access to the labour market once an employment licence is issued; however, in such cases the maximum duration of the licence is different: while for asylum seekers (whose application is still pending or appealed from the Refugee Commission) the maximum duration of the licence is six months, for failed asylum seekers, the maximum duration of the employment licence is three months (pending repatriation to country of origin). Another difference is that in such cases, the application for the employment licence is made by the employer. This creates a situation where the retention and the renewal of the employment licence depends on the employer and not the employee (Camilleri & Falzon, 2014). The Malta Migrants Association (MMA), in their submission as part of the public consultation on the National Migrant Integration Strategy 2015-2020 being carried out by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC), stated that although it is possible to get a temporary employment licence, in practice it is very difficult to find an employer who is ready to apply for a work permit, even because of the administrative burden it imposes.

Difficulties vis-à-vis the recognition of qualifications

Another obstacle encountered by asylum seekers and refugees relates to the recognition of qualifications. Research findings by the European Network Against Racism (ENAR, 2013) indicate that non-EU qualifications are not recognised. Furthermore, research carried out by local NGO Aditus Foundation and the UNHCR Office in Malta in 2013 indicates that most interviewees were unaware of the 'Malta Qualification Recognition Information Centre' (MQRIC) or of the possibility to have their skills, qualifications and experience recognised and accredited in Malta. Another obstacle is the difficulty in obtaining the necessary certificates from their country of origin. The Malta Migrants Association (MMA) argues that even when migrants are aware of the possibility of their qualifications being recognised, it is a protracted process – in some cases it may take up to five or six months. The situation is even more laborious for those who require a warrant to practice their profession since once they get their qualifications recognised, they need to start another process to be able to work in Malta (MMA, 2015). Such obstacles result in situations in which migrants are forced to accept employment for which they are overqualified (ENAR, 2013). In such cases, migrants tend to feel unsatisfied since they cannot utilise their skills; for instance the research carried out by Aditus Foundation and the UNHCR Office in Malta (2013) mentions that some interviewees who were teachers in their country of origin ended up working as cleaners or construction workers in Malta.

Risk of exploitation

Certain categories of migrants, in particular asylum seekers from Sub-Saharan Africa (SSA), are especially vulnerable to exploitation and abuse; issues which have been highlighted in research include low wages, unpaid wages, long working hours, irregular work, unsafe working conditions and employment in the underground economy (ENAR, 2013). In particular, extremely low wages and difficulties in obtaining agreed payments appear to be common problems encountered by migrants resulting in a situation that the income is not enough to cover living costs (Aditus Foundation & UNHCR, 2013). Along similar lines, the Malta Migrant Association (2015) asserts that illegal employment is widespread, most jobs offered are seasonal and almost none allow for career

progression. Notwithstanding such risks, migrants state that they are forced to accept such jobs in order to survive: 'if we don't work we cannot eat' (MMA, 2015).

Discrimination

The ENAR Report (2013) mentions discrimination in its many forms as providing a significant obstacle to the labour market integration of migrants. For instance the report notes that some Muslims feel they cannot take the risk to negotiate working hours that would allow time for prayer for fear of losing their employment. Gendered obstacles have also been reported and the participation of female SSA asylum seekers has remained low in comparison to their male counterparts. The report also notes that Muslim woman wearing the hijab encounter obstacles for labour market integration. Similarly, the MMA also remarked that Islamic dress may be a barrier to employment for Muslim women (2015).

Language and cultural barriers

The employment support pilot project, 'Employment Support Initiative' led by AWAS which came to an end in 2012 indicated that language barriers and cultural difference present obstacles for the labour market integration of refugees and beneficiaries of humanitarian protection. In fact, one of the recommendations put forward by the Aditus Foundation and the UNHCR Office in Malta (2013) following research with refugees is the provision of comprehensible information on life in Malta including general information on the Maltese lifestyle as well as information pertaining to cultural norms and practices.

