

THE RIGHT TO EDUCATION FOR ASYLUM SEEKERS IN THE EU

ECRE'S ANALYSIS OF THE RIGHT TO PRIMARY, SECONDARY, VOCATIONAL, AND HIGHER EDUCATION FOR ASYLUM SEEKERS IN EUROPE

I. INTRODUCTION

In 2021, 535,000 people applied for asylum in the EU. More than 80 per cent were aged under 35 and almost a third were children aged under 18. Given the high proportion of children, adolescents and young adults among asylum seekers, it is extremely important that the right to education is guaranteed as early as possible, not only in terms of compulsory education but also as regards secondary, vocational, and higher education.

A child's right to education is a universal human right. States must not only provide free compulsory primary education, but also ensure access to different forms of secondary education, including vocational and higher education. Within the EU legal framework, the [Reception Conditions Directive](#) stipulates that asylum-seeking children and unaccompanied children should have access to the education system. [The Action Plan on Integration and Inclusion \(the Action Plan\)](#) provides concrete steps to take and guidance for EU Member States (MS). It also emphasizes the link between inclusive education and training, from early childhood to higher education, and successful integration, including in the labour market.

This Policy Note is based on analysis of 19 country reports (AT, BE, BG, DE, IE, EL, ES, FR, HR, IT, CY, HU, MT, NL, PL, PT, RO, SI, SE) in the [Asylum Information Database \(AIDA\)](#) and additional desk research. It draws attention to the challenges faced by asylum seekers in the reception phase and makes recommendations to MS and the European Commission (EC) to promote inclusive education for all, including asylum-seeking children and young people.

II. ANALYSIS

ACCESS TO EDUCATION

According to Article 14 of the Reception Conditions Directive, MS 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. MS are also obliged not to withdraw secondary education solely because the age of majority has been reached.

Lengthy asylum processes have a direct impact on access to education. 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. In Poland, classes organised for detained children do not cover the minimal scope of a compulsory curriculum.

Access to education cannot be considered separately from access to housing, health or employment. For instance, if there is no access to housing for people seeking asylum (as has happened in the Netherlands and Belgium) access to education is not possible. In Germany, asylum-seeking children are exempt from compulsory education until they have been assigned to a municipality. During their time at reception centres, they either have access to very basic schooling or no access to the mainstream education system at all. In Cyprus, children at the first reception centre do not attend school because there is no educational provision, even when their stay at the reception centre is prolonged. In Greece, a compulsory change of residence to isolated camps in the middle of the school year interrupts the education of asylum-seeking children. In Belgium, transferring families to another reception centre after receiving a negative decision might cause children's education to be interrupted because of linguistic differences between regions. This was found to be a violation of the right to education.

It is harder to assess the overall picture and develop adequate policy responses because of a lack of data indicating the average time between the arrival of asylum-seeking children in a country, the date of their asylum application and their school enrolment, and their enrolment, attendance and dropout rates.

Asylum-seeking children should **access mainstream education** and study in conventional schools with local students at the earliest possible stage. They should also attend preparatory programmes to help them catch up and improve their language skills. As the Action Plan explicitly highlights, combating segregation within schools and supporting a more inclusive education system and school environment where communities are involved is crucial for integration. There are many administrative and practical barriers to providing access to mainstream schools. These include accessing the correct information, limited capacity within schools, the reluctance of schools to enrol large numbers of foreign students, limited or non-existent transportation services from reception centres, lack of proof of previous education, challenges in terms of diploma recognition, complicated enrolment processes which include examinations, administrative obligations that cannot be fulfilled in practice, and quite simply the impossibility of accessing mainstream education during the reception phase.

Even when asylum-seeking children can access mainstream education, that does not automatically mean that they study alongside local children. For instance, in Hungary local schools only accept asylum seekers in segregated classes without a meaningful teaching programme. This hinders interaction between children and negatively affects the inclusion of children within the new society. There are some positive examples. After successful litigation, in Germany children from a transit centre who had sufficient German language skills could access the mainstream school system. In Spain, asylum-seeking children can access the mainstream education system. In Portugal, enrolment in public schools is guaranteed within two weeks on average and social assistance is available for the purposes of food, accommodation, financial assistance and school supplies. In addition, numerous reference documents are available online to support teachers and schools.

It is harder for newcomers to make informed choices when accessing education because of a lack of information about complex education systems. For example, in Germany and the Netherlands different types of secondary schools offer different educational prospects. There is a greater possibility of newcomers being placed in lower streams because their abilities or educational background in their country of origin are sometimes not accurately considered or assessed. This can cause them to drop out or not attend school regularly.

