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RETHINKING GLOBAL PROTECTION

NEW CHANNELS, NEW TOOLS

By Kathleen Newland

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Executive Summary

The international system of protection for refugees and other vulnerable populations is under unprecedented strain, with numbers of displaced people at highs unseen since World War II. Countries of first asylum and transit in the developing world cannot sustain the number of people forced to flee their countries of origin, many of whom spend years in precarious situations where neither protection nor livelihood is secure. Prosperous western countries have strengthened their border security, leaving few legal channels for forcibly displaced people to enter and claim asylum, work, or join family members already established there. This leaves dangerous and costly irregular migration as the only resort for most forced migrants determined to reach a safe country where they can sustain themselves. New forms of international cooperation are needed to get ahead of the momentum of the unfolding crisis of protection; both development and mobility tools should be added to existing policy resources.

The dynamics of the inadequate protection regime arise from several distinct factors: the territorial basis of asylum, the inability of existing policy tools to deal with a wide spectrum of protection needs found among mixed flows of refugees and nonrefugees, the lack of resources to support refugee populations in countries of first asylum, the long duration of displacement for most of the world's refugees, and the unavailability of legal options for onward movement of people stuck in transit or in countries of first asylum where they cannot access secure protection or livelihoods. Only the first of these can be traced to the 1951 Convention relating to the Status of Refugees. The others represent failures of international cooperation and burden sharing, together with a static approach to the evolving challenges to protection.

New forms of international cooperation are needed to get ahead of the momentum of the unfolding crisis of protection.

Two new approaches have the potential to refit and reinvigorate the protection regime. One involves integrating development programming with the traditional care-and-maintenance models of protection that are proving inadequate to respond to the current level and complexity of displacement. The development approaches emphasize empowering refugees to use their skills and energies to provide for their own livelihoods, by granting them the right to work and opening access to land, equipment, training, and capital—in cooperation with host communities. The second new approach, which is less far along in implementation, would open channels of international mobility to refugees and other forced migrants. These channels might include labor migration schemes, family reunification with relatives already settled elsewhere, and international study and training programs, which would help refugees achieve both security and self-sufficiency. Incorporating development and mobility approaches to protection into international cooperative efforts could prove to be an effective way to create a more sustainable and dynamic response to forcible displacement.

I. Introduction

There is a growing consensus among governments and other actors that the regime of international protection built around the 1951 Convention relating to the Status of Refugees is not working as envisioned; it is neither protecting refugees and other forcibly displaced people adequately nor achieving durable



solutions for them.¹ The fault is not in the Convention, but in the failure to interpret and apply it as a living document responsive to the evolving realities of contemporary forcible displacement.

Many governments, especially those of wealthy industrialized countries, are choosing to apply the Convention narrowly, forcing huge flows of people in need of protection into channels that cannot accommodate them. Displaced people encounter significant risks as a result, and the unauthorized flows may generate the perception that migration is out of control. The political challenges that governments face when they cannot convince their electorates that they are able to manage their borders jeopardize more than the longevity of political leadership. Such challenges also may narrow the already limited space available for international cooperation on protection, as governments become increasingly risk averse in their dealings with refugees and other displaced persons.

The governments of western industrialized countries are spending huge amounts of money on systems that are not producing the results—in terms of safety, security (both personal and national), protection of human rights, and economic advancement—desired by their citizens as well as by displaced people. States have also failed to develop, as new situations demand, additional platforms for international cooperation to protect, assist, and find solutions for the displaced while also making it possible for them to use their skills and talents productively. In a context of multiple simultaneous crises resulting in displacement on a scale not seen since World War II, the limitations of the current system are prompting calls for a fundamental rethinking of the protection regime. Reforms should be designed to supplement and reinforce, rather than replace, the Convention-based refugee protection system.

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To strengthen the protection regime—and address the pressures facing communities and governments providing protection—national policymakers and international agencies will need to undertake a comprehensive evaluation of the dynamics of displacement crises, from beginning to end; simply reacting to displacement once it reaches their borders has proven to be insufficient. To get ahead of the momentum of crises, new approaches will need to look beyond asylum and deploy both development resources and mobility options.