With regards to access to language courses, it has been pointed out that, although language courses are offered for instance by the ETC, these courses are not being provided on a regular basis, thus making it harder for migrants to register for such courses (Camilleri, 2014). The MMA also pointed out that access to basic educational opportunities, including language training, is limited (2015). A main reason for such limitations is due to the fact that such training is typically provided through EU funded projects, most specifically by the European Refugee Fund (ERF) 2007-2013. Two such projects which ran from 2012 to 2014 were the REACT project (ERF 12.24) by the Jesuit Refugee Service, which included training in English, basic Maltese, local history and culture, and the "Provision of Support Services to Residents of the Marsa Open Centre" PSSR project (ERF 12.15) by the Foundation for Support and Shelter to Migrants (FSM), which included English language and cultural orientation training. While the precise level to which language tuition was offered is unavailable, it was probably a basic level. With the recent launch of Malta's National Programme Asylum, Migration and Integration Fund (AMIF), which was approved by the European Commission in 2015, additional integration measures are expected to be provided, including language and cultural orientation training.

5 Is there a systematic mentorship scheme in place for (a) asylum seekers and (b) refugees integrating into the labour market (and/or society more generally)?

In the absence of a national integration policy in Malta, there is currently no systematic mentorship scheme in place for these two target groups. Measures at providing integration support to migrants - whether specifically related to labour market integration or to the more general integration of migrants into society - tend to be limited and typically take the form of ad hoc projects and initiatives, usually funded by the EU. During the last years, both Government entities and NGOs have initiated a number of projects aimed at the integration of migrants.

One of the projects specifically related to labour market integration was the 'Employment Support Initiative' referred to earlier which was funded by the European Refugee Fund and ran from 2011 till 2012. Although this project did not involve mentoring in the strict sense of the term, the staff included four desk officers who provided a variety of services including job profiling and recording, vacancy recording,

job matching and placement into employment. The job officers supported migrants by providing guidance on further training and personal development with the aim of enhancing their employment prospects, as well as periodic follow-up interviews as needed (ENAR, 2013). Similarly, those refugees who register with the ETC on Part 1 of the unemployment register are assigned an Employment Advisor who follows their jobseeking progress throughout their registration. However, as mentioned earlier, only refugees are eligible for such a service.

A more recent project which was not exclusively targeted to migrants but rather at disadvantaged groups in society was the LEAP Project (ESF 3.234) which was administered by the Ministry for the Family and Social Solidarity (MFSS) and ran from 2014 till 2015. This project provided traineeships within NGO's and Government entities with the aim of integrating vulnerable individuals into the labour market and into society. Unemployed and inactive migrants were one of the main target groups and this project provided opportunities for participants to gain work experience by working in the community. During this eight-month traineeship, the participants benefitted from guidance and social mentoring support by a number of mentors who followed their progress on a regular basis.

In relation to civil society, a number of local NGOs are active in the field of migration and integration. Such organisations offer a range of services and have initiated several projects in this field. The Jesuit Refugee Service (JRS), for example, has been supporting vulnerable asylum seekers for more than a decade. The JRS provides legal assistance, social work service and outreach services. In particular, the psychosocial team supports the initial integration process by assisting persons in CV writing, work permit applications, in matters relating to schooling and childcare and social benefits, amongst other support services. Additionally, the JRS, together with two other NGOs, namely Integra Foundation and Aditus Foundation, and with the support of UNHCR Malta, launched an initiative entitled 'Project Integrated' in 2012. The main aims of the project were to enhance the integration of Malta's refugee and migrant communities, to foster a sense of active social participation by the refugee and migrant population, and to support the creation of formal and informal refugee and migrant networks/organisations. Through this project, a number of services were provided to beneficiaries of protection, including counselling, information sharing and in-depth support, as well as generic integration support and professional services and support of a legal, educational and psychosocial nature, on integration and protection-related issues.

