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PROTECTION THROUGH MOBILITY: OPENING LABOR AND STUDY MIGRATION CHANNELS TO REFUGEES

By Katy Long and Sarah Rosengaertner

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Executive Summary

The rapid increase in the number of refugees and displaced persons worldwide—reaching more than 65 million by the end of 2015—has been accompanied by a growing realization within academic, humanitarian, and policy communities alike that current protection channels and tools are insufficient to meet the burgeoning needs of refugees. Countries of first asylum have become overburdened, and the primary responsibility-sharing tool intended to move refugees to third countries, resettlement, has not kept pace with demand. The United Nations High Commissioner for Refugees (UNHCR) estimates that 1.19 million refugees will be in need of resettlement in 2017, yet only about 10 percent of this number are placed each year. Faced with little hope of returning to their countries of origin, establishing stable lives in first-asylum countries, or being resettled, many refugees opt to move onward in search of their own solutions, undertaking dangerous journeys to Europe, North America, and elsewhere.

The question this report seeks to answer is not whether greater refugee mobility is desirable, but how such mobility could work.

In the shadow of this mounting challenge, both governments and humanitarian stakeholders are beginning to raise new questions regarding the role legal labor and study mobility, in parallel with resettlement and asylum channels, might play in connecting refugees with better opportunities, living conditions, and legal status. On September 19, 2016, at the United Nations High-Level Meeting on Large Movements of Refugees and Migrants, states agreed in principle to expand the number of legal pathways available to refugees, including through increased opportunities for labor migration and study visas.

The question this report seeks to answer is not *whether* greater refugee mobility is desirable, but *how* such mobility could work in concrete terms. For initiatives that incorporate such alternative channels to bear fruit, national policymakers will need to give serious thought to how to overcome a number of administrative and practical barriers, build a political consensus to move reforms forward, and obtain buy-in from the relevant stakeholders and constituencies. These challenges should not be underestimated, given that in many states public opinion is firmly opposed to the admission of more refugees.

For receiving countries, efforts to build a mobility-driven response to displacement could make the task of integrating new arrivals easier as they come to meet labor needs or fill university places that provide a certain support system. Yet, such efforts will need to be rooted in a consideration of the specific needs refugees face in emergency and protracted situations as well as the types of mobility that would best address temporary or long-term needs. Finally, governments will need to consider what scope of initiative they are willing and able to lead. Making small changes to existing programs to make these more accessible to refugees may be more feasible from a political perspective than launching wholesale efforts to develop new refugee migration programs, especially given current levels of public hostility towards both refugees and migrants. Yet the political stakes are often lower when refugees join established legal migration routes as part of a larger pool of qualified migrants responding to economic needs.

Policymakers—especially those in states with well-established immigration channels—can use the following steps to open legal mobility and migration opportunities within existing labor and study channels for refugees:

- **Address administrative obstacles that prevent refugees from accessing visas and migration programs.** Refugees often face obstacles built into the design of immigration systems that prevent them from qualifying for the visas that would allow them to migrate. These include a lack of travel documents, no country of return should their visa expire or be revoked, high application



fees, and skill or salary thresholds for admission that may be out of reach. While some of these barriers can only be removed by legislative changes, others might be addressed through simple regulatory adjustments such as waiving administrative fees or providing better guidance to visa officers and border guards on issuing and accepting refugee travel documents. Issues such as the lack of a country of return, however, may prove more difficult to resolve and are likely to require bilateral cooperation between receiving and first-asylum countries.

- ***Invest in initiatives and programming to mitigate practical barriers.*** In addition to administrative barriers, refugees face many of the same practical difficulties as other migrants seeking to take full advantage of migration opportunities. Refugees may not have access to information on what opportunities exist or how to apply. Even more critically, they may lack the requisite language skills, credentials, or documentation to qualify for some opportunities. Such difficulties could be mitigated by establishing migration resource centers in refugee-hosting countries or by working with reputable private recruitment agencies and professional training programs to extend their services to refugees. These investments may also benefit host communities in countries of first asylum, reducing tensions that can arise when governments are seen to target scarce funds and resources to refugees alone.
- ***Obtain buy-in from key nongovernmental partners.*** Support and buy-in from employers and the private sector, nonprofit organizations, and educational institutions will be required if efforts to connect refugees with mobility opportunities are to succeed. Private and nonprofit partners will need to play an integral role in making employment and educational opportunities accessible to refugees, acting as sponsors for visas and scholarships, and providing support after arrival. Close government cooperation with human-rights and humanitarian stakeholders will also be critical to ensure that the continuing protection needs of refugees admitted as labor migrants or students are addressed.

Policymakers in destination and first-asylum countries alike may encounter political pushback and public skepticism when seeking to implement these changes. Destination countries may fear that opening migration channels to refugees will inevitably lead to permanent residence, as refugees may be reluctant to return to first-asylum countries with more limited economic opportunities. Countries of first asylum may be reluctant to facilitate onward migration opportunities for refugees if their own nationals have previously been denied similar openings. Close cooperation between destination and first-asylum countries will be key to ensuring that the concerns of each are addressed and efforts to facilitate mobility are successful.

Finally, mobility channels for refugees will need to operate as a complement to the traditional protection system. Although some refugees are high-skilled and will qualify for employment- and education-based migration opportunities, those who do not will continue to rely on humanitarian forms of protection. The two channels need not operate completely independent of one another, however; there are opportunities for new initiatives to build on the strengths of existing humanitarian programs. For example, the infrastructure that major resettlement and immigration countries (such as the United States and Canada) have built up over the years to serve and integrate resettled refugees could also be used to meet the needs of refugees arriving through other channels, including for psychosocial, language, and cultural orientation services.

While mobility channels are a promising tool to expand global protection capacity and to facilitate the integration of the refugees being admitted, enthusiasm should be tempered by a note of caution. The number of refugees who stand to benefit from gaining access to existing human-capital migration channels is likely to remain relatively small. Moreover, simply allowing refugees to move is no guarantee of success at destination, particularly if visas are not tied to specific job offers or education placements. Refugees moving as workers or students will almost certainly face the same challenges as other migrants—often in addition to specific needs resulting from their displacement—as they seek to integrate into their new communities and labor markets. Mobility should not, therefore, be viewed as a panacea



but as an additional tool in the protection toolkit and a first step toward connecting refugees with opportunities to lead more stable lives.

I. Introduction

In the past decade, recognition has grown that international mobility—the ability to move across national borders—can offer an important avenue to protection for refugees,¹ particularly those trapped in protracted exile with constrained socioeconomic autonomy. The limitations of the existing refugee protection system have become painfully evident as the number of refugees and displaced persons passed 65 million by the end of 2015,² and the Syrian and Mediterranean refugee crises continue unabated. Host communities in the Middle East, in particular, have been stretched beyond capacity by the arrival of more than 4 million Syrian refugees.³ Although frontline host states Jordan and Turkey introduced measures intended to assist Syrian refugees in obtaining work permits in 2016, in practice Syrians' access to the formal labor market remains limited in both states. Meanwhile, Lebanon continues to resist calls to open its domestic labor market to Syrian refugees.⁴

The limitations of the existing refugee protection system have become painfully evident as the number of refugees and displaced persons passed 65 million by the end of 2015.

Beyond countries of first asylum, governments remain reluctant to commit a meaningful number of humanitarian resettlement places: the 208,330 places pledged as of May 2016 are hardly a match for the scale of the Syrian crisis.⁵ Indeed, the United Nations High Commissioner for Refugees (UNHCR) estimates that 1.19 million refugees worldwide will need to be resettled in 2017.⁶ Attention has therefore turned to the role that other forms of migration—including work and study—could play in the international response, potentially helping to relieve the unequal burden on countries of first asylum, connecting refugees with meaningful opportunities to earn a living and regain stability, and supporting their integration into host societies.

1 This report focuses on the role that international mobility could play in improving outcomes for recognized refugees, especially in terms of removing legal, bureaucratic, and informational barriers. However some of its conclusions could also be considered for other categories of vulnerable migrants and for the citizens of refugee-sending countries who are still in their country of origin.

2 United Nations High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2015* (Geneva: UNHCR, 2016), www.unhcr.org/en-us/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html.

3 UNHCR, "Syria Regional Refugee Response: Inter-Agency Information Sharing Portal," updated June 16, 2016, <http://data.unhcr.org/syrianrefugees/regional.php>.

4 Don Murray, "High Commissioner Welcomes Turkish Work Permits for Syrian Refugees" (news release, UNHCR, January 18, 2016), www.unhcr.org/en-us/news/latest/2016/1/569ca19c6/high-commissioner-welcomes-turkish-work-permits-syrian-refugees.html; Charlie Dunmore, "Work Permit Boost Gives Hope to Syrian Refugees in Jordan" (news release, UNHCR, April 19 2016), www.unhcr.org/en-us/news/latest/2016/4/57162b0a6/work-permit-boost-gives-hope-syrian-refugees-jordan.html.

5 UNHCR, *Resettlement and Other Admission Pathways for Syrian Refugees* (Geneva: UNHCR, 2016), www.unhcr.org/en-us/protection/resettlement/573dc82d4/resettlement-other-admission-pathways-syrian-refugees-updated-30-2016.html?query=resettlement%20admission%20pathways. It should be remembered that pledges are not equivalent to actual number of refugees resettled.

6 UNHCR, *UNHCR Projected Global Resettlement Needs 2017* (Geneva: UNHCR, 2016), www.unhcr.org/en-us/protection/resettlement/575836267/unhcr-projected-global-resettlement-needs-2017.html.



A number of authors have documented the ways in which facilitating labor or educational mobility could help many refugees find sustainable solutions and reduce pressure on humanitarian resettlement quotas.⁷ Other researchers have underlined the extent to which many refugees already use mobility—although often in the form of informal and irregular channels—to move on from insecure or precarious places of first asylum, particularly when their economic options are limited.⁸ Historically, many of those fleeing conflict and persecution have chosen to avoid entering the asylum system altogether, instead using other legal channels available to them, or moving irregularly.⁹ The cumulative effect of this growing body of work has been to challenge policy distinctions between refugee and migrant labels,¹⁰ and to urge a shift away from traditional humanitarian models that limit refugee movement¹¹ and towards viewing movement as a possible tool when brokering solutions. UNHCR has considered the potential relevance of labor mobility for refugee protection,¹² and 2016 has seen renewed interest in this approach as part of high-level summits convened by the United Nations.¹³ On September 19, 2016, UN Member States agreed in principle to “expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries” and to “consider the expansion of existing humanitarian admission programmes, possible temporary evacuation programmes, including evacuation for medical reasons, flexible arrangements to assist family reunification, private sponsorship for individual refugees and

- 7 See for example, Katy Long, *From Refugee to Migrant? Labor Mobility's Protection Potential* (Washington, DC: Migration Policy Institute, 2015), www.migrationpolicy.org/research/refugee-migrant-labor-mobilitys-protection-potential; Roger Zetter, “Unlocking the Protracted Displacement of Refugees and Internally Displaced Persons: An Overview,” *Refugee Survey Quarterly* 30, no. 4 (2011): 1–13; Katy Long, “Extending Protection? Labour Migration and Durable Solutions for Refugees” (working paper no. 176, UNHCR New Issues in Refugee Research, October 2009), www.refworld.org/docid/4f719bcd2.html.
- 8 See, for example, Alessandro Monsutti, “Afghan Migratory Strategies and the Three Solutions to the Refugee Problem,” *Refugee Survey Quarterly* 27, no. 1 (2008): 58–73, <http://rsq.oxfordjournals.org/content/27/1/58.abstract>; Lucy Hovil, *Hoping for Peace, Afraid of War: The Dilemmas of Repatriation and Belonging on the Borders of Uganda and South Sudan* (Geneva: UNHCR, 2010), www.refworld.org/docid/4d020dca2.html; Ninna Nyberg-Sørensen, Nicholas Van Hear, and Poul Engberg-Pedersen, “The Migration–Development Nexus: Evidence and Policy Options,” *International Migration* 40, no. 5 (2002): 49–73.
- 9 This may be for a number of reasons. Some families employ risk-spreading strategies that involve different family members pursuing divergent asylum and migration strategies. Many prefer to avoid the stigma of asylum-seeker/refugee status if they are able to afford another status—for instance that of a student or business visa holder, or through investment visa routes. Such individuals may only find themselves forced to claim refugee status once personal savings are exhausted. For instance, a 2005 study of Zimbabweans in the United Kingdom showed that 26 percent had left Zimbabwe for political reasons, but only 7 percent had asylum-seeker or refugee status. See Alice Bloch, *The Development Potential of Zimbabweans in the Diaspora* (Geneva: International Organization for Migration, 2005), www.queensu.ca/samp/migrationresources/Documents/Bloch_development.pdf. For a discussion of how class mediates forced migration, see Nicholas Van Hear, “I Went as Far as My Money Would Take Me’: Conflict, Forced Migration and Class,” in *Forced Migration and Global Processes: A View from Forced Migration Studies*, eds. François Crépeau, et al. (Lanham, MD: Lexington Books, 2006): 125–158.
- 10 For the purposes of this report, a refugee is defined as someone whose claim to asylum has been recognized either by a host state, UNHCR, or the United Nations Relief and Works Agency (UNRWA), and who was forced to leave their country of origin as a result of persecution or violent conflict. An international migrant is any individual who has crossed an international border for reasons that are not strictly humanitarian (e.g., labor, study, or family reunification). Many policymakers are keen to stress the distinctions between refugees (who have specific rights under international law, above all protection against forcible return or refoulement) and migrants (who generally do not enjoy those same rights, even though they are protected by international human rights law). However, at the core of this report is the idea that someone holding refugee status could subsequently be assisted to move as a migrant, and a consideration of what measures may be needed in order for this to happen easily and safely. This means that at different points this report uses the term migrant both as a *contrast* to refugee (to emphasize differences in protection needs/causes of flight), and as *inclusive* of refugees (when setting out potential initiatives or programs to increase their access to mobility).
- 11 Refugee resettlement—the transfer of refugees from a country of first asylum to another state that has agreed to admit them and ultimately grant them permanent settlement—is the obvious exception to this trend of limiting refugee movement, although only a very limited share of refugees will be resettled. See UNHCR, “Resettlement,” accessed January 6, 2016, www.unhcr.org/pages/4a16b1676.html.
- 12 See, for example, UNHCR and International Labor Office, “Labour Mobility for Refugees” (summary conclusions from the UNHCR/International Labor Office workshop Labor Mobility for Refugees, Geneva, September 11–12, 2012), www.unhcr.org/509a842e9.html.
- 13 See, for example, United Nations, “Summit for Refugees and Migrants – 19 September 2016,” accessed June 20, 2016, <https://refugeesmigrants.un.org/summit>.



opportunities for labour mobility for refugees, including through private sector partnerships, and for education, such as scholarships and student visas.”¹⁴

Box I. Migration versus Mobility

Labor migration and labor mobility—that is, moving primarily for the purposes of seeking employment at destination—are at the center of this report. While closely related, the terms are distinct. “Labor migration” is used to refer to organized, structured movement for employment; it can be temporary or long term. “Labor mobility” implies more freedom of movement: the ability of workers to move relatively easily across borders (perhaps in both directions). However, it is important to acknowledge that labor migration and mobility are not the only ways refugees can and do move to improve their socioeconomic circumstances. Refugees may migrate (after gaining asylum) for education, health, or family reasons (including marriage). This migration may be entirely voluntary or constrained by factors such as poverty and insecurity.