According to Article 14 of the Reception Conditions Directive, preparatory classes, including language lessons, should be provided where necessary to facilitate access to and participation in education. Preparatory lessons and language classes are organised in most MS to a greater or lesser extent. There are some limitations, including insufficient time, the lack of a tailored approach, limited quality, a lack of advanced level courses, the reluctance of local communities and financial difficulties within families and schools. In some MS, such as Italy and Bulgaria, preparatory classes are not offered at national level, except those organised by specific schools or NGOs. In the Netherlands, immersion classes are organised systematically and supported by stable funding. In Romania, meanwhile, schools do not receive funding for these children. Funding is crucial for sufficient, high-quality, sustainable and successful preparatory and language classes for asylum-seeking children to ensure they can continue their education in the host country or in the event they return to their country of origin.

Asylum-seeking children with special needs face even greater challenges in terms of accessing education. In Hungary, they rarely have access to special education due to language barriers. In Cyprus, although different arrangements are provided depending on the nature of the need or disability, there are still difficulties due to the lack of follow-up procedures and financial constraints surrounding access to these services. In some MS, asylum-seeking children are considered on the same basis as local students but alternative, tailored-made arrangements are not provided. A positive example is Portugal where multidisciplinary teams are created in hosting schools to

support the children's needs. However, there is no extra funding for such teams.

Post-compulsory education and unaccompanied children

States are not allowed to withdraw secondary education solely because an applicant has reached the age of majority. Nevertheless, the age limit for compulsory education is a significant barrier for youngsters seeking asylum, including unaccompanied children. *Schooling is not compulsory after the age of 15-16 in many MS.* Therefore, asylum seekers who are older than the compulsory school age may not be given the option to attend school. *In Croatia*, children over the age of 15 can participate in adult education programmes but they lose their entitlement to mainstream schooling. *In Cyprus*, there have been some select cases where children aged over 18 have been successfully enrolled in mainstream schools. However, overall the enrolment of such children in free public schools is still denied. *In Germany*, one of the reception centres allows children to attend mainstream schools up to the age of 16, but for those aged 16-21 education is provided at the centre, not at school. *In Italy*, scholarships enable children from specific countries of origin to obtain their secondary school leaving certificates, giving them the opportunity to continue their education. *In Greece*, *Second Chance Schools* provide compulsory education for adults, operate reception classes and offer career counselling services.

For unaccompanied children, a lack of documentation demonstrating their previous studies, as well as issues surrounding the age assessment procedure and the appointment of legal guardians (e.g. in *Croatia*, *Malta*, *Hungary* and *Greece*), undermine their right to education. Unaccompanied children have fewer resources at their disposal and face many challenges accessing education and entering the labour market. MS are encouraged to develop support programmes that are specific to unaccompanied children. *In Ireland*, the Refugee Access Programme provides intensive English language courses and integration programmes, including support throughout their time in education. *In the Netherlands*, the *Ex-ama Team*, which consists of former unaccompanied children and local authorities, provides guidance on various issues, including education.

Accessing higher education

While the EC focuses on attracting talent from third countries, investment in higher education for asylum seekers and refugees who are already in the EU is often overlooked. Today, *only 6 per cent of refugees* have access to higher education worldwide. As asylum seekers face more administrative obstacles than international protection beneficiaries, their enrolment rate is presumably even lower. *Article 28 of the Convention on the Rights of the Child* states that MS shall “make higher education accessible to all on the basis of capacity by every appropriate means.” EU law only regulates access to vocational training for adult asylum seekers, not higher education. This means that *states have a significant amount of discretion.* *In the EU*, asylum seekers very rarely have access to higher education because of application conditions. These include the requirement for a specific period of residency and tuition fees, acquisition of a residence permit, language requirements and recognition of diplomas. *In reality*, these conditions are hardly ever met during asylum procedures. *In addition*, they are usually aimed at vocational education, not higher education.

Recently, the number of initiatives supporting asylum seekers with access to universities and the successful completion of their studies has increased. *In Portugal*, students considered to be in an ‘emergency situation for humanitarian reasons’ have the same rights as Portuguese students when it comes to university tuition, as well as full access to the social services available to higher education students. They are also entitled to alternative entry conditions in the absence of documentation. *In Malta*, a refugee-led organisation introduced an initiative to prepare potential students for examination to facilitate their access to higher education. The *University Corridors for Refugees* project, which aims to create educational corridors for people in need of protection, is promoted by 32 Italian universities with the support of UNHCR. *Many universities across Europe* have special programmes for refugees. *Good practices* include scholarship opportunities, free access to some further education courses and recognition of diplomas acquired in third countries. These practices target refugees, particularly displaced people from *Ukraine*, and could be extended to other groups seeking protection in the EU.