6 Are (a) refugees and (b) (if applicable) asylum seekers eligible to receive unemployment benefits or unemployment assistance?⁴

While refugees are entitled to all benefits and allowances, beneficiaries of Subsidiary Protection and Temporary Humanitarian Protection do not qualify for regular unemployment benefits. Beneficiaries of Subsidiary Protection are however entitled to what is referred to as 'core social welfare benefits'. Asylum seekers who are unemployed receive other financial aid referred to as 'per diem allowance'.

Refugees

Persons with refugee status are treated like all Maltese nationals and are therefore entitled to all benefits and allowances under the Maltese Social Security Act (CAP 318) as defined in the Legal Notice 243 of 2008 [Article 14.1.a (iii)]: 'to have access to employment, social welfare, appropriate accommodation, integration programmes,

⁴ As regards unemployment benefits Dir 2011/98 Art 12 (1) e – obliges MSs to provide equal treatment to all TCNs except asylum seekers and as regards refugees there is also the legal obligation to provide equal treatment under Qualifications Directive 2011/95

state education and to receive state medical care especially in the case of vulnerable groups of persons’.

In Malta, unemployment benefits are paid under contributory and non-contributory schemes. Under the contributory scheme, unemployment benefits (UB) are paid to jobseekers who have paid at least 50 contributions (since they entered the Social Security scheme), and have paid (or credited) at least 20 contributions in the last two years, immediately before the start of the benefit year during which the claim is submitted. The UB may be paid up to a maximum of 156 days (excluding Sundays) and credits are given for the period of registration. To be entitled to UB, the insured person must be registered as unemployed on Part 1 of the unemployment register, meaning that he or she is capable of and available for work.

In cases where claimants do not qualify for unemployment benefits or in cases where the claimants’ entitlement to UB has been exhausted, they may be entitled to unemployment assistance. Eligibility criteria in this regard are that the claimant has to be the head of household and must register for work under Part 1 of the unemployment register. The claimant must also satisfy the means and capital resources test. In cases where unemployment is voluntary or the result of misconduct (for example in cases of dismissal), no benefit is paid for six months.

Additionally, there is also another form of benefit referred to as ‘special unemployment benefit’ for claimants who are the head of household, and who satisfy the contribution test for unemployment benefits and satisfy the means test carried out for unemployment assistance.

Beneficiaries of Subsidiary Protection and Temporary Humanitarian Protection

Although beneficiaries of Subsidiary Protection are granted access to employment under Maltese legislation, they are not eligible to register on the unemployment register, with the consequence that they do not qualify for regular UB. In transposing the Qualification Directive, Malta granted beneficiaries of subsidiary protection the right to be granted ‘core social welfare benefits’, a level of benefits that has been interpreted as meaning ‘social assistance’ in terms of the Malta Social Security Act (Aidit Foundation & UNHCR Malta, 2013). Beneficiaries of Subsidiary Protection who are still residing in open centres receive a ‘daily allowance’ (per diem) while those living out of open centres and who are not in employment can apply for core social welfare benefits. Persons with Temporary Humanitarian Protection are not entitled to core benefits.

Asylum seekers

Social security policy and legislation precludes asylum seekers from social welfare benefits, except those benefits which are defined as ‘contributory’. Contributory benefits entitlement is contingent on the payment of a fixed number of contributions and on meeting the eligibility criteria; in actual fact this means that very few asylum seekers would be entitled for such benefits, if any (European Council on Refugees and Exiles, 2015). These groups of persons receive other financial aid by the AWAS, the per diem allowance. This allowance is mainly used to cover food and transport and the amount of such allowance varies according to the asylum seeker’s status. Although it is not related to UB or unemployment assistance, employed asylum seekers do not receive such an allowance, except upon termination of employment. As a rule, once residents leave the Open Centre they are no longer entitled to receive the per diem allowance (Jesuit Refugee Service, 2013).