Current approaches often leave refugees forced to choose between seeking asylum and the protection of the international community (including legal guarantees against refoulement¹⁵ as well as humanitarian assistance) and pursuing autonomy and socioeconomic opportunity through either legal or unauthorized channels. A number of legal, bureaucratic, and practical obstacles hinder refugee access to legal nonhumanitarian migration channels. These include the lack of a country of return should their visa expire or be revoked, insufficient documentation, and barriers to accessing information regarding potential migration opportunities.

The question this report therefore seeks to answer is not *whether* greater refugee mobility is desirable, but *how* such mobility could work in concrete terms for the betterment of both refugees and host communities.¹⁶ Can the political and practical challenges facing refugee mobility be overcome? If so, how?

In seeking to answer this question, this report addresses four key issues:

- What changes would need to be made to existing visa and immigration systems to incorporate refugees into migrant channels?
- Could the refugee resettlement system incorporate or be linked up with labor migration options? What changes to the existing system would be needed to do so?
- How could educational and training migration opportunities be expanded for refugees?
- How could labor matching processes be made more accessible to refugees?

This report also considers the practical and political barriers to such efforts, and explores steps to mitigate the concerns of major stakeholders, including countries of destination (both traditional and emerging immigration countries), countries of first asylum, employers, trade unions, and international and nongovernmental organizations.

14 United Nations General Assembly (UNGA), “New York Declaration for Refugees and Migrants (A/71/L.1),” September 13, 2016, para. 77 and 78 and Annex 1 para. 10 and 14, www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1.

15 “Refoulement” is the forced return of a refugee or asylee to a place where their life or fundamental freedoms may be threatened. See UNGA, “Convention Relating to the Status of Refugees,” July 28, 1951, Article 33, www.refworld.org/docid/3be01b964.html.

16 For more on why mobility is desirable see Long, *From Refugee to Migrant?*



II. Considerations in Designing Refugee Mobility Responses

To maximize the benefits of refugee mobility, it is important to consider how programs can best be tailored to meet the needs of particular refugee groups. This section considers some of the key choices policymakers and advocates will need to make when thinking about who can be helped by opening nonhumanitarian migration channels to refugees.

A. Temporary versus Permanent Migration

It is important at the outset to distinguish between temporary and permanent migration routes, as their relevance depends on the type of refugee situation to be addressed. While permanent economic migration could offer a durable solution for refugees (if they are able to apply for permanent residency as migrants), such routes are generally only open to educated and high-skilled refugees. Most migration routes open to low-skilled individuals tend, by contrast, to be temporary or limited to family channels. Refugee skill levels vary enormously, but reflect the fact that in most refugee-producing countries, only a minority of citizens are highly skilled. Within this minority, many will have the resources to avoid needing to claim asylum in the first place, instead travelling legally on student or business visas to a country of their choice, though some may later claim asylum if doing so is necessary to avoid deportation or to access aid and services if they have exhausted their personal resources.¹⁷

While permanent economic migration could offer a durable solution ... such routes are generally only open to educated and high-skilled refugees.

It is worth noting that Syrian refugees—particularly those seeking to travel to Europe—do include a relatively high number of educated and highly skilled professionals. The same was true of the first wave of Iraqi refugees who arrived in the mid-2000s.¹⁸ However, given the practical barriers discussed below, it is clear that the vast majority of refugees will not qualify for high-skilled migration programs that lead to permanent residency (and such spots are relatively few in number). This means that for most refugees, such migration can at best offer only an interim solution with a focus on economic assistance, rather than a pathway to a durable solution.

Interim solutions may still be appealing, though, for refugees in protracted displacement situations who are often primarily concerned with overcoming economic marginalization and poverty. Similarly, in cases where individuals have been displaced as a result of natural disaster (e.g., following earthquakes in Haiti and Nepal), the most pressing need is often for additional economic resources to help with reconstruction

17 This was the case, for example, with many Iraqi refugees. See Dawn Chatty and Nisrine Mansour, “Unlocking Protracted Displacement: An Iraqi Case Study” (working paper No.78, Refugee Studies Centre, University of Oxford, August 2011), www.rsc.ox.ac.uk/files/publications/working-paper-series/wp78-unlocking-protracted-displacement-iraqi-2011.pdf.

18 Don Murray, “UNHCR Says Most of Syrians Arriving in Greece Are Students” (news release, UNHCR, December 8, 2015), www.unhcr.org/en-us/news/latest/2015/12/5666ddda6/unhcr-says-syrians-arriving-greece-students.html; International Crisis Group (ICG), *Failed Responsibility: Iraqi Refugees in Syria, Jordan and Lebanon* (Brussels: ICG, 2008), 28, www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/failed-responsibility-iraqi-refugees-syria-jordan-and-lebanon.



and to improve living conditions.¹⁹ In such cases, temporary and seasonal labor may be a good fit. Temporary migration is likely to be the more realistic option for the low skilled, as well as for young refugees looking for study and self-development opportunities. Education visas can also offer the prospect of longer-term stay, as they can often be converted into post-study work opportunities.

Above all, the inherent vulnerability of many refugee populations, and the fact that many may not possess the skills necessary to work abroad,²⁰ means that labor migration does not offer a panacea for all protection needs. Opening labor migration to refugees must always be a supplement to and never a substitute for humanitarian resettlement programs.

B. Facilitation versus Promotion

A further distinction to consider is the extent to which refugee mobility should be simply *facilitated* by the international community, and to what extent it should be actively *promoted*.²¹

Facilitating refugee mobility requires the removal of all obstacles—legal, administrative, and informational—that currently prevent refugees from accessing existing migration channels on equal terms with nonrefugee migrants. Facilitation would require regulatory changes to immigration systems and considerable investment in information networks to match refugees with employers, but it would not involve the development of programs specifically targeting refugee workers.

In certain circumstances there may be opportunities to *promote* refugee mobility as an interim or durable solution. This becomes an option when there is a recognized labor need in a country of destination, a group of refugees with the required skills, and when humanitarian and human-rights organizations are satisfied that refugees will continue to be protected and will be treated fairly as migrant workers. As a result, any such migration program is likely to be relatively small in scale. It could involve companies or states engaging in active training and recruitment, or—eventually—the development and allocation of “refugee-migrant” visas to be used as a supplement to humanitarian resettlement programs.²²

However, promotion is likely to be limited to receiving regions where the human rights of migrants can be monitored and secured (at a minimum fair pay, fair working conditions, access to justice, no arbitrary or immediate deportation), and where refugee and asylum principles are also recognized. This excludes the Gulf countries and large parts of Southeast Asia—areas currently hosting the largest number of migrants

19 The victims of the Haitian and Nepalese earthquakes are not refugees, either in terms of having suffered Convention-defined persecution or being forced to cross an international border. However, many were made homeless and became internally displaced as a result of natural disaster, facing severe economic constraints similar to those experienced by many refugees and other internally displaced persons (IDPs) trapped in protracted displacement. In the United States, efforts were made to open H2 Temporary Worker Visas for Haitians beginning in 2012, but the program had limited impact in part because of bureaucratic and political obstacles that prevented large-scale use of the program. Only 14 Haitians received such visas in 2013. See Michael A. Clemens, *Economic Impacts of H-2 Visa Eligibility for Haiti* (Washington, DC: Center for Global Development, 2011), www.cgdev.org/page/economic-impacts-h-2-visa-eligibility-haiti; U.S. Department of State, “Nonimmigrant Visa Statistics,” accessed July 3, 2016, <http://travel.state.gov/content/visas/english/law-and-policy/statistics/non-immigrant-visas.html>.

20 UNHCR estimates that more than half of Syrian refugees registered in the region are under the age of 18, and would not therefore qualify for economic migration programs. See UNHCR, “Registered Syrians in Jordan” (fact sheet, June 15, 2016), <http://data.unhcr.org/syrianrefugees/download.php?id=11186>.

21 A similar distinction between “facilitation” and “promotion” is made in the case of refugee repatriation. See UNHCR, *Voluntary Refugee Repatriation: Typology and Terminology* (Geneva: UNHCR, 2013), <http://data.unhcr.org/thailand/download.php?id=115>.

22 One initiative that aims to promote labor migration as a solution for Syrian refugees (Talent Beyond Boundaries) is described in Section III.E.1 of this report.



from refugee-producing countries, but where numerous violations of the basic rights of migrants have been recorded, and where refugee status is often not recognized.²³

C. Considering the Goals of Mobility Programs

In some senses, nonhumanitarian migration for refugees speaks to two separate problems. First, labor or study visas offer a means of *admission* to a country other than the country of first asylum. Second, they offer refugees *socioeconomic opportunity*. It is therefore important to consider what the primary goal of refugee mobility programs would be. Is the intention simply to offer a means of legal migration so as to curb spontaneous onward movements (e.g., by providing visas that might not be tied to a specific offer of employment)? Such programs have an obvious protection advantage in terms of being immediately available to a larger number of refugees, but they may also bring integration challenges as arrivals struggle to find appropriate work. Or is the intention to improve access to employment and labor market opportunities specifically in order to enhance refugee self-reliance (for example by facilitating access to study or work visas)? In this case, fewer refugees may benefit, but long-term employment and economic integration outcomes may be more successful.

Most successful models for refugee mobility are likely to blur existing distinctions between humanitarian admission and labor or study.

Policymakers may choose to prioritize one of these goals above the other, but the most successful models for refugee mobility are likely to blur existing distinctions between humanitarian admission and labor or study, both increasing the numbers of refugees able to move beyond their country of first asylum and their socioeconomic outcomes after arrival. Additional visas, for instance, might be set aside specifically for those refugees who meet existing labor or study migration criteria, in effect creating a preferential humanitarian migration channel for hybrid refugee-migrants.

It is also important to consider how economic opportunities for refugees can be created for those arriving through non-labor channels. It has long been recognized that there exists a “refugee gap” and that resettled refugees fare much worse than other immigrants when it comes to labor market integration.²⁴ Recent initiatives—such as the Brazilian humanitarian visa program for Syrians described in Box 2—that use humanitarian need as a criterion for admission have faced similar challenges as they struggle to find

23 It is undoubtedly true that many thousands of Syrians have moved to neighboring Gulf states on work visas, although exact numbers are difficult to verify. The Saudi claim that 2.5 million Syrians have been received since the conflict began, and that “hundreds of thousands” have been offered residency has been widely questioned. The United Arab Emirates claim to have admitted more than 100,000 Syrians. However, many Syrians have expressed anxiety about their precarious and marginalized legal status in the Gulf States. See Deborah Amos, “Gulf States Fend Off Criticism About Doing Little for Syrian Refugees,” National Public Radio, September 20, 2015, www.npr.org/sections/parallels/2015/09/20/441457924/gulf-states-fend-off-criticism-about-doing-little-for-syrian-refugees; Yousef Al Otaiba, “United Arab Emirates’ Aid to Syrians,” letter to the editor, *New York Times*, September 11, 2015, www.nytimes.com/2015/09/11/opinion/united-arab-emirates-aid-to-syrians.html?r=0; Royal Embassy of Saudi Arabia, “Saudi Arabia Received 2.5 Million Syrians since the Beginning of Conflict” (press release, September 11, 2015), www.saudiembassy.net/press-releases/press09111501.aspx.

24 Eleanor Ott, *The Labour Market Integration of Resettled Refugees* (Geneva: UNHCR Policy Development and Evaluation Service, 2013), www.unhcr.org/5273a9e89.pdf.



employment for visa holders after arrival.²⁵ Admitting more refugees who also qualify as students and workers could help to ease public anxiety about refugee integration.

III. Creating a Protection-Sensitive Migration System

It is essential that any inclusion of refugees within mainstream migration programs also offers the necessary protection, above all against refoulement. The following section considers how a protection-sensitive migration system might be established.

A. Adapting Immigration Systems to Reduce Practical Mobility Barriers

Immigration systems that offer opportunities to migrate for work or for study do not deliberately exclude refugees. However, there are a number of administrative and legal barriers that prevent refugees from migrating in practice. Addressing these challenges could help facilitate refugee mobility.

I. Travel Documents: Country of Citizenship

A number of factors complicate refugee access to travel documents. In order to apply to enter a state as a labor migrant or international student, an individual must normally list their country of citizenship as well as their country of residency. Under the 1951 Convention Relating to the Status of Refugees, which forms the basis of the international protection system, a refugee is an individual who 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.”²⁶ The use of a national passport by refugees to travel across international borders has in the past been taken as evidence that individuals have voluntarily reavailed themselves of national protection and are therefore no longer in need of refugee status; this means refugees may forfeit protected status if they use a national passport to access a legal migration program.²⁷ While some online portals allow an individual to apply to immigrate as a stateless person, refugee status is not synonymous with statelessness.²⁸ Furthermore, refugees may be unable to obtain or renew identification and travel documents if they fear presenting themselves to consulates or embassies associated with their country of origin or if their requests for such documents are denied; conflict or state failure in the country of origin may also mean such services are simply unavailable. Ensuring that immigration paperwork and online portals reflect the possibility that an applicant may hold refugee status would thus reduce barriers for refugees beginning the migration process.

In theory, a refugee should be able to use a Convention Travel Document (CTD)²⁹ in lieu of a national passport, and so be able to apply to immigrate, for example, to Canada as a refugee from Afghanistan living in Iran. If successful, the applicant can then use a CTD to complete the migration journey. In practice, however, CTDs can prove difficult to obtain, and many states are reluctant to admit travelers using these documents. Even in cases where states allow entry in theory, immigration officers may be unfamiliar

25 See *The Economist*, “Welcome but not Working,” *The Economist*, October 10, 2015, www.economist.com/news/americas/21672360-government-letting-refugees-problems-come-later-welcome-not-working; *The Economist*, “Immigration to Brazil: No Golden Door,” *The Economist*, November 14, 2015, www.economist.com/news/americas/21678242-forbidding-policies-take-economic-toll-no-golden-door.