The chaos and misery surrounding displacement are in no one's interest except those who profit from human despair—chiefly smugglers, traffickers, corrupt officials, and exploitative employers. The desperate circumstances of the displaced undermine not only human security but the rule of law and the fundamental legitimacy of the modern system of sovereign states.²

This report will explore the main sources of strain on the existing system of protection, and the two most promising avenues for strengthening the system. It will make the case for a robust, cooperative international effort to go beyond humanitarian assistance and incorporate new tools and new channels for the protection of the displaced.

1 This report reserves the term “refugee” for people who conform to the definition of Article 1 of the 1951 Convention relating to the Status of Refugees, and uses “displaced people” for the larger category of people forced to leave their homes for reasons other than those described in the Convention, but who are in need of some form of international protection. According to Article 1, “the term ‘refugee’ shall apply to any person who . . . owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . .” United Nations, *Convention and Protocol Relating to the Status of Refugees* (New York: United Nations, 1951), www.unhcr.org/3b66c2aa10.html.

2 The Westphalian system gives sovereign states the right to monopolize force within their boundaries so that they can protect their citizens from internal and external threats; international protection provided by other states fills the gap and preserves the legitimacy of the system as a whole, when individual states fail in their obligations to protect their own citizens. Thus, the refugee regime is as much about protecting the system of states as it is about protecting individuals.



II. Sources of Strain on the International Protection Regime

A number of underlying factors feed the inadequacy of the current protection regime:

- **The territorial basis of asylum** that requires refugees to be physically present in a country to claim protection.
- **The complex mix of migrants and refugees**, some of whom may have strong claims to international protection, and others who have none.
- **The high cost and inadequate financing** of support to *prima facie* refugee populations in countries of first asylum.
- **The protracted nature of displacement** for the majority of refugees and for many other displaced people.
- **The enforced immobility** of refugees and other displaced people in countries of transit and/or first asylum, owing to the lack of legal options for travel.

These factors are discussed in more detail below (see also Box 1 for a list of relevant news headlines); however, it is worth noting that only the first can be traced to the legal provisions of the Convention itself.

A. The Territorial Basis of Asylum

The international protection regime predicates asylum on access to the territory of a state other than the asylum seeker's country of origin. Yet governments that have the means to do so invest enormous amounts of physical, financial, and, sometimes, moral capital to prevent and deter unauthorized entries. The "non-

Box 1. The Faltering Protection Regime in the Headlines

A sampling of recent news headlines from around the world reveals the cracks in the international system of protection for refugees and other displaced people:

"UN Cuts Food Aid to Refugees from Syria" (*The New York Times*, December 1, 2014)

"Bangladesh Proposes Interning, Repatriating up to 270K Rohingya to Myanmar" (*Al Jazeera*, November 26, 2014)

"Jordan's Open Door is Now Only Cracked, Leaving Syrians Stranded" (*The New York Times*, November 19, 2014)

"Why Britain Won't Save Drowning Migrants in the Mediterranean" (*Washington Post*, October 28, 2014)

"Lebanon Closes its Border to Syrian Refugees, Officials Say" (*Daily Sabah*, October 19, 2014)

Australia Signs Controversial Refugee Transfer Deal with Cambodia (*The Guardian*, September 26, 2014).



entrée” policies of capable states, coupled with very limited legal channels of access for people from developing countries to those states, make it extremely difficult for refugees and other displaced people to gain access to territory where they can claim asylum.

Legal avenues of entry are all but closed to people who do not meet the selection criteria (chiefly based on desired skills or close family ties) of their intended countries of destination. As a result, most asylum seekers have no option for entry into another state other than illegal means. Recognizing this, Article 31 of the Refugee Convention proscribes states from penalizing asylum seekers for entering their territories without authorization, although this is qualified by the requirement that the refugee must be coming directly from a territory where his or her life or freedom was under threat (as specified by the Convention’s definition of refugees).³ Many governments invoke this caveat to refuse asylum to refugees who have transited through another country, however precarious their presence in that country may have been and however compelling their need for protection. Illegal entry carries a taint (often exacerbated or even created by populist media and political opportunists) that may divert policy responses away from problem solving toward simple refusal even to consider the protection claims of displaced people.