7 In what ways are benefits that are generally received by (a) refugees and (b) by asylum seekers (if applicable), conditional on job search requirements/activation?

Refugees who are in receipt of unemployment benefits (UB) need to participate in active labour market measures, otherwise sanctions are imposed. Other beneficiaries of protection are not eligible to receive UB and the financial assistance these persons

receive ('core social welfare benefits' and 'per diem allowance') is not contingent on job search requirements.

Refugees

Malta's employment policy (that applies also to Refugees) emphasises that persons who are able to work should be in work rather than being dependent on social benefits. Malta imposes sanctions on the unemployed to accept any employment or training offers provided to them by the ETC, as set out in the Employment and Training Services Act, 1990; if they do not comply and refuse to participate in active labour market measures, jobseekers are removed from Part 1 of the unemployment register. Current regulations require that if a jobseeker has been on the register (both Part I and II) for more than three months, she/he cannot refuse a job offer, even if it is less-skilled than their stated job preference. These regulations also stipulate that jobseekers who have been on the unemployment register for more than three months cannot refuse job offers that pay at least the minimum wage.

In cases where jobseekers refuse to participate in an active measure, such as participating in a scheme or training course, they risk being removed from the unemployment register, which would mean forfeiting their UB or unemployment assistance (if they are in receipt of such benefits). In such cases, the jobseeker is notified of his or her possible removal from the unemployment register, and given 15 days to provide justification. These cases are studied by management who may either uphold the jobseeker's justification or move to strike-off, after which the jobseeker still has the right of appeal to the National Employment Authority (NEA).

Beneficiaries of Subsidiary Protection, Temporary Humanitarian Protection, and asylum seekers

Persons in these categories are not entitled to receive UB or unemployment assistance. Persons enjoying Subsidiary Protection can apply for core social welfare benefits if they are living in Open Centres and are not in employment. Asylum seekers are provided by different amounts of daily allowance by the AWAS according to their status: EUR 4.66 for asylum seekers; persons returned under the Dublin III Regulation receive EUR 2.91; employed asylum seekers receive nothing but are then granted EUR 4.08 upon termination of employment; and children receive EUR 2.33 until they turn 17 years. Such allowance is therefore not conditional on job search requirements/activation since its purpose is to provide for food and transport.

8 Does the support provided to the (a) asylum seekers, (b) refugees and (c) other migrants end as soon as they get a job or does it continue for a while during the first phase of their employment? If yes, what support continues?

There appears to be no systematic structures in place to support these three target groups once they enter the labour market. There are some initiatives and measures offering different types of support including financial support, on-the-job support and support from workers' unions. Having said that, most of these measures are general in nature and not targeted exclusively to migrants. More often than not eligibility to such measures depends on the status of the migrant and on whether they suffer from certain disadvantages.

Those who are eligible to receive certain types of social assistance, namely refugees, persons enjoying Subsidiary Protection and other TCNs who have Long-Term Resident status, may be entitled to the 'Tapering of Benefits Scheme'. This scheme is given for a three year period to persons in receipt of unemployment assistance, social assistance, and social assistance for single unmarried parents once they enter the labour market and earn the national minimum wage or more. In order to be eligible, a number of criteria need to be fulfilled. Should they be eligible, such persons can have their benefit tapered down gradually over a period of three years instead of having it stopped

altogether once they find work. In the first year of employment, the beneficiary will retain 65 % of the benefit, reduced to 45 % in the second year, and 25 % in the third year.

On the job support is generally not available in Malta except for certain target groups. The most widespread form of job support is that available for persons with a disability who are listed on the ETC Register for Persons with Disability (RDP). For the purpose of this register, persons with a disability are classified as those with: (1) Intellectual disability, (2) Physical disability, (3) Sensory impairment and (4) Mental health difficulties. In cases where Refugees and TCNs who have Long-term Resident Status are registering with the ETC on this specific register, they may be entitled to job coaching services and learning support assistance. Such services are available to individuals who may require further assistance during training or during the early stages of employment in order to facilitate the transition into work.