Vocational education

In general, EU policies favour vocational pathways over higher education for people seeking asylum and with a protection status. Asylum seekers have access to vocational training in most MS. However, the challenges they face are similar to those affecting the other educational categories referred to above. *As stated in Article 16 of the Reception Conditions Directive*, “Member States may allow applicants access to vocational training irrespective of whether they have access to the labour market.” In some countries, there is no or restricted access to vocational training for asylum seekers. *In Poland*, the only educational activities for adult asylum seekers are Polish language courses organised at centres or online. However, the scheduling of these courses is not adapted to the needs of asylum seekers. *In Hungary*, education opportunities and vocational training for adults are only offered once they have been granted protection status. *In France*, access to apprenticeships is not available because that would require access to a work permit, something which is frequently denied to asylum seekers. *In Austria*, access to vocational training is restricted because, with a few exceptions, the necessary work permits can only be issued for seasonal work.

A different set of challenges arise in countries including Belgium, the Netherlands, Portugal and Malta where asylum seekers theoretically have the right to attend professional training and courses. However, language requirements frequently reduce their chances of accessing such opportunities. Other obstacles they might face include registration and transport costs, diploma requirements and unsuitable financial aid from the government. In Germany, the fact that permission to stay for asylum seekers is issued for a 6-month period reduces their ability to access vocational training because training contracts usually run for two or three years. Positive examples include Ireland where vocational training is available on the same basis as Irish citizens. Local initiatives also support asylum seekers with various learning opportunities.

III. RECOMMENDATIONS:

Access to education is a human right. Providing access to education for asylum-seeking children is an obligation for MS and also a key foundation of inclusion for all. Integration should start as early as possible during the reception phase. All asylum seekers in MS, regardless of their status and age, should have access to all levels of education. Based on the analysis provided, this Policy Note makes the following recommendations:

To Member States (MS):

- » MS must ensure that the right to education, irrespective of status, background and current country of residence, is both respected and fulfilled for asylum seekers.
- » MS should integrate asylum-seeking children into the mainstream education system as early as possible by facilitating their attendance at national schools and combating segregation within schools. Schooling in reception centres should be only a temporary emergency measure to ensure there is no period without education.
- » MS should remove the practical and administrative barriers to accessing education at all levels, not only at elementary level but also during the post-compulsory years.
- » MS should facilitate the recognition of asylum seekers' qualifications, using the available EU tools (e.g. EU Skills Profile Tool for Third Country Nationals and European Guidelines for validating non-formal and informal learning) more effectively and sharing good practices.
- » MS should support initiatives making access to higher and vocational education possible for people seeking asylum by providing bridging classes and increasing both financial and linguistic support.
- » Data should be collected systematically to measure asylum seekers' progress and the continuation of their education, including when their status changes.
- » Multi-stakeholder partnerships, including people with an asylum seeker background to reflect their priorities and needs, should be constructed or strengthened at all levels of policy making and implementation.
- » To implement all these recommendations, MS should make full use of EU funding (particularly ESF+, AMIF, Erasmus+ and ERDF) to support programmes and measures related to all listed recommendations, in accordance with the needs identified at national and regional level.

To the European Commission (EC):

- » The EC should ensure that MS national programmes utilising EU funding (particularly ESF+, AMIF, Erasmus+ and ERDF) and other funding instruments adequately support programmes and measures related to education, skills and language training, and include asylum seekers as target groups.
- » The EC should maximise funding opportunities for civil society organisations, including refugee-led organisations, to support their activities focusing on accessing education.
- » The EC should increase the targeted support it provides to teachers and schools (such as funding and tools) to make the mainstream education system more inclusive for all.
- » The EC should expand good practices (e.g. Guidelines on fast-track recognition of Ukrainian academic qualifications) to facilitate recognition of qualifications for all asylum seekers and refugees.
- » The EC could coordinate data collection on access to education, school enrolment, dropout rates and the transition to adulthood, especially in terms of unaccompanied children, to ensure that commitments made regarding education for asylum seekers are met by all MS.
- » The Action Plan should be used more effectively to remove the barriers faced by asylum seekers when accessing education. The Action Plan should be systematically assessed and monitored to analyse its implementation within MS.