B. Mixed Flows

Much of contemporary displacement does not map onto the persecution-based, grounds-specific definition of a refugee in the 1951 Convention.⁴ Many, if not most, of the people moving in search of protection are fleeing from a complex mix of interrelated factors such as generalized violence, armed conflict, individualized persecution, the collapse of governance, widespread human-rights abuses, ethnic or sectarian tensions, and a host of exacerbating factors such as food insecurity, natural disasters, and environmental degradation.

Much of contemporary displacement does not map onto the persecution-based, grounds-specific definition of a refugee in the 1951 Convention.

Costly refugee status determination systems to establish whether displaced people conform to the Convention definition are not designed to address the protection needs of nonrefugees: there is no widely accepted international regime to guide the governance of broader flows of forcibly displaced people. Arrangements within the existing protection regime do not, in other words, solve the problem of how to manage large-scale forcible displacement in a cooperative framework. Some progress has been made in widening refugee-like protection to broader groups: for example, to victims of generalized violence (by the Organization of African Unity [OAU] refugee convention), to victims of widespread human-rights violations (included in the Cartagena Declaration), and to internally displaced people (via the Guiding Principles on Internal Displacement). Currently, the Nansen Initiative, led by Switzerland and Norway, with the participation of a number of other countries, is in the process of developing “a protection agenda addressing the needs of people displaced across international borders in the context of disasters and the effects of climate change.”⁵

Part of the reason for the reluctance of capable states to allow refugees to arrive spontaneously, without prior permission, is the difficulty of sorting out who is a refugee and who is not. In order to avoid returning refugees to danger in the process of deporting unauthorized immigrants, states must have some

³ United Nations, *Convention and Protocol Relating to the Status of Refugees*.

⁴ See Roger Zetter, *Protection in Crisis: Forced Migration and Protection in a Global Era* (Washington, DC: Migration Policy Institute, 2015), www.migrationpolicy.org/research/protection-crisis-forced-migration-and-protection-global-era.

⁵ The Nansen Initiative, “About Us,” accessed December 5, 2014, www.nanseninitiative.org/.



way of distinguishing those who have a valid claim for protection. But determining refugee status can be difficult and expensive, and the incentives are strong for nonrefugees to claim asylum by misrepresenting themselves. Moreover, repatriating nonrefugees is another complex and difficult process. Governments face far fewer complications if refugees simply do not arrive uninvited. However, nonentrée policies tend to shift the problem of providing protection to poorer and less capable states, or countries of first asylum that are already bearing disproportionate burdens—with later knock-on effects like irregular onward movements that affect countries beyond the region of crisis as well. Some of the people traveling toward asylum countries in the West would be considered *prima facie* refugees, without question, had they stayed in countries neighboring their own, but their refugee status is questioned when they seek a more secure place of refuge. There are examples of cooperation between intended destination countries and countries of transit or first asylum intended to expand protection capacity, such as the European Union’s “mobility partnership” with Morocco. In other cases, however, cooperation seems to be little more than a financial arrangement to outsource protection obligations and immigration enforcement farther from the borders of rich countries.

C. Inadequate Resources

The government of Jordan, which has hosted substantial displaced populations, noted in the introduction to its 2014 National Resilience Plan that “it is widely acknowledged across all parties responding to the crisis that the current levels of financing and modus operandi of humanitarian aid are unsustainable in their present form.”⁶ As if to confirm this observation, the World Food Program (WFP) announced at the end of November 2014 that it would be compelled to reduce its food support to refugees from Syria in neighboring countries. The reason was simple: lack of funds. Many experts predicted widespread hunger in Syrian refugee communities as winter set in, as well as negative repercussions on host communities where refugees have used WFP vouchers to buy food and thereby stimulate local markets. Onward movement from the region could also be predicted, as Syrian refugees try to reach a safe country in which they can sustain themselves.