26 UNGA, “Convention Relating to the Status of Refugees,” Article 1A.

27 UNGA, “Convention Relating to the Status of Refugees,” Article 1C1.

28 See, for example, Government of Canada, “Determine your Eligibility—Immigrate to Canada,” accessed January 6, 2015, www.cic.gc.ca/english/immigrate/eligibility.asp.

29 A Convention Travel Document is in effect a “refugee passport,” enabling refugees to travel across international borders. Article 28 of The 1951 Convention requires states to issue refugees with travel documents. UNHCR, “Note on Travel Documents for Refugees (EC/SCP/10),” August 30, 1978, www.refworld.org/docid/3ae68cce14.html.



with CTDs and reluctant to admit a migrant at port of entry. Visa officers may also be instructed to deny a temporary visa to any applicant they judge as having the intention to immigrate permanently, and refugees travelling on CTDs could raise concerns for this reason.

There is a widespread belief among refugees that traveling with a CTD is more problematic than with a passport, and although there is no empirical evidence available to support such claims, UNHCR and NGOs that support refugee mobility tend to concur.³⁰ There is evidence, though, that some refugees choose to apply for study visas using national passports and irregularly obtained passports from their country of first asylum rather than with CTDs because of the difficulties associated with their use.³¹ Improving the CTD system, in part by addressing state security concerns and ensuring visa officer familiarity with the document, could help to facilitate refugee mobility, especially for the purpose of jobseeking or intraregional movements.

The Brazilian government, for example, offers individuals who successfully apply for a humanitarian visa and do not have a national passport a *laissez-passer* (travel document) that grants them permission to undertake a single journey to Brazil (see Box 2). Most other states will also issue single-journey travel documents to refugees on a case-by-case basis, for instance in cases of family reunification.³² These documents provide a workaround at the national level to the problem of missing travel documents, but easier access to and acceptance of CTDs may represent a broader solution and facilitate refugee use of mainstream migration channels.

Box 2. Overcoming Barriers to Entry: Humanitarian Visas in Brazil

Since 2011, Brazil has issued permanent humanitarian visas to Haitians that allow them to work and enjoy the same rights as other legal migrants. Humanitarian visa holders must pay for their own passage, but can move legally (thus disrupting smuggling and trafficking networks). In September 2015, the International Organization for Migration (IOM)—whose officers assist applicants in the filing of online visa applications and verify their documentation—opened its first Humanitarian Visa Application Center in Port-au-Prince, Haiti. A similar system has been established for Syrians to apply at Brazilian consulates in Syria and neighboring countries. Around 8,000 Syrians have been granted such visas to date. However, as visa holders must pay for their own airfare, only around one-quarter of those Syrians have arrived in Brazil to date. Additionally, deteriorating economic conditions and political turmoil in Brazil mean that it is unclear how many refugees have been able to find a secure livelihood after arrival. Increased arrivals of Haitians at the Southern border of the United States suggest that onward movement is becoming more common. Given recent political changes in Brazil, the future of the program is uncertain.

Sources: IOM, “IOM Opens Brazil Humanitarian Visa Application Centre in Haiti” (press release, September 29, 2015), www.iom.int/news/iom-opens-brazil-humanitarian-visa-application-centre-haiti; *The Economist*, “Bring Me Your Huddled Masses,” *The Economist*, May 26 2016, www.economist.com/news/special-report/21699308-it-worked-indochinese-why-not-syrians-bring-me-your-huddled-masses; Kirk Semple, “U.S. to Step Up Deportations of Haitians Amid Surge at the Border,” *The New York Times*, September 22, 2016, www.nytimes.com/2016/09/23/world/americas/haiti-migrants-earthquake.html?_r=0.

30 Author interviews with senior UNHCR officials, Geneva, September 2012.

31 During field research in Kampala in 2012, for example, one of the authors documented two cases of Somali refugees who were long-term residents of Uganda and had travelled to the United Kingdom and Canada to take advantage of educational scholarships using irregularly acquired Ugandan passports. See also UNHCR and International Labor Office, “Labour Mobility for Refugees.”

32 Consular Section of the Brazilian Embassy in Beirut, “Humanitarian Visa—Basic Information,” accessed September 16, 2016, http://cgbeirute.itamaraty.gov.br/en-us/humanitarian_visa_-_basic_information.xml.



2. Deportability: Country of Residency

A second concern is deportation. The foundation of refugee protection is nonrefoulement—the principle that prohibits countries from forcibly returning refugees to places where their lives or fundamental freedoms may be threatened.³³ In general terms, this means that no refugees can be deported back to their country of citizenship (from which they have fled) unless it is now deemed safe for them to return.

In contrast, labor and study visas are *conditional*. Migrants can be deported if they break the conditions attached to the visa, for instance by committing a crime, losing their employment, or failing to attend classes. A key question to consider, then, is whether refugees traveling on regular migration visas can be deported—and if so, to where?

The most obvious answer is that a refugee who moves onwards from a country of first asylum could be deported back to this country should they break the conditions attached to their migrant visa. However, countries of first asylum may be understandably reluctant to take on this responsibility, especially if the deportee is unemployed or the subject of criminal proceedings. Additionally, refugee-migrants facing deportation may refuse to voluntarily return to their country of first asylum, especially if it offers limited socioeconomic prospects or conditions in camps are poor. One way in which countries could address this problem is by concluding specific readmission agreements that would oblige the country of first asylum to readmit refugees who had moved on from their territory as regular migrants. Experience suggests that readmission clauses can be difficult to implement, especially when transit countries are asked to readmit third country nationals; a number of incentives in the form of aid, trade, or mobility concessions (as, for instance, with the Spain-Morocco or EU-Turkey agreements) are usually required. Agreeing on the readmission of refugee-migrants would be different in that the numbers involved would likely be very small, but destination countries would most likely still need to offer material support for the returnee, as well as the country of first asylum. For individuals who travel directly from their country of origin, destination countries will have to assume the risk that even if they are admitted under an economic program, they may claim asylum and enter the refugee stream upon arrival, or apply at a later date as a refugee *sur place*.

A key question to consider ... is whether refugees traveling on regular migration visas can be deported—and if so, to where?

More broadly, this approach means it would remain the responsibility of the country of first asylum to provide refugee protection, and the country of destination would treat refugees as they would any other migrant. In this case, a Congolese refugee in Uganda who migrates as an electrician to Australia would still be dependent on Uganda for protection against refoulement and for documentation. Such arrangements may prove difficult to broker in practice. Countries of first asylum may be reluctant to sign an arrangement that leaves them with the initial costs of providing protection while destination countries reap the benefits of those refugees who qualify as labor migrants, including productivity gains and possible tax revenue.

An alternative approach would be for the country of destination to offer refugee-migrants accelerated access to permanent residency, a status with significantly more protection against deportation. It is worth noting that the text of the 1951 Refugee Convention binds contracting states to “make every effort to expedite naturalization proceedings.”³⁴ In line with this provision, Sweden offers “quota” (resettled) refugees immediate permanent residency and the chance to apply for citizenship after four years (for

³³ UNGA, “Convention Relating to the Status of Refugees,” Article 33.

³⁴ UNGA, “Convention Relating to the Status of Refugees,” Article 29.



other non-Nordic migrants, the earliest opportunity is after five years).³⁵ Under legislative changes introduced in June 2016, however, those who seek asylum after arriving in Sweden will now only be granted temporary residence permits.³⁶

However, in many countries labor and study migration routes are explicitly time-limited opportunities, especially those for lower-paid workers, and are not intended as a path to permanent settlement. Such routes also limit prospects for family to travel with the labor migrant. A third solution would therefore be for a destination country to accept a transfer of protection responsibilities for those refugees who qualify for admission as labor migrants or students. In effect, this would mean offering either some kind of nonrefugee humanitarian protection against deportation (similar to the U.S. Temporary Protected Status program), but without necessarily granting a path to permanent status.³⁷

3. Regional Citizenship

Many regional trade blocs offer citizens of member countries reciprocal rights to live, work, and study across a region. In at least two cases—Liberian and Sierra Leonean refugees in the Economic Community of West African States (ECOWAS) and Colombian displaced persons in the Mercado Común del Sur (Mercosur)—existing free movement protocols have been formally used to facilitate refugee labor migration. Bilateral trade agreements, including those providing favorable labor market access, have been used to similar effect in the cases of South Sudan and Uganda, Sudan and Egypt, and others.³⁸

In the long term, regional citizenship is likely to prove instrumental in ensuring broader access to mobility, not only for recognized refugees but also for other vulnerable migrants who do not fit the strict definition of refugees. Regional citizens may use freedom of movement to escape social and economic instability without having to enter the asylum system or resort to irregular migration. The flow of Southern Europeans to Northern and Western Europe in the wake of the Eurozone crisis is one recent example of regional freedom of movement helping to mitigate migration pressures, with an increasing number of European Union (EU) citizens migrating in search of socioeconomic security.³⁹

In the long term, regional citizenship is likely to prove instrumental in ensuring broader access to mobility.

There is, however, a delicate balance to be struck between securing regional mobility and labor market access and ensuring that refugee protection against refoulement is respected. In the European Union,

35 Migrationsverket, “Becoming a Swedish Citizen—Time in Sweden,” updated November 10, 2015, www.migrationsverket.se/English/Private-individuals/Becoming-a-Swedish-citizen/Citizenship-for-adults/Time-in-Sweden.html.

36 Migrationsverket, “Legislative Changes that Will Affect Asylum Seekers,” updated April 19, 2016, www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/Nyheter/2016-04-19-Legislative-changes-that-will-affect-asylum-seekers.html.

37 The United States has uses Temporary Protection Status (TPS) to prevent the removal of migrants to countries that are experiencing circumstances “that temporarily prevent the country’s nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately.” These migrants are also eligible for employment authorization, although there is no pathway to permanent residency. The nationals of thirteen countries currently have TPS, and this protection can remain in place for an extended period (Nicaragua and Honduras have been designated TPS since January 5, 1999). See U.S. Citizenship and Immigration Services (USCIS), “Temporary Protected Status,” updated June 21, 2016, www.uscis.gov/humanitarian/temporary-protected-status.

38 See Long, *From Refugee to Migrant?; Aderanti Adepoju, Alistair Boulton, and Mariah Levin, Promoting Integration through Mobility: Free Movement and the ECOWAS Protocol* (Geneva: UNHCR, 2007), www.unhcr.org/476650ae2.html; UNHCR Executive Committee of the High Commissioner’s Program, *Overview of UNHCR’s Operations in the Americas* (Geneva: UNHCR, 2014), 3, www.unhcr.org/en-us/excom/standcom/5319cb789/overview-unhcrs-operations-americas.html.

39 See, for example, Dieter Bräuninger, *The Dynamics of Migration in the Euro Area* (Frankfurt am Main: Deutsche Bank Research, 2014), www.dbresearch.com/PROD/DBR_INTERNET_EN-PROD/PROD000000000338137/The+dynamics+of+migration+in+the+euro+area.PDF.



for instance, the Lisbon Treaty limits the possibility for a national of one Member State to claim asylum in another; this has led to concerns that Roma in need of protection are subject to further discrimination as countries within the region must view them as migrants rather than considering them for refugee status.⁴⁰ There is also evidence that in many regions, freedom of movement protocols are poorly understood and imperfectly applied or deliberately exclude refugee populations. In the case of the East African Community (EAC), free movement rights are not always recognized. For instance, in 2013 Tanzania expelled more than 14,000 Rwandan and 15,000 Burundian nationals.⁴¹

4. Sponsors, Financial Guarantees, and Costs

Actions to address the challenges of documentation and deportation are essential to the structural facilitation of refugee mobility. However, most labor migration policies today (even in points-based immigration systems) are driven by demand, meaning they require labor migrants to have a job offer to obtain a visa and permission to reside and work in the country. Similarly, students must have a firm offer of study at a recognized institution (normally for tertiary education). Many countries also require migrants to demonstrate financial solvency, usually in the form of a minimum bank deposit or a guarantee of support from a prospective employer for the first month(s) after arrival.

The cost of applying for a work or study visa can be prohibitive, particularly if legal assistance is required to complete an application.⁴² While some employers—particularly those looking for high-skilled employees in a shortage occupation—will routinely meet these costs, this is less often the case for low-skilled migrants, especially in channels where private recruiting agencies dominate the labor matching process. While reforming often cumbersome, costly, and bureaucratic immigration processes is an issue that extends well beyond the remit of this report, states could more immediately consider reducing or waiving fees for recognized refugees applying to enter a third country through a migrant channel. This would be in line with existing policies on refugee resettlement (refugees do not pay resettlement visa fees) and the issuing of humanitarian visas (for instance in Brazil, applicants are charged a tourist visa fee, currently 80 euros).⁴³ Beyond visa and processing fees, additional upfront migration costs can be requirements for pre-arrival language acquisition or certification (for the main applicant or accompanying family members) and skills assessments or recognition of qualification procedures, as well as travel costs.⁴⁴ Some may argue that the smuggling fees migrants pay to access many destination-country asylum systems are also very high, and yet they pay. However, requiring migrants to invest their financial resources upfront, rather than arriving with savings, is short-sighted from an integration perspective. Furthermore, many borrow to finance their move. Smuggling costs can sometimes be deferred (albeit at a ruinous interest rate) and many networks structure their payments to allow

40 See James C. Hathaway, *The Rights of Refugees under International Law* (Cambridge, United Kingdom: Cambridge University Press, 2005), 297.

41 UNHCR Division of International Protection, *Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: The Republic of Rwanda* (Geneva: UNHCR, 2015), www.refworld.org/docid/56371c604.html.

42 Costs for a visa vary significantly from country to country, but in Canada and the United States legal fees will often range from U.S. \$1,500 to U.S. \$5,000 for a straightforward labor application, and can run much higher. See, for example, Ajay K. Arora Attorney-at-Law, P.C., "Immigration Law Services & Fees," accessed June 20, 2016, www.h1b1.com/immigration-law-services-fees/; North Star Immigration Law, "Our Fees," accessed June 20, 2016, <http://nsimmigration.ca/our-fees/>.

43 Embassy of Brazil, Athens, "Tourist Visas," accessed September 16, 2016, <http://atenas.itamaraty.gov.br/en-us/tourist-visa.xml>. It should be noted, however, that the majority of resettled refugees are expected to pay for their travel. The U.S. government, for instance, issues interest-free travel loans through IOM, and refugees are expected to begin making repayments six months after their arrival. For more details, see IOM, "United States of America," accessed September 16, 2016, www.iom.int/countries/united-states-america.