Another initiative offering support whilst in employment is the 'Work Programme Initiative', launched by the ETC in 2015 in collaboration with the private sector. This measure aims to support the labour market integration of persons who have been inactive or unemployed for a long period of time. Whilst priority is given to jobseekers on the ETC register, inactive persons considered as disadvantaged but not registering with the ETC are also eligible. The programme consists of different levels of support, including support once the jobseeker is placed into employment since the service provider continues supporting the employee during the initial period of employment for up to a maximum of three years. Since the initiative is very recent, there is no information available on the specifics of this support provided during this period.

Albeit limited, certain organisations, including trade unions and NGO's offer a degree of support to migrant workers. While the problem of precarious work tends to afflict nationals and foreign workers alike, precarious work is even more extensive where foreign workers are concerned. It has been noted that beneficiaries of protection are generally not aware of the nature and content of their rights and are therefore prone to exploitation at the workplace (Aditus Foundation & UNHCR Malta, 2013). Even when they are aware of their rights as workers, foreign nationals tend to shy away from reporting abusive conditions for fear of job loss or deportation. In light of this situation, the report by the European Network Against Racism (ENAR, 2013) mentions that the increase in North African migrants as a result of the Arab Spring led one of the main trade unions in Malta (not named in the report) to set up a group with the purpose of utilising current networks and to deliver personalised support and information to migrant workers. Additionally, there have been a limited number of cases in which trade unions, most notably the General Workers Union (GWU) stepped in to advocate for migrant workers. It is of interest to note that the GWU has been deemed as the most proactive union in terms of ethnic and racial equality issues; a few years ago it appointed an officer to work exclusively on the issue of workplace inclusion and protection of TCNS, especially irregular migrants (Borg, 2012). Borg further mentions a case in which the union took an active role in securing a proper wage for 55 Indian nationals who were being paid less than the minimum wage for their long working hours.

9 To what extent are social partners systematically involved in (a) labour market integration service provision and/or (b) labour market integration service/policy definition and design?

A number of different stakeholders, including trade unions and employer associations, contribute to the labour market integration of migrants. However, such provision is not systematic but rather provided on an ad-hoc basis. NGOs tend to be rather active in this field, especially in conducting research and in the provision of certain services. The input of civil society organisations was particularly evident during the recent public consultation towards a Framework for an Integration Strategy.

Extent of involvement of social partners in labour market integration service provision

As things stand, trade unions and employer associations do not appear to be systematically involved in labour market integration service provision. Nevertheless, some initiatives have been implemented in an ad-hoc manner, in particular by the General Workers Union (GWU) which has been rather vocal about migration related issues during the last decade. The report by the European Commission against Racism and Intolerance (2013) notes that this trade union launched a public awareness campaign that addresses racial discrimination and advocates integration; the GWU also suggested the 'naming and shaming' of employers who exploit migrant workers. A more practical example of service provision is the delivery of in-house courses including language courses and courses on Maltese history and culture, which take place at the Reggie Miller Foundation, the educational branch of the GWU. Such courses are generally funded by the trade union and appear to be held on a regular basis and are specifically targeted at TCNs (Garzia, 2014).

Additionally, one cannot fail to mention the vital role of civil society organisations in relation to the general integration of migrants into society. Organisations such as SOS Malta, International Organisation for Migration (IOM) and Aditus Foundation have for years implemented projects and campaigns directed at the integration of broader categories of TCNs, coupled with their work with beneficiaries of international protection and asylum seekers (Camilleri, 2014).