The cost of maintaining large numbers of refugees over long periods of time is impossibly high, both in human and financial terms. The overwhelming majority (86 percent) of refugees live in developing countries.⁷ International funding has not kept up with the growing need for humanitarian assistance in these countries. United Nations High Commissioner for Refugees (UNHCR) funding needs have grown by 130 percent since 2009; public and private contributions to its budget rose by only 70 percent in the same period.⁸ The organization’s Supplementary Appeals for ongoing humanitarian emergencies in 2014 reached 40 percent of their targets, on average, by the end of October. The only appeal that came close to being fully funded (at 93 percent) was the only one in a European country: for internally displaced people in Ukraine.⁹ By contrast, appeals for the organization’s work in North Waziristan (Pakistan), Afghanistan, and the Central African Republic reached 26 percent, 30 percent, and 33 percent, respectively, of their funding targets.¹⁰ Other agencies such as the World Food Program are also experiencing shortfalls.

Despite the inadequacy of international assistance, few alternatives for support are available to refugees. In many countries of first asylum, refugees are denied permission to work, for fear of igniting a backlash among locals who may resent competition for scarce jobs, and for fear that refugees who are integrated into the labor market may never go home. Displaced people who do not have refugee status face the same

6 Government of Jordan, Ministry of Planning and International Cooperation, *National Resilience Plan: Proposed Priority Responses to Mitigate the Impact of the Syrian Crisis on Jordan and Jordanian Host Communities* (Amman: Government of Jordan, Ministry of Planning and International Cooperation, 2014), www.jordanembassyus.org/sites/default/files/NRP_FinalDraft_08.29.2014_MOPIC.pdf.

7 United Nations High Commissioner for Refugees (UNHCR), *War’s Human Cost: UNHCR Global Trends 2013* (Geneva: UNHCR, 2014), www.unhcr.org/5399a14f9.html.

8 UNHCR, *UNHCR Global Appeal 2015 Update—Identifying Needs and Funding Requirements* (Geneva: UNHCR, 2014), www.unhcr.org/5461e5f30.html.

9 While the Ukraine appeal is smaller than those for Syria, Sudan, Iraq, or the Central African Republic, other appeals of similar size (such as those for Afghanistan or Pakistan) have also failed to meet their funding needs.

10 Ibid.



barriers to labor market entry as refugees, but do not usually have access to international assistance. In fact, many refugees and displaced people do work, out of necessity, in the underground economy, where they are vulnerable to exploitation and drive down the wage rate for local workers.

The shortfall of national and international resources is a major factor eroding the quality of protection and threatening the stability of the international protection regime. Countries neighboring Syria have begun to close their borders in the face of overwhelming inflows, overburdened infrastructure, and serious economic repercussions. The government of Jordan, for example, reports that the crisis in Syria has driven down foreign direct investment (FDI); driven up the trade deficit, budget deficit, and public debt; and caused a drop in gross domestic product (GDP) growth from an annual rate of 6.6 percent in 2000-08 to around 2 percent in 2013.¹¹ Displaced populations that have no means of support often begin to exhibit increased social pathologies such as child labor, child marriage, prostitution, domestic violence, informal work under exploitative conditions, recruitment into militant groups, and, of course, dangerous unauthorized migration.

D. Long Duration

Traditional models of refugee protection were based on assumptions that refugees would repatriate as soon as fighting stopped and/or a repressive regime was replaced in the country of origin—and that the timeframe for these events would be counted in months or years, not decades. It did not anticipate the era of “frozen conflicts,” asymmetric warfare, and failed states, which produce situations of displacement that extend over generations. Today, half of the refugees in UNHCR’s mandate, or more than 6 million people, have been refugees for five years or more—often many more.¹² Large-scale movements of Afghan refugees began in the late 1970s, and major outflows from Somalia in 1991. Some Palestinian refugees, for whom the UN Relief and Works Agency (UNRWA) rather than UNHCR is responsible, have been refugees since 1948. The proportion of refugees in protracted situations is currently diluted by the sharp rise in Syrian refugees that began in 2011 and has gathered momentum in subsequent years. But with no end to the conflict in sight, Syrians will soon begin moving into a “protracted refugee situation,” defined by UNHCR as one in which 25,000 people have been refugees for five years or more.