44 In Australia, for example, costs beyond visa charges include fees for a skills assessment, language test, medical examination, police clearance, and the translation and certification of documents. These can amount to between U.S. \$1,000 and U.S. \$1,500. See Australian Migration and Education Solutions, "Costs of Migrating to Australia," accessed June 20, 2016, http://migrateoz.com/index.php?option=com_content&task=view&id=45. This does not include the costs of using a migration agent or of the language classes that a prospective migrant may need to take.



for multiple attempts at entry.⁴⁵ Ensuring refugees are able to access financial services is an essential component of expanding their access to legal migration. This is an area where the private sector could contribute. A revolving fund or loan scheme for refugees could help to widen access and weaken the attractiveness of credit lines offered by smugglers as a means of recruiting clients.

Employers (and universities) are key actors in determining who gets to migrate under sponsorship-based channels. Although humanitarian motives may play some role in encouraging universities to offer scholarships to refugees, these actors are most likely to engage when hiring or teaching refugees is an attractive proposition. There is a large information gap to bridge with employers, especially in terms of skills matching (see Box 3), but policymakers might also consider providing specific incentives or support measures to encourage employers to favorably consider refugee applicants. For instance, labor market tests could be waived or made less strenuous for employers when seeking to sponsor a refugee.

States, employers, or universities could also facilitate refugee access to labor and study migration channels by covering the cost of initial expenditures. Doing so would, however, entail certain risks for employers or universities and may limit their willingness to participate. Such concerns include that refugees might use sponsorship to access the country and then claim asylum rather than report to work or study; that they might prove not to have the required skills or for other reasons (e.g., trauma) be unfit for the job or course of study; or that they might ask one employer to pay for costs associated with applying for a visa (e.g., medical or language certificates), but then negotiate a better offer with a second employer. Refugees may also have higher health care costs than other migrants, a particular consideration in states where employers subsidize workers' healthcare through insurance. Establishing a revolving fund or insurance scheme able to issue loans or pay out if a refugee does not arrive to take up employment or in order to defray insurance costs could help reduce costs to employers and limit potentially prohibitive risks.

Those attempting to move legally face an additional obstacle in two-step immigration procedures—those in which applicants who meet the necessary requirements are placed in a pool or on a roster, from which only select applications are chosen. Countries that operate such procedures, mostly as part of points system like the one used in New Zealand (see Box 3),⁴⁶ could consider prioritizing applications from recognized refugees.

45 David Stoll, *El Norte or Bust!: How Migration Fever and Microcredit Produced a Financial Crash in a Latin American Town* (Lanham, MD: Rowman and Littlefield, 2013), 82.

46 Organization for Economic Cooperation and Development (OECD), *Recruiting Immigrant Workers: New Zealand 2014* (Paris: OECD, 2014), www.oecd-ilibrary.org/social-issues-migration-health/recruiting-immigrant-workers-new-zealand-2014_9789264215658-en.



Box 3. Labor Migration Systems in a Snapshot

Countries around the world use different systems and policies to steer labor migration. While exact criteria vary, most states use one of the two systems below:

Points-based systems. The primary aim of such systems is to attract applicants with a certain human-capital or occupational profile for permanent immigration. Points-based systems are largely supply driven in that they allow migrants who meet certain criteria (which often include language proficiency, educational background and qualifications, work experience, age, and financial situation) to enter the country without necessarily having a job offer, the assumption being that their profile and qualifications will enable them to find employment. In practice, applicants with prior experience working or studying in the destination country on temporary visas are often prioritized for selection. Points systems are most common in traditional immigration countries including Australia, Canada, and New Zealand, but increasingly require applicants to also hold an offer from an employer to qualify, in part because of concern over “brain waste” as migrants’ skills do not always fit the labor market’s needs.

Employer-driven systems. These systems tie admission and the duration of stay to a work contract with an employer in the destination country. Employer-driven systems can have additional provisions to limit immigration (e.g., skills and salary thresholds) or to steer applicants toward specific shortage occupations and sectors. Continental Europe (e.g., France, Germany, and Sweden) and the Gulf States are prominent examples of countries with employer-driven labor migration models. The main difference between the two regions is that European countries generally allow migrants to change employers after a certain grace period and offer those who have resided and worked in the country for a certain number of years a pathway to permanent residence. By contrast, the Gulf States and many Asian countries conceive of labor migration as strictly temporary and require even long-term migrants to regularly renew their visas and permits.

There is an increasing convergence between points-based and employer-driven systems, seen in the use of hybrid models. This trend is evident in the Organization for Economic Cooperation and Development (OECD), where most countries tie labor migration to employer demand by requiring migrants to have a job offer, although some (including Germany and other European countries) now offer temporary job-search visas for candidates with a recognized higher education qualification.

Sources: Demetrios G. Papademetriou and Madeleine Sumption, *Rethinking Points Systems and Employer-Selected Immigration* (Washington, DC: Migration Policy Institute, 2011), www.migrationpolicy.org/research/rethinking-points-systems-and-employer-selected-immigration; Holger Kolb, *German and Canadian Labor Migration Policy Compared* (Berlin: Network Migration in Europe e.V., 2013), www.migrationeducation.org/57.1.html?&rid=224&cHash=7665ac3a8c40e29dfd764c8cf65008be.

5. Skills and Salary Thresholds

A number of immigration systems apply skills and salary thresholds that effectively limit labor migration opportunities to high-skilled (tertiary educated) and more seasoned (as opposed to entry level) professionals. One example is the EU Blue Card, which has been used by Germany more so than by other Member States.⁴⁷ The original Blue Card program foresaw a salary threshold of 1.5 times the average gross annual salary, though national implementation has varied. A slightly lower threshold (1.2) is supposed to apply if the Blue Card holder is to be employed in a listed shortage occupation.⁴⁸ A European Commission proposal for reforming the Blue Card, released in June 2016, would lower this threshold, including for recent graduates, and oblige Member States to take relevant professional experience of the candidate

⁴⁷ European Commission, “Communication from the Commission to the European Parliament and the Council on the Implementation of Directive 2009/50/EC on the Conditions of Entry and Residence of Third-Country Nationals for the Purpose of Highly Qualified Employment” (COM [2014] 287 final, May 22, 2014), www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com%282014%290287_/com_com%282014%290287_en.pdf.

⁴⁸ Ibid.



into account as a proxy for high qualifications.⁴⁹ Under the new scheme, highly skilled “beneficiaries of international protection,” i.e. refugees, would be able to apply for a Blue Card.⁵⁰ If adopted, the program would also limit Member State discretion to impose labor market tests and quotas, except in exceptional and justified circumstances, such as a high level of unemployment in a given occupation or sector, including in part of their territory. Already, a number of shortage occupations as listed by the Organization for Economic Cooperation and Development (OECD) are at the mid-skill level (such as electricians, welders, and home care workers), which may increase the pool of refugees potentially eligible to meet such skills shortages through migration. In addition, attracting younger workers (in high- and mid-skill occupations) would help countries facing shortages in labor and social security contributions due to an aging domestic workforce. Lowering the skills and salary thresholds for the Blue Card or similar channels could therefore be in the interest of receiving states, while also making these channels more accessible to mid- and high-skilled refugee-migrants.⁵¹

Refugees seeking to migrate could also potentially make use of regional and local visa programs, such as the Canadian Provincial Nominee Program that allows provinces to design their own selection criteria and consider applications directly, enabling applicants to bypass the Canadian points system test. The Provincial Nominee Program is designed to meet the needs of less populous regions and those struggling to attract new residents, as well as the needs of employers in those regions who may require different (or lower) skillsets than those prioritized in national programs. It also offers a permanent immigration channel for semi- and low-skilled workers who have a job offer in the province that is sponsoring them. In some provinces, such as Manitoba, the provincial government works closely with community organizations to select and ensure the smooth integration of newcomers. New Brunswick offers a range of support services such as language training, salary subsidies, and recruitment assistance for employers so as to attract new residents.⁵²

Attracting younger workers ... would help countries facing shortages in labor and social security contributions due to an aging domestic workforce.

B. Resettlement and Mobility: Opening New Migration Channels

Refugee resettlement is intended as a humanitarian channel for those in need of urgent protection or without a long-term solution to their displacement. Modern refugee resettlement programs were first established in the late 1950s and early 1960s in response to the large number of ill, disabled, and elderly individuals who remained in European refugee camps nearly twenty years after the end of World War II, in part because they could not work and so were not eligible for the labor recruitment schemes used to support many from European camps.⁵³

49 Maria Vincenza Desiderio, “Blue Card Redux: European Commission Plan to Recast Work Permit for Highly Skilled Holds Question Marks” (commentary, Migration Policy Institute, June 2016), www.migrationpolicy.org/news/blue-card-redux-european-commission-plan-recast-work-permit-highly-skilled-holds-question-marks.

50 European Commission, “Delivering the European Agenda on Migration: Commission Presents Action Plan on Integration and Reforms ‘Blue Card’ Scheme for Highly Skilled Workers from Outside the EU” (press release, June 7, 2016), http://europa.eu/rapid/press-release_IP-16-2041_en.htm.

51 OECD, *Recruiting Immigrant Workers: Germany 2013* (Paris: OECD, 2013), www.oecd-ilibrary.org/social-issues-migration-health/recruiting-immigrant-workers-germany_9789264189034-en.

52 Madeleine Sumption, *Giving Cities and Regions a Voice in Immigration Policy: Can National Policies Meet Local Demand?* (Washington, DC: Migration Policy Institute, 2014), www.migrationpolicy.org/research/giving-cities-and-regions-voice-immigration-policy-can-national-policies-meet-local-demand.

53 Katy Long, “When Refugees Stopped Being Migrants: Movement, Labour and Humanitarian Protection,” *Journal of Migration Studies* 1, no. 1 (2013): 4-26.



Sixty years on, resettlement programs are severely oversubscribed; even before the Syria crisis created new acute pressure, only 10 percent of refugees identified by UNHCR as in need of resettlement departed for a third country each year.⁵⁴ Demand for resettlement places far outstrips supply: UNHCR estimates that in 2017, 1.19 million refugees will be in need of resettlement.⁵⁵ Though the exact criteria resettlement countries use to select refugees for admission varies, the limited spaces available are often reserved for the most vulnerable refugees, and resettlement processes do not generally consider potential labor market fit.⁵⁶

Mainstream legal migration is therefore well-positioned to complement traditional resettlement programs. Labor and study migration may provide an opportunity for destination countries with complex and highly developed labor markets to expand access to protection beyond normal resettlement populations to those not usually eligible for humanitarian channels. This could include younger and better educated individuals, as well as those with greater levels of financial resources—groups well situated to integrate successfully. This may be of particular value given that some of these individuals (notably young, able-bodied men) are often at risk of forced recruitment in conflict settings, but are excluded from traditional resettlement. Increased use of labor and study channels has potential benefits for a number of actors. In some key resettlement states, such as Sweden, resettled refugees often struggle to secure employment—a problem that could be mitigated if some refugee movements are explicitly linked to offers of employment.

Conversely, the humanitarian criteria attached to resettlement encourages some refugees to resist integration in first-asylum countries in order to emphasize—even exaggerate—their vulnerability;⁵⁷ the prospect of migrating through other legal channels could encourage refugees to invest in developing skills that would help them migrate but, meanwhile, may also facilitate integration in the country of first asylum. Policymakers could even reinforce this benefit by pairing labor mobility initiatives with training programs in first asylum country locations, in line with wider community development programs.

C. Developing Complementarity between Resettlement and Labor Migration Systems

There is clearly room for both humanitarian resettlement and labor migration, serving as they do two distinct sets of needs. The question is to what extent these two program types should be linked.

One option is to consider refugee labor mobility as closely linked to resettlement, and to use it as an opportunity to develop corporate and business sponsorship options within existing resettlement programs. However, such proposals are likely to meet with resistance from resettlement NGOs. In 2010, the Swedish co-chairs of the UNHCR Annual Tripartite Consultations on Resettlement introduced a discussion paper urging the adoption of protection-sensitive labor migration as a “complement to resettlement.” Concern was expressed by several leading resettlement states and resettlement NGOs that this approach would detract from humanitarian resettlement efforts, instead focusing attention

54 UNHCR, *UNHCR Projected Global Resettlement Needs 2017*.

55 Ibid.

56 For instance, the U.S. resettlement program—which takes around 75 percent of all resettlement cases—uses three priority categories to determine which cases are accepted: UNHCR referrals; groups of special humanitarian concern (usually determined by ethnicity/nationality and currently including Burmese minorities in Thailand and Malaysia, Congolese in Rwanda and Tanzania, and Bhutanese in Nepal); and family reunification. For more details, see USCIS, “United States Refugee Admissions Program (USRAP) Consultation & Worldwide Processing Priorities,” updated May 5, 2016, www.uscis.gov/humanitarian/refugees-asylum/refugees/united-states-refugee-admissions-program-usrap-consultation-worldwide-processing-priorities. There have been recent calls in some resettlement states to focus on “potential to integrate” in addition to humanitarian need. The Harper Canadian Government, for instance, considered (among other factors) business experience and language fluency in assessing refugee cases. See Joe Friesen, “Tories Apply Specific Criteria for Refugees,” *The Globe and Mail*, October 9, 2015, www.theglobeandmail.com/news/national/tories-apply-specific-criteria-for-refugees/article26734229/.

57 See, for example, Bram J. Jansen, “Between Vulnerability and Assertiveness: Negotiating Resettlement in Kakuma Refugee Camp, Kenya,” *African Affairs* 107, no. 429 (2008): 569–87.



on potential to integrate and risking political controversy by blurring the line between refugee and migrant.⁵⁸ In light of recent pressures on many asylum systems and the growing involvement of private sector actors in responses to the Syrian and Mediterranean humanitarian crises, however, the time may be right to revisit this discussion.

A second option is to keep resettlement and migration channels distinct, at least while refugees are in the selection, recruitment, and processing phases. Resettlement officers in countries of first asylum could point refugees unlikely to qualify for resettlement towards alternative labor and study migration routes, where appropriate, and could even assist with applications or open “migration support” programs to help bridge information gaps.