Extent of involvement of social partners in labour market integration service/policy definition and design

In the absence of a national integration strategy, it has been noted that much of the public and political discourse concerning the integration of migrants has typically been driven by local NGOs as well as international organisations which have a presence in Malta (Camilleri, 2014). The European Migration Network (Malta) report notes that albeit consultation on wider issues in the employment and social field occurs on a regular basis through the Malta Council for Economic and Social Development (MCESD), there is limited involvement of social partners with regards to migration-related policies (Suban & Zammit, 2011). More specifically, trade unions and employers' associations do not typically consider integration to be a principal aspect of their work, although their work may indirectly bring about positive results in terms of integration (The People for Change Foundation, 2014). As mentioned above, the General Workers Union (GWU) has been rather proactive in relation to the integration of migrants; in fact, back in 2008, the GWU issued a policy document about the predicament of migrant workers, which among others mentions the union's intention to deliver training for its representatives and members with the aim of facilitating the integration of migrant workers (Rizzo, 2010). More recently, the GWU has called on the Government to take active measures to integrate migrants in a bid to buffer the problems related to the sustainability of pensions (Malta Today, 2015).

In 2015, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC) embarked on a project aimed to develop a National Strategy for the Integration of Migrants. A public consultation towards a National Framework for an Integration Strategy 2015-2020 was launched in June 2015. Amongst the various submissions, a number of non-profit organisations, namely Aditus Foundation, Integra, Jesuit Refugee Service Malta, KOPIN and Organisation for Friendship in Diversity joined forces to submit their input. Other organisations submitting their input included The People for Change Foundation, the UNHCR and the Malta Migrants Association (MMA).

Additionally, a 'Forum for Integration Affairs' made up of representatives of community leaders from various non-EU nationalities that live in Malta was recently set up. During this forum, representatives of various communities present in Malta come round the table to discuss issues of common concern and complaints. Such issues are put forward for consideration by the Government's Human Rights and Integration Directorate which was set up in 2015.

10 To what extent is the labour market integration of refugees well-coordinated within the country? Do employment agencies and asylum authorities coordinate?

A report by The People for Change Foundation in 2014 placed emphasis on how the absence of a coherent and coordinated national integration policy renders any subsequent monitoring of integration fragmented. The report further states that the absence of ownership for the general responsibility for integration has led to a number of gaps in the implementation and monitoring of integration efforts. Similarly, in the 'Nitkellmu' report by Aditus Foundation and UNHCR Malta (2013), staff from a number of Government entities confirmed that a lack of inter-agency coordination on matters of shared or common competence exists, with the consequence that this was resulting in the fragmentation of policies as well as divergent practices. Other authors have similarly pointed out at the 'piecemeal and decentralised' manner in which national integration measures have been implemented (Camilleri, 2014, pg. 8). In fact, such a situation is mirrored in the results of the 2015 Migrant Integration Policy Index results in which Malta ranked in the 33rd place out of 38 countries for migrant integration. Whilst this can still be considered, to a certain extent, as an accurate depiction of the current state of affairs in this field, the Government has during the past year taken steps to start rectifying such a situation.

In the Budget for 2015, the Government announced that a Directorate for Integration will be set up to develop strategies and programmes that reach Government targets vis-à-vis civil liberties, equality, anti-discrimination and integration of immigrants (Ministry for Finance, 2014). Eventually, a Human Rights and Integration Directorate was set up within the framework of the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC). The objective of this Directorate is to streamline the functions of all Government departments involved in both human rights and integration policy. The need in this regard is especially felt in relation to the integration of migrants. In practice, the role of the Directorate involves liaising with different Government departments and supporting the development of policy and procedures that may be insufficient or unsatisfactory (Malta Today, 2015).

Specifically with regards labour market integration, the Director of the Human Rights and Integration Directorate in November 2015 stated that talks with the ETC are ongoing in order to discuss issues pertaining to employment conditions and other issues relating to the labour market integration of migrants (Malta Today, 2015). Since the Directorate has been set up very recently, it is too early to gauge whether the lack of coordination between entities working in the field of migration will be dealt with successfully. Nevertheless, the structures which have been set up recently are a positive step towards achieving a good level of coordination and collaboration amongst such entities.

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