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Refugee camps are becoming permanent settlements, even as a growing proportion of refugees move to urban areas where humanitarian assistance may be less accessible but employment opportunities better. While some long-term refugees are able to integrate in countries of first asylum and achieve stability, many more live on the margins in insecure circumstances. Resettlement opportunities reach less than 1 percent of refugees, and return remains a distant dream for many. In 2013 UNHCR reported that repatriations had sunk to the lowest level in almost 25 years.¹³ Clearly, the three classic “durable solutions” (repatriation, integration in the country of first asylum, and resettlement) are not working to reduce the numbers of long-term refugees.

Protracted displacement places great strain on forced migrants, host countries, and communities, and on the budgets and operational capacity of national and international institutions involved in refugee

11 Government of Jordan, *National Resilience Plan*.

12 António Guterres, *Rising Challenges, Strong Support*, Forward to UNHCR Global Appeal 2014-15 (Geneva: UNHCR, 2014), [www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=528a0a100&query=Global Appeal 2015](http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=528a0a100&query=Global%20Appeal%202015).

13 UNHCR, *War’s Human Cost*.



Box 2. Protection beyond Nonrefoulement

Four of the seven chapters (Chapters II-V) of the Refugee Convention (all of which are incorporated in the Protocol) lay out the obligations that State Parties to the Refugee Convention agreed in the areas of juridical status, gainful employment, welfare, and administrative matters. These chapters cover specific rights such as property rights (including intellectual property); access to courts; right of association; wage-earning, self-employment, and professional practice; housing; public education; rationing and public relief and assistance; labor legislation and social security; freedom of movement; and access to identity and travel documents. Chapter I separately specifies freedom of religion. With respect to fundamental rights such as freedom of religion and association, labor and social security, and elementary education, the State Parties have agreed to treat legally residing refugees on terms equal to their own nationals. In other areas the Convention specifies treatment as favorable as possible and at least as favorable as that accorded to other aliens.

Source: United Nations, Convention and Protocol Relating to the Status of Refugees (New York: United Nations, 1951), www.unhcr.org/3b66c2aa10.html.

protection and humanitarian response. Financial pledges from donors to international organizations and refugee-hosting countries are commonly made on a year-to-year basis, making it difficult to plan and implement programs suitable for long-term needs. In consequence, lives are put on indefinite hold.

E. Enforced Immobility

The absence of satisfactory solutions creates powerful motives for refugees and other displaced people to move on from transit countries and countries of first asylum where assistance is inadequate, protection is precarious, and opportunities for self-sufficiency are limited. The quality of protection for Rohingyas in Bangladesh, Syrians in Lebanon, and Somalis in Kenya, for example, leaves much to be desired despite, in some cases, the best efforts of the country of first asylum. As noted above, most attempts to reach a country that offers better prospects take place outside legal frameworks.

Onward travel is often stigmatized as “queue jumping,” or an illegitimate attempt to achieve “migration outcomes” rather than much more limited, minimal protection from return to a place of danger. These views fail to give appropriate weight to the minimum standards for treatment of refugees that are specified in the 1951 Convention and 1967 Protocol. Many states that are party to the Convention do not accord these rights to refugees in their territories, and instead, for example, restrict their movements or deny them the right to work. Given the provisions of the Refugee Convention, it is not unreasonable for refugees to expect to be able to enjoy the rights states have agreed to grant them. For many refugees, however, onward movement may be the only way to access minimum standards of treatment.

There are, in fact, very few established international mechanisms for onward travel for people who have fled their countries of origin but have not found secure protection or livelihoods. Today’s resettlement programs can accommodate less than 1 percent of the world’s refugees, and refugees have exceptional difficulty accessing other channels of mobility. Many refugees do not have travel documents, and even if they did would not be granted a visa for travel to another country. As a result, refugees are rarely able to participate in normal channels of mobility such as labor migration, international education, or family reunification.

Immobility creates obstacles to refugees seeking a higher quality of protection and better outlets for their talents and energies. It also encourages the growth of clandestine travel, with its attendant challenges to rule of law and governments’ ability to plan migrant admissions in a way that serves the goals of public policy.