Such programs could draw upon the Swedish experience of allowing asylum seekers to switch to labor migrant visas if their applications for asylum are refused. This program relies on the relatively unusual fact that asylum seekers are allowed to work in Sweden from the date of their arrival, and that the Swedish labor migration system is exceptionally open. If an asylum claim is refused, but the applicant has been employed for at least six months, has confirmation of employment for at least 12 more months, and is earning at least SEK 13,000 a month (about U.S. \$1,500), the individual can apply for a work permit. Almost 1,800 applications were made between 2008 and 2011 through this route, and 60 percent (1,059) were accepted. Some humanitarian organizations express concern that this initiative blurs the lines between “asylum” and “migration” and risks diluting refugee protection in the long run. Although rules on working were tightened as part of the sweeping legislative changes to Swedish asylum policy in June 2016, the ability to change status remains in place.⁵⁹ There appears to be continued political support for allowing qualified labor migrants who are already self-sufficient to remain in Sweden and contribute to the economy.⁶⁰

Helping eligible refugees who have applied for resettlement to similarly “switch tracks” could help to reduce the burden on resettlement channels. There are, however, a number of considerations that need to be addressed—particularly in terms of the extent to which migration should be promoted as an alternative to resettlement (or just facilitated), and what this implies in terms of staffing and resource allocation for NGOs.

The existing support framework in many resettlement countries could be leveraged to support refugees arriving through other channels. Refugees—including those admitted as labor or study migrants—are more likely to suffer from post-traumatic stress disorder (PTSD) and other mental health issues,⁶¹ and may have legal concerns relating to protection with which refugee resettlement organizations are best able to assist. Resettlement service providers (whether governmental or NGO-based) in many countries offer psychosocial, language training, informational, and recertification support, while legal clinics that facilitate integration into local communities and labor markets could extend their services to refugees arriving through other channels.

58 The Annual Tripartite Consultations on Resettlement (ATCR), held each July in Geneva, brings together government representatives from resettlement states, NGOs, intergovernmental and international organizations, and UNHCR to discuss resettlement policies and practices. UNHCR, “Protection Sensitive Migration as a Complement to Refugee Resettlement” (unpublished paper presented at the ATCR, Geneva, June 2010).

59 Migrationsverket, “Asylum Seekers who have Got a Job and Want to Apply for a Work Permit,” updated June 30, 2016, www.migrationsverket.se/English/Private-individuals/Working-in-Sweden/Employed/If-you-are-in-Sweden/Asylum-seekers-who-have-a-job.html.

60 Monica Quirico, “Labour Migration Governance in Contemporary Europe: The Case of Sweden” (FIERI working paper, LAB-MIG-GOV Project, Turin, April 2012), 32, 44–45, www.labmiggo.eu/wp-content/uploads/2012/04/CASE-STUDY-SWEDEN-FINAL-REPORT1.pdf.

61 See, for example, Richard Ater, “Mental Health Issues of Resettled Refugees,” *Ethnomed*, November 18, 1998, <https://ethnomed.org/clinical/mental-health/mental-health>.



D. Education, Training, and Mobility

More than half of all refugees worldwide are 18 years old or younger. For many young refugees, displacement, especially prolonged exile, results in the disruption of their education and skills development.⁶² An estimated 6.7 million refugees (41 percent of those under the UNHCR mandate) were in a protracted situation by the end of 2015, most of which had lasted for more than 20 years.⁶³ Migration for education could play an important role in restoring hope and building human capital among generations born or spending their youth in exile.

For many young refugees, displacement ... results in the disruption of their education and skills development.

Student migration is also a growing and lucrative migration channel for OECD countries.⁶⁴ Worldwide, the number of students enrolled outside their country of citizenship has more than doubled since 2000, to 4.5 million in 2012. Seventy-five percent of foreign students are enrolled in an OECD country, half of them in Europe.⁶⁵ However, the global market share of the top five destination countries (the United States, United Kingdom, Germany, France, and Australia) has slightly fallen (from 54 percent to 47 percent) between 2000 and 2012 as Asian countries, such as China, Malaysia, and Singapore, saw a sharp increase in international student enrollment. This trend could widen the pool of potential opportunities and destinations for refugee student mobility.⁶⁶

For destination countries, opening up to students can be less politically fraught than labor migration. In a number of systems, student migration has increasingly taken on the function of a labor recruitment channel. While a growing number of OECD countries seek to attract foreign students and offer them the opportunity to look for a job before or after graduation,⁶⁷ this is not the case across the board. Some prime English-speaking destinations (Australia, Canada, and the United Kingdom) have become more restrictive in admitting students.⁶⁸ Nonetheless, depending on the host country, 20 to 30 percent of foreign students remain in the country after their studies.⁶⁹ Foreign students generally have a leg up on other labor migrants as many have acquired the host-country language and have a degree that employers know and trust, easing their entry into the labor market.⁷⁰

Given its political and economic advantages for destination countries, student migration might provide a more appealing option for countries looking to create opportunities for young refugees. The accessibility of this path may, however, be limited by the often significant costs involved. Many

62 Sarah Dryden-Peterson, *The Educational Experiences of Refugee Children in Countries of First Asylum* (Washington, DC: Migration Policy Institute, 2015), www.migrationpolicy.org/research/educational-experiences-refugee-children-countries-first-asylum.

63 UNHCR, *Global Trends*.

64 Estimates suggest that major recipient countries such as the United States, the United Kingdom, Australia, and France reap significant financial gains from incoming international student mobility. The United States, for example, is estimated to have gained US \$27.4 billion from its roughly 900,000 foreign students in school year (SY) 2013/14. See Christine Farrugia, "The Economic Impact of International Mobility," *IIE Networker*, Fall 2015, 24-25, www.nxtbook.com/naylor/IIEB/IIEB0215/index.php?device=webkit2.3&ext=phone#/24.

65 International Labor Organization (ILO), OECD, and World Bank, "The Contribution of Labour Mobility to Economic Growth" (joint paper for G20 Labour and Employment Ministers meeting, Ankara, Turkey, September 3-4, 2015), www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_398078.pdf; Asian Development Bank Institute (ADBI), ILO, and OECD, *Building Human Capital through Labor Migration in Asia* (Tokyo: ADBI, 2015), www.oecd.org/migration/building-human-capital.pdf.

66 ADBI, ILO, and OECD, *Building Human Capital through Labor Migration in Asia*.

67 OECD, *International Migration Outlook 2011* (Paris: OECD, 2011) www.oecd.org/migration/internationalmigrationoutlook2011.htm.

68 OECD, *International Migration Outlook 2011*.

69 ILO, OECD, and World Bank, "The Contribution of Labour Mobility to Economic Growth."

70 OECD, *Trends in International Migration* (Paris: OECD, 2001), www.oecd.org/migration/mig/2508596.pdf.



countries charge foreign students higher tuition rates than domestic students, and the cost of living will often be higher than refugee students can independently afford.⁷¹ Financial aid and scholarships would, therefore, have to play a key role in opening study and training migration channels to refugees.

National development agencies might be more inclined and able to justify partnering on initiatives to increase the number of available scholarships following commitments made in October 2015 as part of the United Nations 2030 Agenda for Sustainable Development.⁷²

I. Academic Scholarship Programs

A number of initiatives have already been launched in response to the Syrian crisis. A government-led initiative in Germany has sought to provide opportunities for Syrian students to complete their degrees in Germany.⁷³ Elsewhere, humanitarian organizations, nonprofits, and universities themselves have stepped in to help. The Institute of International Education (IIE), a nonprofit organization with some financial support from the U.S. government, has established a consortium of colleges and universities that provide scholarships for Syrian students whose education has been disrupted by the conflict.⁷⁴ In Mexico, the Habesha Project, an initiative of local humanitarian organizations, has sought to facilitate access for up to 30 Syrian students to universities in Mexico.⁷⁵ Several British universities have also announced new scholarship programs for refugees, particularly those from Syria.⁷⁶

Other efforts have focused on facilitating access to education in countries of first asylum. A new IIE Emergency Student Fund is granting scholarships to Syrian refugee students in Jordan to help them

71 In the majority of OECD countries, the tuition fees charged by public institutions differ for international and domestic students. In Austria, for example, students from non-EU countries pay twice as much in fees as nationals and EU students. Similar policies are found in Canada, Denmark, Ireland, the Netherlands, New Zealand (except for foreign doctoral students), Poland, the Slovak Republic, Slovenia, Sweden, Switzerland, Turkey, the United Kingdom, and the United States. See, OECD, *Education at a Glance* (Paris: OECD, 2014), www.oecd.org/edu/Education-at-a-Glance-2014.pdf. In absolute terms, the price for tertiary education varies widely across OECD countries, but is relatively high for foreign students in English-speaking top destination countries. Estimates for SY 2014/15 suggest that out-of-state undergraduate students in the United States need an annual budget of U.S. \$37,229 to attend a four-year public college or U.S. \$46,272 at a private nonprofit four-year college, factoring in transport and other living expenses. See Laura Bridgestock, "How Much Does It Cost to Study in the US?" Top Universities, January 30, 2015, www.topuniversities.com/student-info/student-finance/how-much-does-it-cost-study-us.

72 The agenda encompasses 17 sustainable development goals that all UN Member States have pledged to pursue domestically and through international cooperation. Goal 4, for example, includes the aim of expanding by 2020 "the number of scholarships available to developing countries, in particular least developed countries, small island developing states and African countries, for enrollment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries." See UNGA, "Transforming Our World: The 2030 Agenda for Sustainable Development," Resolution 70/1, October 21, 2015, www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E; United Nations, "Sustainable Development Goals: 17 Goals to Transform Our World," accessed June 20, 2016, www.un.org/sustainabledevelopment/sustainable-development-goals/; United Nations, "Goal 4: Ensure Inclusive and Quality Education for All and Promote Lifelong Learning," accessed June 20, 2016, www.un.org/sustainabledevelopment/education/.

73 Germany announced a program in 2014 that aims to fund up to 100 Syrian students as they complete degrees in Germany, coordinated by the German Academic Exchange Service (DAAD). See Federal Foreign Office of Germany, "Foreign Minister Steinmeier: Germany Launches New Scholarship Package for Syrian Students" (press release, September 22, 2014), www.auswaertiges-amt.de/EN/Infoservice/Presse/Meldungen/2014/140922_SYR_Stipendien.html.

74 So far, the Syria Consortium has provided assistance to 333 Syrian students, including 158 scholarships at Syria Consortium institutions, 175 free online test prep courses, and 24 institutional top-up grants (U.S. \$4.5 million in total). Yet, demand has widely outstripped supply, with approximately 4,000 applications received for 100 scholarships. See Institute of International Education (IIE) Syria Consortium for Higher Education in Crisis, "Impact and Year Four Plans," accessed September 16, 2016, www.iie.org/Programs/Syria-Scholarships/Impact-and-Year-Four-Plans.

75 Proyecto Habesha, "Proyecto Habesha: Peace and Reconstruction in Syria," accessed June 20, 2016, www.proyctohabesha.org/proyecto/english/index.html; Elena Reina Muñoz, "I Now Have a Future, and that Means a Great Deal to a Syrian," *El País*, September 29, 2015, http://elpais.com/elpais/2015/09/29/inenglish/1443532053_652543.html.

76 Helen Lock and Zofia Nietmus, "We Want to Be Part of the Solution": Universities Reach Out to Refugees, *The Guardian*, October 2, 2015, www.theguardian.com/higher-education-network/2015/oct/02/universities-scholarships-jobs-offer-refugees.



continue their education at nearby universities.⁷⁷ Initiatives like this are in line with a gradual shifting of perspectives among donors and development actors, now exploring large-scale investments in neighboring host countries so as to promote the economic inclusion of refugees.⁷⁸ The benefits of such efforts could be magnified by coupling them with investments in building the capacity of local universities and training institutions. Development actors and university partners could provide support in the form of additional funding, personnel, exchange programs, and the use of online learning and mentoring initiatives to bolster institutions that enroll refugees and local students.

2. Vocational Training Initiatives

Beyond tertiary-level education, expanding opportunities for vocational and technical training for those with fewer years of formal education could ease their integration into the labor market, both in the country of first asylum (provided they have the right to work) and through labor migration. Lessons could be drawn from countries such as Bangladesh that are building a network of technical and vocational training institutions in economically lagging regions to train workers for employment abroad.⁷⁹ Evidence on the outcomes of resettled refugees in the United States suggest that in some refugee situations investment in teaching basic skills, such as adult literacy, could improve the ability of refugees to adapt to a new context and participate in society.⁸⁰

Beyond tertiary-level education, expanding opportunities for vocational ... training for those with fewer years of formal education could ease their integration into the labor market.

Migration for vocational training is less accessible than migration for higher education, not least because fewer countries have formal vocational training systems. Yet, many young refugees will not have the level of education required to pursue tertiary education. Creating opportunities for these youth will almost inevitably require thinking about vocational training, be it through programs that are provided in countries of first asylum—where they may, however, not be linked to any employment opportunities—or through temporary mobility schemes that can evolve into labor migration.

Germany has been particularly active in promoting migration for the purpose of training in recent years. In early 2014, it launched the Promotion of Vocational Mobility of Young People Interested in Vocational Training (MobiPro-EU) initiative,⁸¹ which seeks to address shortages in the German apprenticeship system and tackle high youth unemployment in other EU Member States. The program offers EU citizens between the ages of 18 and 35 the opportunity to train in Germany, coordinating their placement and providing German language courses in the country of origin, as well as travel,

77 IIE, “Camps to Campus: Providing Scholarships to Syrian Refugees in Lebanon,” accessed June 20, 2016, www.iie.org/en/What-We-Do/Emergency-Assistance/Emergency-Student-Fund/Current-Funding-Efforts/Camps-to-Campus-2015#.V2QJBzWZ0wg.

78 Associated Press, “As Syria Refugee Aid Falts, New Approach Considered: Massive Investment in Mideast Hosts,” *U.S. News & World Report*, November 16, 2015, www.usnews.com/news/business/articles/2015/11/16/new-ideas-to-tackle-syria-refugee-crisis-investing-not-aid.

79 See, for example, Mahfuzul Hasan Bhuiyan, “Bangladesh: Skills and Training Enhancement Project,” World Bank, April 11, 2014, www.worldbank.org/en/results/2014/04/11/bangladesh-skills-and-training-enhancement-project.

80 Randy Capps, et al., *The Integration Outcomes of U.S. Refugees: Successes and Challenges* (Washington, DC: Migration Policy Institute, 2015), www.migrationpolicy.org/research/integration-outcomes-us-refugees-successes-and-challenges.

81 Federal Ministry of Labor and Social Affairs of Germany, “The Job of My Life,” accessed June 20, 2016, www.thejobofmylife.de/en/home.html.



apprenticeship, and certain living costs upon arrival.⁸² Those who complete their vocational qualification can stay and work in Germany if they find a job within a year.⁸³

Beyond the European Union, Germany has piloted apprenticeship programs for nurses from Vietnam⁸⁴ and engineers from Tunisia.⁸⁵ Both involved traineeships with employers in Germany and included an array of pre-and post-arrival support measures, including language training and intercultural orientation, as well as partial salary subsidies for employers. While successful in terms of job placement rates (70 out of 100 Tunisian engineers were offered a work contract upon completion), the pilot schemes relied on public funding, with employers covering part of the trainee salaries, but not the wider costs of the managed migration scheme.

In principle, it is conceivable that policymakers could extend this kind of scheme to serve humanitarian ends by recruiting qualified refugees. Both programs were facilitated and supported by the German International Cooperation Agency (GIZ) and the German International Placement Service (ZAV), run by the Federal Employment Agency (BA), working in cooperation with German employers and the public employment services of the partner countries. However, given the large number of arrivals to Germany this year and the integration challenges that this poses, it seems likely that new efforts will be focused on training refugees who are already in Germany rather than attracting additional arrivals.

E. Employment Matching to Facilitate Labor Migration

Matching refugee jobseekers with potential employers outside the country of first asylum is likely the most challenging element of facilitating labor migration for refugees. Because most immigration systems require applicants to have a job offer to gain admissions, it is also one of the most crucial elements. Yet a number of practical barriers, many of which face migrant populations more broadly, may prevent refugees from accessing these opportunities. Key issues that require active facilitation include information gaps, the acquisition of foreign language skills, and the certification and recognition of foreign skills and qualifications.

Labor recruitment models and mechanisms vary considerably across migration corridors and for different types of migrants. Some corridors, such as the Gulf-Asia and Mexico-U.S. corridors, are dominated by private recruitment agencies, whereas migration to Europe is often facilitated by public agencies. The barriers that exist will therefore vary substantially based on the context in question.

I. Bridging Information Gaps

Information gaps are present at both ends of the labor recruitment process, for prospective employers and workers alike. Recruitment services have arisen in many contexts to mitigate this problem. The needs of large multinational companies, who generally face few obstacles in recruiting and moving employees across borders, are often served by international manpower agencies and law firms that specialize in the movement of senior executives and highly qualified professionals.

By contrast, the market for mid- and low-skilled workers is dominated by smaller recruitment agencies that frequently operate through networks of partner agencies and subagents, a significant share of which charge migrants excessive fees and often circumvent government regulations in the process. For migrants, use of these agencies can come with considerable costs and risks, including well-documented

82 ADBI, ILO, and OECD, *Building Human Capital through Labor Migration in Asia*.

83 The program is being evaluated by a research consortium, so it is too early to assess its success in terms of attracting trainees to sustainable employment in Germany.

84 German International Cooperation Agency (GIZ), "Training Nurses from Viet Nam to Become Geriatric Nurses in Germany," accessed September 23, 2016, www.giz.de/en/worldwide/18715.html.

85 European Training Foundation, *Migrant Support Measures from an Employment and Skills Perspective: Global Inventory with a Focus on Countries of Origin* (Turin: European Training Foundation, 2015), www.etf.europa.eu/web.nsf/pages/MISMES_global_inventory.



occurrences of fraud, abuse, and exploitation of migrant workers.⁸⁶ There is no data on how many refugees are using the services of private recruitment agencies, informal labor brokers, and diaspora networks to leave their country of origin or move on from a country of first asylum. Nonetheless, evidence suggests that refugees are particularly vulnerable to human trafficking by unscrupulous brokers.⁸⁷

A key aim of expanding refugee mobility is to increase access to safety and opportunity; such programs should not expose refugees to additional vulnerability. To achieve this balance, efforts to facilitate or promote refugee mobility will need to ensure safe migration, linking refugees to public, nonprofit, or certified private recruitment channels, or matching them directly with legitimate employers.

Refugees are particularly vulnerable to human trafficking by unscrupulous brokers.

In order to provide refugees with access to information about job opportunities, Migrant Resource Centers (MRCs) operated by the International Organization for Migration (IOM), the International Labor Organization (ILO), or local NGOs could be set up in camps or areas that host refugees.⁸⁸ While these centers may not be able function as a direct job matching service, they could connect refugees with existing online job portals for international recruitment, such as the European Job Mobility portal (EURES). MRCs could also play an important role in steering refugees toward trustworthy private recruitment agencies, for example by maintaining a roster of registered and certified agencies. ILO and IOM in particular could leverage existing initiatives such as the Fair Recruitment Initiative⁸⁹ and the International Recruitment Integrity System (IRIS) for this purpose.⁹⁰

While providing access to information is necessary, it is unlikely to be sufficient. A recent review of migrant support measures finds that public online databases created for international job-matching have mixed results at best, as the supply of skills often does not match employer needs.⁹¹ Other barriers also exist: online portals operated by destination countries are usually only available in English and tend to be geared towards and used by highly skilled migrants. MRCs could facilitate access by helping prospective migrants navigate and make use of online job portals. Recruiting countries, for their part, could improve the usability of such sites by providing information in multiple languages and adding country-specific information to their portals, as Sweden, for example, has done.⁹² There are, however, inherent limitations to the obstacles MRCs can overcome. Some barriers, such as the limited demand for low-skilled foreign workers in most OECD countries, are beyond their purview.⁹³

86 See, for example, the recent United Nations Office on Drugs and Crime (UNODC), *The Role of Recruitment Fees and Abusive and Fraudulent Recruitment Practices of Recruitment Agencies in Trafficking in Persons* (Vienna: UNODC, 2015), www.unodc.org/documents/human-trafficking/2015/Recruitment_Fees_Report-Final-22_June_2015_AG_Final.pdf.

87 See, for example, recent International Center for Migration Policy Development (ICMPD) research on the trafficking of Syrian refugees: Claire Healy, “Desperation Leaves Syrian Refugees Open to Exploitation” (news release, ICMPD, July 6, 2015), www.icmpd.org/news-centre/news-detail/desperation-leaves-syrian-refugees-open-to-exploitation/.

88 Paul Tacon and Elizabeth Warn, *Migrant Resource Centres: An Initial Assessment* (Geneva: International Organization for Migration, 2009), www.publications.iom.int/bookstore/free/MRS_40.pdf.

89 ILO, “Fair Recruitment,” accessed June 20, 2016, www.ilo.org/global/topics/fair-recruitment/lang-en/index.htm.

90 International Recruitment Integrity System (IRIS) provides a voluntary accreditation framework that allows its members to be recognized as fair recruiters. Accreditation is based on adherence to common principles for ethical recruitment and a code of conduct. See IRIS, “What is the International Recruitment Integrity System?” accessed July 3, 2016, <https://iris.iom.int/what-international-recruitment-integrity-system>.

91 European Training Foundation, *Migrant Support Measures from an Employment and Skills Perspective*.

92 Migrationsverket, “Private Individuals,” accessed July 3, 2016, www.migrationsverket.se/English/Private-individuals.html.

93 Sweden is perhaps the exception, with reports that its open immigration policy since 2008 has predominantly benefited blue-collar workers from non-EU countries. See The Local, “Most Work Permits Given to Low-Skilled Workers,” The Local, January 29, 2013, www.thelocal.se/20130129/45880.



MRCs could, however, proactively expand the supply of migration places available by establishing partnerships with local public employment agencies in the first-asylum country (where existent) and public placement agencies in destination countries. Where countries of first asylum have an established public employment service, “triangular cooperation” partnerships could be created to connect MRCs, public employment services, and the development cooperation agencies of destination countries. Such partnerships could, for example, jointly facilitate direct recruitment by employers through job fairs organized in refugee-hosting areas. This would put employers directly in contact with jobseekers from host and refugee communities, enabling them to conduct interviews and skills tests on the spot. However, substantive incentives in the form of public subsidies may be needed to encourage employers to participate in such programs.

Whereas formal cooperation partnerships between governments may take time to develop, NGOs can be quicker ... in providing refugees with labor matching services.

Alternately, triangular cooperation partnerships could explore the possibility of matching refugees with public-sector labor and skills shortages in developing countries. These schemes could be modeled on existing diaspora return programs, such as the Transfer of Knowledge Through Expatriate Nationals (TOKTEN) program in Turkey and the Migration for Development in Africa (MIDA) program.⁹⁴ Such programs could benefit receiving countries by enabling refugee professionals to contribute to the development of host-institution capacity by sharing their knowledge and expertise, while also making it possible for refugees to practice their profession and support themselves and their families. However, the scope of any such program would likely be limited again to the (highly) skilled, and would require the investment of development cooperation funds.

Whereas formal cooperation partnerships between governments may take time to develop, NGOs can be quicker and nimbler in providing refugees with labor matching services. Talent Beyond Boundaries (TBB), a new initiative motivated by the Syrian crisis, is seeking to establish links between skilled refugees and employers in an effort to use labor migrant visas to help refugees fill skills gaps, particularly in the developing world. TBB is currently working with experienced corporate recruiters to launch a pilot program focused on Syrian refugees in Jordan.⁹⁵

Some private recruitment agencies are stepping up, too. Oliver Wyman, a leading European recruitment agency, announced plans in 2015 to recruit qualified refugees who had arrived in Europe, while also identifying a number of organizations in France, Germany, Italy, and the United Kingdom that were already involved in matching refugees with employers.⁹⁶ International actors such as ILO and UNHCR might be able to tap into corporate social responsibility commitments to extend such initiatives to refugees in countries of first asylum. Destination countries could also incentivize intermediaries to offer pro-bono services to refugees.

⁹⁴ The Transfer of Knowledge Through Expatriate Nationals (TOKTEN) program was first introduced by the UN Development Program (UNDP) in Turkey in 1977 as a cost-effective way to enhance national capacities by bringing back the technical expertise of expatriates living abroad. Now managed by UN Volunteers (UNV), the program allows expatriates to return home for a period of two weeks to three months to contribute their skills and services to development in their homeland. The Migration for Development in Africa program (MIDA) is operated by the IOM and pursues the same objectives with a particular focus on capacity development in Africa. For more information, see UNV, “TOKTEN: Transfer of Knowledge Through Expatriate Nationals” (fact sheet, 2008), www.unv.org/fileadmin/docdb/pdf/2008/TOKTEN_factsheet_01.12.2008.pdf; IOM, “Migration for Development in Africa (MIDA),” accessed September 20, 2016, www.iom.int/mida.

⁹⁵ Talent Beyond Boundaries, “Talent Beyond Boundaries,” accessed July 3, 2016, www.talentbeyondboundaries.org.

⁹⁶ Oliver Wyman, “Oliver Wyman: Refugee Response” (press release, September 9, 2015), www.oliverwyman.com/content/dam/oliver-wyman/global/en/2015/sep/Europe%20Refugee%20Employment%20Release_Oliver_Wyman.pdf.



2. Skills, Certification, and Language Gaps

Employers also face significant information gaps in determining the extent to which refugee labor can meet their needs. To overcome this hurdle, UNHCR or the public authorities in the country of asylum could begin to routinely collect information on occupational, skills, educational, and language profiles as part of the refugee registration process. Having a database that collects this kind of information could provide a basis for developing job matching partnerships and services.

Refugees ... may be unable to meet documentation requirements to verify their skills and work history.

Alternatively, a partnership with a social networking platform such as LinkedIn or Facebook, the latter of which has already pledged to support Syrian refugees by providing free internet access in camps,⁹⁷ could allow refugees to set up their own jobseeker profiles. A designated section of the platform accessible only to registered users such as employment services and legitimate manpower agencies could be created to ensure that refugees are only matched with vetted and trustworthy authorities.

In either scenario, the fact that refugees would be self-reporting information about their qualifications and work history and may not have the documentation to validate their claims would pose an additional challenge. This may undermine employer trust in any database built on this information. At the same time, it is unlikely that employers would rely on a database alone to make hiring decisions. Thus, additional steps to evaluate candidate skills would be required.

A second challenge facing efforts to match refugees to labor needs is language. Evidence suggests that migrants and refugees who are not proficient in the language of the host country face greater integration obstacles and often have worse labor market outcomes.⁹⁸ In the United States, for example, immigrants will find that career advancement and access to middle-skilled jobs that pay the wages needed to sustain a family almost always requires English language proficiency.⁹⁹ A lack of language skills can also mean greater vulnerability due to difficulties in accessing social and financial services, law enforcement, and legal proceedings.¹⁰⁰

Countries that regularly resettle refugees or facilitate their entry in other ways, including through labor migration channels, therefore stand to gain from investments in refugee language learning. While not every country will have the resources to maintain the extensive infrastructure to provide language courses in its majority language, pre- and post-arrival programs that help refugees develop proficiency in English would likely enhance their ability to communicate in many prospective host societies. Online education tools, as well as partnerships with cultural institutions and local training centers, could provide relatively cost-effective ways of improving access to English language education for refugees and host communities alike, potentially helping to ease tensions between these two groups.

97 BBC, "Facebook's Mark Zuckerberg Pledges Refugee Camp Internet Access," BBC, September 27, 2015, www.bbc.com/news/technology-34373389.

98 According to OECD calculations, immigrants who report language difficulties have overqualification rates that are 25 percentage points higher than similar immigrants with stronger language skills. See OECD, *How Can Migrants' Skills be Put to Use?* (Paris: OECD, 2014), www.oecd.org/els/mig/migration-policy-debates-3.pdf.

99 Randy Capps, Michael Fix, and Serena Yi-Ying Lin, *Still an Hourglass? Immigrant Workers in Middle-Skilled Jobs* (Washington, DC: Migration Policy Institute, 2010), www.migrationpolicy.org/research/immigrant-workers-middle-skilled-jobs-0.

100 On language as a barrier to accessing social and financial services in the United States, see Krista M. Pereira et al., *Barriers to Immigrants' Access to Health and Human Services Programs* (Washington, DC: U.S. Department of Health and Human Services, 2012), <https://aspe.hhs.gov/basic-report/barriers-immigrants-access-health-and-human-services-programs>; Silvia Helena Barcellos, James P. Smith, Joanne K. Yoong, and Leandro Carvalho, "Barriers to Immigrant Use of Financial Services" (working paper, Financial Literacy Center, February 2012), www.rand.org/content/dam/rand/pubs/working_papers/2012/RAND_WR923.pdf.



Beyond language hurdles, refugees with existing professional skills or experience may be unable to meet documentation requirements to verify their skills and work history. For immigrants to Australia, for example, the skills assessment process normally requires that the applicant submit copies of academic transcripts and the qualification award certificate (in some cases, they are required to be directly sent from the issuing institution), as well as documentation that proves previous paid employment, such as statements from previous employers, copies of paychecks, or tax records. All documents must also be translated into English by a registered translation service.¹⁰¹ Similar requirements apply in many other OECD countries for both potential workers and students. Refugees may have difficulty procuring the necessary documents, certification, and translation or be unable to pay for a skills assessment.

Passing a skills test or demonstrating experience through supervised trial periods on the job could exempt a refugee applicant from ... having to produce documentation.