III. New Channels, New Tools

As the strain on the international protection regime increases, the need for new tools and new channels to improve the regime's functioning becomes more apparent. Two distinct, but related, approaches to refitting the regime hold particular promise. One involves breaking down the conceptual and institutional walls between humanitarian and development assistance so that both can contribute to more robust and sustainable protection. The other involves facilitating mobility for refugees and other displaced people so that they can secure their livelihoods, gain access to a broader array of rights than is available in countries of first asylum, and contribute to development in countries and communities of temporary or permanent settlement (and to their countries of origin if, in time, circumstances permit).

A. Development Approaches

Approaches to protection that focus on development are further along in concept and practice than those centered on mobility. Both donor governments and governments in countries of first asylum are partnering with international organizations and humanitarian nongovernmental organizations provide alternatives to the care-and-maintenance model once prevalent among responses to refugee flows.¹⁴ The new approaches emphasize the capabilities of refugees to provide for their own livelihoods—if they are empowered to do so with access to land, equipment, training or capital, and, importantly, legal status in the labor market of host countries. Host communities must be coplanners and cobeneficiaries of development-based protection, or they may perceive refugees as rivals rather than partners in local development. The development of capacities in host communities is often the starting point for strengthening protection in the broadest sense, as in the government of Jordan's National Resilience Plan.

Development agencies, however, are often reluctant to engage in refugee situations, which they consider too risky, too controversial, and too far removed from standard priorities and operating procedures. But the scale of disruption to development at the national level in countries hosting large refugee populations makes a compelling argument for these agencies' involvement. The Federal Ministry for Economic Cooperation and Development in Germany, for example, is among the first to forward new thinking about the relationship between displacement—especially long-term displacement—and development cooperation, as it implements programs to improve the well-being of host communities, refugees, and internally displaced people. It has also pushed the European Union to realign its development and humanitarian assistance operations. On December 4, 2014, the European Commission adopted a 180 million euro aid package for Syrians displaced by the war “to deal with the longer-term development need of the refugees and internally displaced persons,” with a focus on education.¹⁵

Development approaches to the protection of refugees and displaced people are rapidly gaining currency. But their implementation will involve difficult bureaucratic transitions in mandates, budgets, standard operating procedures, and partnerships. Such shifts normally happen at moments of crisis, and such a moment has arrived.

B. Mobility Approaches

The imperative of opening up new channels for refugees' self-sufficiency—and breaking patterns of dependence on inadequate and unreliable humanitarian assistance programs—is intimately connected to the development imperatives discussed above. Governments have begun to discuss ways to incorporate

14 See T. Alexander Aleinikoff, *From Dependence to Self-Reliance: Changing the Paradigm in Protracted Refugee Situations* (Washington, DC: Migration Policy Institute, forthcoming 2015).

15 European Commission, “EU-Syria: €180 Million to Deal with Crisis and Spill-Over in Lebanon and Jordan” (news release, December 4, 2014), http://europa.eu/rapid/press-release_IP-14-2364_en.htm.



displaced people into the labor markets of host countries with minimal disruption and maximum gains, but they have been much more reluctant to discuss international mobility as a means of access to livelihoods and a fuller enjoyment of the rights outlined in the Refugee Convention. This approach holds great promise, and deserves exploration and experimentation.¹⁶

One set of channels for increased mobility consists of established programs for labor migrants at various skill levels, family reunification programs for refugees who have relatives already settled elsewhere, and international study and training programs. Refugees should, in theory, already have access to these programs, and some do indeed take advantage of them, often without first obtaining refugee status. But many do not, as they encounter obstacles to mobility (such as the lack of travel documents discussed above). Some of these obstacles are amenable to technical solutions. Others, such as security concerns affecting displaced populations especially from the Middle East, West Asia, and the Horn of Africa, will be more complex, involving sophisticated but expeditious screening processes, political risk assessments, and so forth.

Governments...have been much more reluctant to discuss international mobility as a means of access to livelihoods and a fuller enjoyment of the rights outlined in the Refugee Convention.