One way of getting around the obstacle of missing documentation could be to base the selection of refugee workers on a standardized skills or aptitude test. Such an assessment would be related directly to the prospective area of work, and could build on the model of existing language certification tests already in use in a number of countries.¹⁰² Passing a skills test or demonstrating experience through supervised trial periods on the job could exempt a refugee applicant from the requirement of having to produce documentation to verify their qualifications. The German Ministry for Education has recently launched an initiative to promote the recognition of skills through qualification analyses and testing designed to facilitate the labor market integration of asylum seekers and refugees.¹⁰³ Such programs could benefit both refugees and other workers who possess informally acquired skills and would like to have them formally recognized.

A more pernicious problem may be gaps in actual skills. Even when a migrant or refugee has practical experience in a particular field, they may lack sufficient knowledge of local laws or regulations to practice their profession in a first-asylum or destination country. In addition, the tasks professionals in a particular field are expected to perform may also differ from country to country, leaving refugees and migrants with considerable knowledge and experience gaps that would need to be filled.¹⁰⁴ Such gaps may be particularly acute in regulated professions, such as health care, where credentials from one country are unlikely to suffice to become licensed in another. Experience suggests that these gaps can be filled through a combination of profession-specific training modules, such as aptitude tests that both screen and increase the skills of the person; top-up or bridging training to become (re)licensed in a particular profession; and general skills development trainings, such as computer literacy courses, that are applicable to a wide range of professions.¹⁰⁵

Opportunities for skills development and vocational training have recently become part of the livelihood recovery interventions that international development actors undertake in crisis situations,

101 VETASSESS, "Required Documents," accessed June 20, 2016, www.vetassess.com.au/skills-assessment-for-migration/general-occupations/required-documents.

102 For example, Cambridge English Exams are recognized by over 20,000 universities, employers, and governments worldwide. See Cambridge English, "Globally Accepted Exams and Teaching Qualifications," accessed September 16, 2016, www.cambridgeenglish.org/why-cambridge-english/global-recognition/index.aspx?s=1.

103 Federal Ministry of Education and Research of Germany, "Leichtere Berufsanerkennung für Flüchtlinge," updated September 10, 2015, www.bmbf.de/de/leichtere-berufsanerkennung-fuer-fluechtlinge-1140.html.

104 Madeleine Sumption, *Tackling Brain Waste: Strategies to Improve the Recognition of Immigrants' Foreign Qualifications* (Washington, DC: Migration Policy Institute, 2013), www.migrationpolicy.org/research/tackling-brain-waste-strategies-improve-recognition-immigrants-foreign-qualifications.

105 European Training Foundation, *Migrant Support Measures from an Employment and Skills Perspective*.



aiming to assist both refugees and host communities.¹⁰⁶ However, as refugees may not be authorized to work and formal employment may be in short supply in the country of first asylum, these interventions are often geared towards self-employment through entrepreneurship and value chain development for local products. Foreign employment or migration do not currently factor into most of those programs, but could be introduced. Limitations also arise from resource constraints as the economic recovery and infrastructure sector is among the more underfunded fields within humanitarian assistance (of the U.S. \$698 million that was requested for this sector as part of the UN interagency appeal in 2015, only 32 percent was funded).¹⁰⁷

IV. Aligning the Interests of Key Stakeholders

Successfully using labor and study mobility to improve refugee protection will require careful consideration of a number of challenges, both practical and political. Humanitarian actors have tended to emphasize the “separateness” of refugees and migrants—a focus on enabling refugee mobility requires a new approach. The challenges facing efforts to enable refugee access to existing migration programs (facilitating mobility) are primarily practical, centering on considerable information gaps. However, plans to create more organized or larger-scale programs (promoting mobility) are likely to encounter significantly more resistance; problems may include the difficulty of predicting labor market needs, public hostility, and a mismatch between refugee skills and employer needs. This section of the report outlines some of the primary challenges that policymakers should consider when pursuing either or both routes.

A. Destination Countries

Efforts to use labor and study mobility to protect and assist refugees depend on the willingness of destination countries to admit refugees as migrants, but with additional safeguards to ensure their protection. As a first step, this means ensuring refugees have equal access to existing programs. Governments willing and able to go further could then develop targeted programs for refugees. To build political support for these initiatives, it is crucial that labor mobility be a “win-win”: that it not only meets refugee needs for protection and income, but also the demand of employers in destination countries for labor. However, labor needs are not only difficult to determine, but also subject to sudden fluctuation as economic fortunes change. In the wake of the global financial and economic crisis of 2008–09, some countries are still struggling with high unemployment and, as a result, may not have much demand for foreign labor. In the context of the Syria crisis, there has also been a marked rise in hostility towards refugees and migrants across much of Europe and other OECD states partly prompted by fears over security.

Labor mobility for refugees is most likely to offer a sustainable form of protection in countries of immigration where there are existing labor market needs and demand among employers for new labor.

106 See, for example, UNDP, “Fast Facts: Livelihoods and Economic Recovery” (fact sheet, July 16, 2014), www.undp.org/content/undp/en/home/librarypage/results/fast_facts/fast-facts--livelihoods-and-economic-recovery.html.

107 UN Office for the Coordination of Humanitarian Affairs (UNOCHA), *Global Humanitarian Overview 2016* (Geneva: UNOCHA, 2015), www.unocha.org/2016appeal/. Of the U.S. \$4.55 billion interagency appeal made to fund the Syria Regional Refugee and Resilience Plan for 2016–17, “USD 2.82 billion (62 per cent) is to address immediate protection and assistance needs within the Refugee Component while USD 1.73 billion (38 per cent) is in support of the Resilience Component, including investments in livelihoods and support to national knowledge, capacities and systems. This represents a greater share (38 per cent in 2016 versus 29 per cent in 2015) of resources in the Resilience Component. Some 4 million members of impacted host communities will be directly targeted for assistance under the 3RP in 2016.” See Regional Refugee and Resilience Plan, “Strategic Overview,” accessed June 20, 2016, www.3rpsyriacrisis.org/the-3rp/strategic-overview/.



This is likely to include traditional OECD destination countries, such as Australia, Canada, Germany, and the United States, as well as emerging economies and new immigration countries, such as Brazil and Mexico. Similarly, migration for study will be most successful if programs are linked to the existing higher education market and established by universities with experience managing international student cohorts (including universities in the United States and United Kingdom, as well as emerging regional centers such as Malaysia, Singapore, South Africa, and Uganda).

The political stakes are often lower when refugees join established legal migration routes, and their arrival can be presented as a question of meeting labor needs.

Allowing more refugees to move onwards from countries of first asylum is politically contentious. Public backlash against relatively liberal immigration policies in the United Kingdom and Switzerland, as well as the traction of anti-immigrant candidates in the United States and a number of European countries, speak to the strength of public anxiety about immigration. Concerns tend to focus on lower-skilled immigrants who are perceived as competition for native workers or as welfare opportunists, as well as fears about the potential security threat posed by refugees from regions in which Islamist extremists are active. Acceptance of and demand for refugee mobility in many countries would thus seem to be extremely limited. Yet the public and political landscape is far from unanimous. While news of recurrent deaths in the Mediterranean and chaos on transit routes to the European Union have led some countries to build fences, others are increasingly receptive to the idea that facilitating orderly movement, including through organized resettlement, presents a better (and perhaps the only realistic) means of controlling migration.

The political stakes are often lower when refugees join established legal migration routes, and their arrival can be presented as a question of meeting labor needs (or filling university places) by adding to the pool of qualified migrants. German willingness to accept large numbers of Syrian asylum seekers over the past year can be attributed in part to the strong support of the business community and political elite, which have consistently emphasized the economic benefits of migration for Germany, given its aging workforce.¹⁰⁸ Highlighting the additional humanitarian benefits—rescuing refugees from danger and indefinite stagnation, and enabling them to become productive members of society—is also likely to resonate with a public that wants to see their country play a positive role in the world.

Few destination countries are likely to have significant objections to refugees moving within existing immigration pathways, although heightened security concerns after recent attacks in Paris; Brussels; San Bernardino, California; and Orlando, Florida have reignited a heated debate about both refugee resettlement (in the United States in particular) and the security risks that accompany mass migration more generally (in Europe and beyond). These are likely to result in tougher screening procedures for migrants and visitors alike. Yet while it is important to ensure that robust security screening measures are in place, it is the disorderly and irregular nature of asylum seeker movement across the Mediterranean and elsewhere that poses the greater security risk: opening access to legal, policed labor and study migration channels could help to encourage more orderly—and thus more secure—migration.

¹⁰⁸ See, for example, Dorothea Siems, “Wirtschaft sieht Flüchtlinge als Fachkräftereservoir,” *Die Welt*, April 9, 2015, www.welt.de/wirtschaft/article139325361/Wirtschaft-sieht-Fluechtlinge-als-Fachkraeftereservoir.html.



However, while there are practical tools for managing risk, policymakers must also recognize the strength of antimigrant and xenophobic sentiment in many states. In this climate, some governments may be hesitant to offer refugees applying for entry as migrants *more favorable* terms than other applicants. Waiving or amending country of return requirements may be particularly problematic; national publics may voice concern that if refugee-migrants are offered protection against refoulement, they are in effect being offered immediate “back-door” permanent residency and may become a financial burden to the state should they lose their job.

A number of safeguards can help reassure skeptical publics:

- ***Arrivals would be limited to those with job or study placement offers.*** Refugees arriving through existing labor or study migration routes will, in most cases, only be awarded a visa if they are suitably qualified and hold a job offer or place in a university or training program.
- ***Numbers are likely to remain small.*** Given that most migration programs require applicants to meet other criteria (e.g., skills or language proficiency), programs are likely to remain relatively small and would not necessarily increase the total number of migrants arriving in a destination country via labor or study channels.
- ***Additional security screening measures could be put in place if judged necessary.*** For refugees arriving from areas where there are particular security concerns (e.g., about terrorism and extremism), applicants could be subject to rigorous additional screenings similar to the measures used by some receiving-countries when processing humanitarian resettlement cases.¹⁰⁹
- ***Diaspora networks or nongovernmental stakeholders could provide additional support.*** Employers, NGOs, and diaspora groups seeking to assist refugee-migrants could be asked to provide additional financial guarantees and/or insurance (perhaps from a philanthropic or revolving fund) to ensure that refugee-migrants do not become a public charge. Argentina, for example, already requires Syrian and Palestinian refugees applying for its humanitarian visa program to have ties to someone in the country.¹¹⁰
- ***Refugees could be offered interim protection that could later be upgraded to permanent residency, rather than immediate permanent status and/or limited access to some benefits.*** Protection against refoulement does not require an offer of permanent residence—just protection while a threat remains. Temporary protection could offer refugee-migrants a more limited interim protection in the first instance, which would balance integration benefits and concerns about “back-door” permanent immigration. Countries could then offer a pathway for refugee-migrants to apply for permanent residency (i.e., the status would not be granted automatically) at a later date or when certain conditions are met. Such measures could draw on U.S. practice of designating the nationals of certain countries affected by conflict or disaster as holders of “Temporary Protected Status,” effectively protecting these migrants from deportation and allowing them to access the labor market during their stay.¹¹¹

109 On the rigor of these checks in the United States, see Refugee Council USA, “Security Screening of Refugees Admitted to the United States: A Rigorous, Detailed Process,” accessed June 21, 2016, www.rcusa.org/uploads/pdfs/Refugee%20resettlement%20-%20step%20by%20step%20USCRI.pdf.

110 TeleSUR, “Syrian and Palestinian Refugees Welcomed by Argentina,” TeleSUR, September 5, 2015, www.telesurty.net/english/news/Syrian-and-Palestinian-Refugees-Welcomed-by-Argentina-20150905-0022.html.

111 See USCIS, “Temporary Protected Status.”



B. Countries of First Asylum

Countries of first asylum often show reluctance to accept the local integration of refugees, sometimes even denying them access to fundamental rights such as education, work, or freedom of movement.¹¹² Many view refugees as a socioeconomic burden or even a security liability, rather than potential contributors to society, and thus focus instead on seeing them return home or find durable solutions elsewhere. At the same time, facilitating labor mobility for refugees would likely result in the young and most productive members of the refugee community moving onward while the most vulnerable—those most in need of care and support—would be left in countries of first asylum. In such a system, destination countries might be seen as the main beneficiaries of facilitated refugee flows (in terms of labor productivity and tax revenues), while countries of first asylum bear more of the costs.

Public resentment may grow if refugees receive preferential access to study and work opportunities abroad.

Despite these concerns, legal secondary migration of refugees may, in fact, have some benefits for countries of first asylum on which governments could capitalize.¹¹³ Many refugees will retain ties with the country, particularly if their family members are still there, and some of these family members may eventually choose to reunify with their relatives in destination countries—increasing the numbers of refugees able to find a durable solution, including those unable to work (e.g., children and the elderly). Remittances are also likely to flow back to family members in countries of first asylum.¹¹⁴ Refugees who do return to countries of first asylum may bring back skills, knowledge, and work experience gained abroad that could benefit the economy. Working with the governments of first-asylum countries to determine how to capitalize on these potential benefits—and mitigate potential costs—as part of national and local development strategies may strengthen their willingness to participate in refugee mobility schemes.

Another risk that will need to be mitigated is the potential perception that refugees and host-country populations are competing for scarce migration opportunities. Public resentment may grow if refugees receive preferential access to study and work opportunities abroad that are not available to host-country nationals. Initiatives that can increase access to alternative pathways for refugees while also benefitting host populations are thus preferable, including investments in infrastructure for vocational training, higher education, language learning, skills testing, job matching, and migration information centers.

Refugee labor migration could also be politically attractive if presented as a form of regional solidarity and burden sharing, as is the case in Latin America under the Cartagena Declaration.¹¹⁵ Because the

112 Asylum Access and the Refugee Work Rights Coalition, *Global Refugee Work Rights Report* (Oakland, CA: Asylum Access, 2014), http://asylumaccess.org/wp-content/uploads/2014/09/FINAL_Global-Refugee-Work-Rights-Report-2014-Interactive.pdf.

113 Extensive literature exists on the development potential of migration—resources from which humanitarian and refugee-hosting communities could draw. See Kathleen Newland, “What We Know About Migration and Development” (policy brief, Migration Policy Institute, October 2013), www.migrationpolicy.org/research/what-we-know-about-migration-and-development.

114 See, for example, Carlos Vargas-Silva, “Literature Review: Remittances Sent to and from Refugees and Internally Displaced Persons” (KNOMAD Working Paper no. 12, March 2016), www.knomad.org/docs/working_papers/KNOMAD%20WP%2012%20Lit%20Review%20Remittances%20to%20from%20Refugees%20and%20IDPs.pdf.

115 The Cartagena Declaration on Refugees is a nonbinding agreement that was adopted by the Colloquium on the International Protection of Refugees in Latin America, Mexico and Panama, a meeting held at Cartagena, Colombia from November 19–22, 1984. The resulting declaration extended additional protections to refugees and forced migrants in the region. See Colloquium on the International Protection of Refugees in Central America, Mexico, and Panama, “The Cartagena Declaration on Refugees,” November 22, 1984, www.refworld.org/docid/3ae6b36ec.html.



number of refugee-migrants involved is likely to be relatively small, the political gains for countries that accept responsibility sharing could easily outweigh the costs.

Ultimately, countries of first asylum may prefer solutions that “insource” jobs—bringing economic opportunities to refugee-hosting regions—rather than “outsource” refugees. Some experts have argued, for example, for the creation of special economic zones that would provide employment for refugees and local citizens alike, acting as “incubators of a post-conflict economy” and offering a mutually beneficial solution for refugees and host countries.¹¹⁶

C. Employers, Employees, and Civil Society

Business groups and trade unions are important not only politically, as lobbies for or against immigration, but also as key actors in ensuring the success of migration programs.¹¹⁷ Experience suggests that employers will support refugee mobility when it is in their interest to do so. This is the case, for instance, with meatpacking firms in the U.S. states of Nebraska, Idaho, and Iowa that draw a large percentage of their workforce from resettled refugee populations and as a result are public supporters of refugee resettlement.¹¹⁸ Employers are unlikely to hire refugees (or other migrants) if the process is difficult or cumbersome. The security checks that slow down resettlement procedures, especially in the United States, would likely present a challenge for programs that seek to match refugees with employers who have acute labor needs.

Business groups and trade unions are important not only politically, as lobbies for or against immigration, but also as key actors in ensuring the success of migration programs.

Legal security and the unpredictability of asylum adjudications can also present an obstacle; in Germany, for example, where a large number of asylum seekers have arrived in the country within a short period of time, employers have publicly voiced their willingness to train and hire refugees, but have also expressed concerns regarding the lack of legal security during the asylum process. They would like to see assurances that those who are in apprenticeships will not face removal, so as to protect their investment in those trainees.¹¹⁹ The Swedish model of allowing asylum seekers to “switch tracks” from asylum to work channels could provide a way forward in this regard.

When it comes to recruiting refugees from abroad as trainees or workers, the experiences of the German mobility programs for foreign trainees discussed above suggests that active facilitation of the process by public agencies may help to ease risks for private employers who would not otherwise be

116 Alexander Betts and Paul Collier, “Help Refugees Help Themselves: Let Displaced Syrians Join the Labor Market,” *Foreign Affairs*, November/December 2015, www.foreignaffairs.com/articles/levant/2015-10-20/help-refugees-help-themselves.

117 In the past year, the CEO of Chobani Yoghurt, Hamdi Ulukaya, has been particularly vocal in advocating that businesses in the United States hire more refugees; around 30 percent of Chobani’s factory workers are resettled refugees. See Leo Hohmann, “Chobani a Leader in Obama’s ‘Call to Action’ to Help Mideast Refugees,” WND.com, June 30, 2016, www.wnd.com/2016/06/chobani-doubles-down-on-hiring-mideast-refugees.

118 See, for example, John Molseed, “Meatpacking Jobs Bring Burmese Refugees to Waterloo,” *The Courier*, May 29, 2011, http://wcfcourier.com/news/local/meat-packing-jobs-bring-burmese-refugees-to-waterloo/article_052f8dff-c45e-59e9-a9fc-72ff4b87f6e7.html. The reliance of these firms on refugee labor has not been without controversy, in part because resettlement benefits do not travel with refugees who engage in secondary migration after resettlement in the United States. This underlines the need to think carefully about the longer-term integration challenges of refugee migration, particularly those related to low-paid and low-skill labor migration.

119 *Frankfurter Allgemeine*, “Wirtschaft fordert Abschiebestopp für arbeitende Flüchtlinge,” *Franfurter Allgemeine*, August 29, 2015, www.faz.net/aktuell/wirtschaft/unternehmen/dihk-fordert-abschiebestopp-fuer-arbeitende-fluechtlinge-13775427.html.



inclined to proactively recruit refugees and migrants; so too might offering employers assistance as they navigate often complex and bureaucratic migration systems, especially for those with limited experience or expertise in doing so. Such incentives should be mindful of the costs that refugee-migrants impose on the communities in which they settle. Encouraging partnerships between employers and local governments, as has been done in the Canadian province of Manitoba, can facilitate the reception and integration of newcomers.

In states and labor market sectors where collective bargaining is the norm (most often in low-skilled sectors), it will also be important to engage with trade unions (TUs). TUs will require assurances that refugee-migrants will not be used to undercut local wages or working conditions, and will instead fill existing labor market needs and, in doing so, may help cut down on irregular and exploitative employment arrangements. The Swedish labor migration model provides one example of how TUs can be successfully incorporated into a more open labor market framework; by giving them a role in reviewing employer applications for hiring foreign workers, TUs are able to ensure that the contractual conditions offered are in line with Swedish labor law and applicable collective bargaining agreements.¹²⁰

NGOs and international institutions could also play an important role in removing obstacles to the recruitment process and to employer participation. This could include helping refugees obtain certification for their qualifications (professional and language-related) or assisting employers as they navigate visa applications (especially for small and medium-sized enterprises), as well as providing logistical support (e.g., fast broadband access in reception centers to facilitate video interviews, as these will be especially important for refugees who are unlikely to qualify for jobseeker or interview visas). NGOs are also well positioned to play an important coordination role once a job offer has been made and before a refugee has arrived. Beyond liaising with employers, NGOs can assist with the process of social and cultural integration, as well as with building civic support for such programs. NGOs might also sponsor scholarships for refugees, provide remote legal assistance, or help administer loans and/or grants to cover visa application fees.

D. International Organizations

International organizations can play an important role as champions and facilitators of refugee mobility. They also have a key role to play in monitoring the success and sustainability of any such initiatives.

I. Human-Rights and Humanitarian Organizations

The support of humanitarian and human-rights organizations will likely prove critical to the success of efforts to expand refugee access to labor and study mobility. If policymakers consult with them early in the process and address their concerns (e.g., about protection safeguards), NGOs are likely to prove reliable advocates for such access. They also have a crucial role in both legitimizing such programs and in monitoring their implementation to ensure the rights of migrants and workers are respected.

Human-rights organizations, such as the Office of the High Commissioner for Human Rights, Human Rights Watch, and Amnesty International—which all focus on securing the fundamental rights of all individuals—are likely to support efforts to open existing migration opportunities to refugees on the basis of nondiscrimination and equal treatment principles. Their concerns regarding refugee migration will likely be similar to those about the fair treatment of migrant workers more generally,

¹²⁰ For more details on the role that trade unions play in managing Swedish labor migration, see OECD, *Recruiting Immigrant Workers: Sweden 2011* (Paris: OECD, 2011), www.oecd-ilibrary.org/social-issues-migration-health/recruiting-immigrant-workers-sweden-2011_9789264167216-en.



especially in regions such as the Gulf States and Southeast Asia. In cases where refugee migration is being promoted as a potential solution by the international community, human-rights organizations and standard-setting bodies such as the ILO would provide critical scrutiny and ensure such programs offer labor and visa conditions that meet international standards.¹²¹

Humanitarian organizations—such as UNHCR, the Office for the Coordination of Humanitarian Affairs (OCHA), the International Committee of the Red Cross, and the International Rescue Committee, which all focus on protecting refugees—may be more reluctant to fully support labor and study mobility as paths to protection. This reflects the distinction between human rights and humanitarian work. Humanitarian workers are less immediately concerned with ensuring refugee access to migration choices, and more concerned with their protection, above all against refoulement. Having long worked to preserve the distinction between “refugee” and “migrant” as a critical means of preserving asylum rights, some humanitarian workers struggle to see how encouraging refugees to become migrants could improve protection outcomes. They may also express concern that such an approach could have negative institutional implications (e.g., in terms of funding and messaging).¹²²

Yet humanitarian organizations also fully acknowledge the current global asylum protection crisis, the growing number of protracted displacement situations, and the inability of existing humanitarian channels to provide meaningful solutions to the vast majority of refugees. In the past decade, organizations such as UNHCR have also become more sensitive to mobility, particularly through a focus on urban refugees and alternatives to camps. UNHCR has also supported specific programs that focus on integrating residual refugee caseloads through the use of migrant permits in West Africa, South America, and Pakistan/Iran.¹²³

2. Organizations Dealing with (Labor) Migration

International organizations whose main focus is on the regulation and facilitation of migration, such as IOM and the International Center for Migration Policy Development (ICMPD), would likely welcome refugee-migration programs as they generate additional “business” and elevate the status of migration in the international arena to a means of refugee protection. Given the existing role and experience IOM and ICMPD (to a smaller, but growing extent) have in facilitating predeparture training and other migrant-support measures,¹²⁴ these two organizations would likely be the partners of choice for governments seeking to implement refugee migration measures. They could, for instance, help process documents, provide assistance with travel arrangements, and offer information and advisory services.

IOM may also play an advocacy role for a larger group of at-risk migrants who are not refugees, but could benefit from facilitated access to legal migration channels; however, these migrants would most likely be excluded from any labor or study scheme designed to promote refugee mobility in particular. Support from the ILO may be cautious owing to concerns about the vulnerability of refugee workers to violations of their labor rights. At the same time, the ILO provides a critical forum for raising awareness and seeking endorsement from employers and trade union representatives for the protective role that labor migration can play for refugees.

3. Development Organizations

Development stakeholders such as the World Bank, Regional Development Banks, the United Nations Development Program (UNDP), the United Nations Regional Economic Commissions, and Oxfam

121 For an example of abuses against Yemeni and Somali workers, see Human Rights Watch, “Detained, Beaten, Deported: Saudi Abuses Against Migrants During Mass Expulsions,” Human Rights Watch, May 9, 2015, www.hrw.org/news/2015/05/09/saudi-arabia-mass-expulsions-migrant-workers.

122 Author Interviews with senior UNHCR officials, Geneva, September 2012; Erika Feller, “Refugees are Not Migrants,” *Refugee Survey Quarterly* 24 no. 4 (2005): 27–35.

123 Long, *From Refugee to Migrant?*

124 See ICMPD, “International Center for Migration Policy Development,” accessed June 21, 2016, www.icmpd.org/home.



would likely be critical of any mobility scheme that provides opportunities for refugees while ignoring the needs of local populations in the countries of first asylum. The OECD and UNDP have already expressed their concern about the growing trend among European governments of using development assistance funds to respond to the needs of refugees arriving in Europe.¹²⁵ Development actors are thus likely to oppose the allocation of development funds for refugee protection in third countries if this means reducing funding to developing countries (and development agencies). They are more likely to support refugee mobility schemes that draw assistance into host countries, strengthening local economies, labor markets, and capacities by working with and through host-country institutions, spreading the benefits to local jobseekers. While their leverage with destination countries may be limited, development agencies can play a critical role in securing the support of countries of first asylum for facilitating refugee mobility and can also help countries understand and harness potential development gains from such mobility.

V. Conclusions and Policy Recommendations

Refugee mobility offers great potential. It is not a cure-all, but one important, practical response that can help ameliorate the increasingly complex and intractable nature of global displacement while addressing concerns over integration and meeting state labor market needs. To make refugee mobility work as a protection tool, a number of concrete steps need to be taken, first to facilitate refugee use of existing migration routes and, in some cases, to promote mobility as a potential pathway to a lasting solution.

For refugees to be able to access existing labor and study migration programs, countries of destination will first need to ensure that the bureaucratic process recognizes refugees who apply for migrant status, and then work with countries of first asylum to set up readmission agreements to ensure refugees do not face refoulement should their migrant visa expire if they lose their job, complete their studies, or break the conditions attached to their visa. Countries of destination could also improve the prospects of refugees seeking a durable solution by accelerating access to permanent residency status and expedited family reunion.

States have a crucial role to play in making refugee migration possible; however, it is nonstate actors—diaspora networks, employers, NGOs, and international institutions—that will be in the best position to facilitate refugee mobility. One of the most significant challenges, and one nonstate actors can help remedy, is the prevalence of information gaps: refugees are not aware of existing migration opportunities, and employers and universities are not aware of the ways in which refugees could potentially meet their labor and education market needs. There is also a need for organizational capacity development in order to match refugees with existing visa opportunities and prospective employers, as well as to provide independent information to refugee-migrants about working pay and conditions. This is likely to involve a combination of existing international institutions—such as ILO, IOM, and UNHCR—working with smaller NGOs, such as Talent Beyond Boundaries.

Most importantly, the public and policymakers—as well as employers and universities—must be shown how it is in their interest to recruit and admit refugees. In part, this can be accomplished by focusing on existing migration pathways, targeting the sectors within destination labor markets that are experiencing particular shortages of workers (e.g., highly skilled and technical occupations) or the universities for whom international students are already an important cohort. Building funds

¹²⁵ Helen Clark and Erik Solheim, “Refugee Crisis Must Not Deflect Us from Our Long-Term Development Aims,” *The Guardian*, November 16, 2015, www.theguardian.com/global-development/2015/nov/16/refugee-crisis-must-not-deflect-us-from-our-long-term-development-aims.



for insurance purposes and supporting local integration—including by drawing on the existing experiences of resettlement service providers—are also likely to prove essential.

The obstacles preventing refugees from moving as labor migrants or as students are not insurmountable; they are mostly of a practical rather than legal nature.

Ultimately, the obstacles preventing refugees from moving as labor migrants or as students are not insurmountable; they are mostly of a practical rather than legal nature. A great deal could be achieved by more effectively linking qualified refugees with existing opportunities for movement, and by providing support as they navigate international migration. Given current political resistance in many countries to opening large-scale resettlement channels or facilitating other forms of humanitarian movement, focusing on improving refugee access to labor and study mobility opportunities offers policymakers and other actors an immediate means of actively addressing oversubscription to the global protection system without requiring legislative changes. Some such opportunities will be generated by mobilizing increased demand among universities and employers who are seeking to help, which could potentially have an important normative impact. While many recent initiatives and programs have focused on reducing irregular migration, turning policymakers' attention instead to mobility—and ensuring refugees have the best possible access to opportunities for safe, legal, and orderly migration—is an important reminder that when done well, migration has enormous potential as a tool to enhance refugee protection.



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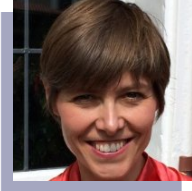
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