A second set of new channels could be designed especially for refugees and forcibly displaced populations, to allow those with skills in demand on the international market to take up positions in other countries. Temporary labor programs for displaced persons with less formal skills could also be designed. Specialized education and training programs for refugees and other displaced persons could be tailored to international market demand for care workers, technical specialists, agricultural workers, and so forth. Such programs would need to ensure that workers be protected against refoulement at the end of their contract periods. The Microsoft Corporation is implementing small programs to train refugees in technical skills through online courses (for which it provides both hardware and software). Private-sector involvement in providing tools to improve livelihoods and increase potential mobility should be fostered. There are many possible ways to simultaneously benefit displaced people, countries of first asylum, and countries with labor needs.

IV. Conclusions

Today's refugee regime was set up to deal with the aftermath of World War II. Janus-faced, it looked back to the legacy of war-era persecutions and forward to a future of permanent solutions for the remaining displaced populations. Protection and solutions are the twin mandates of the regime, and of UN High Commissioner for Refugees. There is no reference in the Refugee Convention to humanitarian assistance for refugees, and no formula for funding it. Yet, over time, humanitarian assistance has become the default response to refugee crises—with limitations that are now inescapably clear.

Recent crises in Syria, Yemen, the Central African Republic, Iraq, and elsewhere have demonstrated—perhaps more clearly than ever—the inadequacy of a reactive, territorially focused response to forced migration and displacement. Refugees are routinely left without hope of a long-term solution, responsibilities for care and integration are distributed unevenly, and governments are left trying to

¹⁶ See Katy Long, *From Refugee to Migrant? Labor Mobility's Protection Potential* (Washington, DC: Migration Policy Institute, forthcoming 2015).



manage an increasingly unmanageable system. In addition, in an age of global mobility, it has become readily apparent that the failures of the protection system in one location will have direct effects on communities, governments, and individuals far removed from the site of a crisis.

Clearly, the tools and approaches used to address displaced people need to be updated and supplemented. The two approaches discussed here—embedding development in humanitarian responses, and facilitating legal mobility—are particularly promising. Any effort to provide more effective protection will almost certainly need to incorporate both as part of a comprehensive strategy to address displacement from beginning to end.

In an age of global mobility, it has become readily apparent that the failures of the protection system in one location will have direct effects on communities, governments, and individuals far removed from the site of a crisis.

There are several obstacles to updating the protection policy framework, not least of which is the challenge of persuading publics to support investment in new responses to displacement. Governmental and other leaders can help to further public understanding of the links between protection, development, and mobility, and how these connections can bring about more effective humanitarian responses. Constituencies that are called upon to fund humanitarian assistance and protection—and, in some cases, to provide protection directly by welcoming displaced people into their communities—often have legitimate concerns; they deserve to be taken seriously. Governments will need to make a substantial commitment to communicate to their electorates the importance of implementing robust protection regimes that can contribute to greater stability and prosperity for all countries.

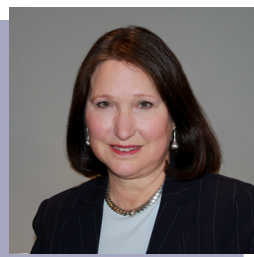


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About the Author



Kathleen Newland is Co-Founder of the Migration Policy Institute (MPI), where she directs the Migrants, Migration, and Development Program and leads the Institute's refugee protection work. Her focus is on the relationship between migration and development, the governance of international migration, and refugee protection. She is also the Founding Director of the International diaspora Engagement Alliance (IdEA), which had its incubation phase at MPI in 2011-13; IdEA was established as a partnership among MPI, the State Department, and U.S. Agency for International Development. She is a member of the MPI Board of Trustees.

Previously, at the Carnegie Endowment for International Peace, she was a Senior Associate and then Co-Director of the International Migration Policy Program (1994-01). She serves as an overseer of the International Rescue Committee and on the boards of directors of USA for UNHCR, the Stimson Center, Kids in Need of Defense (KIND), and the Foundation for The Hague Process on Migrants and Refugees. She is a chair emerita of the Women's Commission for Refugee Women and Children.

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