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# NO WAY OUT?

## MAKING ADDITIONAL MIGRATION CHANNELS WORK FOR REFUGEES

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## EXECUTIVE SUMMARY

A displacement crisis of historic proportions has enveloped the globe. Nearly 20 million people are living outside their countries of origin with little prospect for return. In countries of first asylum, refugees face numerous restrictions on their ability to lead a normal life, including limited legal rights to pursue livelihoods or secure formal legal status. It is increasingly clear that the traditional approaches to addressing these issues—the ‘durable solutions’ of resettlement, repatriation, and local integration—are insufficient to overcome the vast scale of need. The exploration of other legal opportunities whether in first-asylum countries or via migration elsewhere is imperative, as is the prudent and strategic investment to make them viable and accessible for refugees.

Legal channels to migration and mobility fall within three broad streams: labour, education, and family reunion. Although in theory refugees are already eligible to move through many of these channels, in reality pathways are often blocked by practical, technical, and political obstacles. Preference in many countries for the highly skilled, for example, can restrict both labour migration opportunities and scholarships to a narrow elite. Governments of countries with high demand for lower-skilled labour can be wary of including refugees with potentially long-term vulnerabilities in temporary migration programmes, especially given the abundance of non-refugee migrant workers.

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Programmes can support refugees’ paths to self-sufficiency and stability by ensuring the accessibility of existing opportunities as well as creating new ones. Interventions might map refugees’ existing competences for potential employers or support individuals in closing academic and language skills gaps for entry into higher education in countries of first asylum or elsewhere. In countries where refugees have already begun to settle, policy changes and institutional investment can make family reunion swifter and more effective.

The smart application of existing tools can also help to overcome some of the persistent objections to refugee intake in both more traditional and newer destination countries. Private sponsorship of refugees by individuals, local groups, or faith-based organisations, for example, can bring down costs to the state and accelerate integration outcomes, and has the potential to involve brand-new actors (and sources of finance) in the international protection regime. The innovative use of existing legislation geared towards the mobility of member state nationals under regional cooperation frameworks, meanwhile, offers an alternative approach in countries where traditional protection might be politically sensitive.

Yet, the opening of additional channels for refugees comes with caveats. Paramount is the need to maintain the guarantees and protections that accompany refugee status. Access to legal means for permanent stay and countries of return willing to take back unsuccessful or temporary migrants can help protect against such risks as *refoulement*.<sup>1</sup> Policymakers and practitioners will also need to pay careful attention to work conditions to prevent exploitation as well as to the way increased refugee use of certain channels might affect other migrants using them. Finally, refugees would need to be convinced of the long-term viability of new pathways, as many require a significant investment of personal time and resources.

Programmes to expand new and existing protection channels are only likely to find success and prove demonstrable impact if they are a) tailored explicitly to the country and context in which they are implemented and

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1 The principle of *non-refoulement* refers to international customary law prohibiting states from returning a person to a country where they have reason to fear persecution, regardless of whether they legally qualify for refugee status. See United Nations High Commissioner for Refugees (UNHCR), ‘Note on Non-Refoulement (Submitted by the High Commissioner)’, 23 August 1977, [www.unhcr.org/3ae68ccd10.html](http://www.unhcr.org/3ae68ccd10.html).

b) are built to last. While institutional support can be important in the pilot stages of projects, especially those in which private actors find it too risky to invest, a route to scale and a sustainable (social) business model is a must. At the same time, it must be remembered that wholesale innovation is oftentimes unnecessary. Many initiatives and policy changes require only moderate adjustments, with no need to reinvent the wheel. Decision-makers must take the essential step of weighing the impact of new programming against the costs in order to determine the range of measures likely to be most effective in bringing meaningful change.

## I. INTRODUCTION

The global refugee crisis has become increasingly complex (and overwhelming) as, for most of the displaced, the circumstances of their displacement severely constrain opportunities to move beyond the confines of refugee status.<sup>2</sup> With international support focused on the immediate humanitarian needs of refugee populations, those with the financial and personal capacity often take matters into their own hands, embarking on dangerous journeys to new locations and new opportunities at the mercy of smugglers, and sometimes traffickers.

In recognition of refugees' aspirations and ability to create their own livelihoods, there is renewed interest among the humanitarian and policy communities alike in promoting and supporting the search for independence and a new life, whether by increasing opportunities for refugees to move legally or by investing in sustainable livelihoods in the first country of asylum. Within this paradigm, there is growing interest in utilising broader migration tools, alongside traditional resettlement, to open additional pathways for refugees to move beyond countries of first asylum. A number of humanitarian, policy, and academic organisations have argued for the greater use of legal pathways or safe passage, to reduce the pressure on individuals to use the services of smuggling networks. Advocates of this approach have put forward a number of possible avenues to increase refugee mobility that range from greater use of family reunion or humanitarian admission, to the creation of temporary work programmes for refugees in countries experiencing particular labour market gaps.<sup>3</sup>

Yet there is little consolidated knowledge about the initiatives and programming that already exist and whether they have been successful to date in facilitating the legal mobility of refugee groups. The goal of this report is to begin to rectify this lacuna in knowledge, while also critically assessing the potential and pitfalls that come with each pathway. In doing so, it aims to develop a fuller understanding of the role different pathways—and partnerships—might play in creating a more coherent approach to what has become a displacement crisis of historic proportions.

The report begins by examining the openness of existing labour, education, and family migration pathways to refugees and by exploring the potential to expand mobility opportunities through these channels. It then assesses the common barriers refugees face in seeking to establish secure status in first-asylum countries that are reluctant to become permanent hosts of refugee populations. Finally, the report considers how a strategic approach tailored to each specific context holds the best chance of realising these goals.

2 Former United Nations Deputy High Commissioner for Refugees T. Alexander Aleinikoff refers to this as a 'second exile ... when [refugees] face deep and long-standing exclusions in places [where] they have found safety'. See T. Alexander Aleinikoff, 'Ending the Second Exile', *UNHCR Tracks* (Geneva: UNHCR, 2015), <http://tracks.unhcr.org/2015/06/ending-the-second-exile/>.

3 See for example Fundamental Rights Agency (FRA), *Legal Entry Channels to the EU for Persons in Need of International Protection: A Toolbox* (Vienna: FRA, 2015), [http://fra.europa.eu/sites/default/files/fra-focus\\_02-2015\\_legal-entry-to-the-eu.pdf](http://fra.europa.eu/sites/default/files/fra-focus_02-2015_legal-entry-to-the-eu.pdf). The UNHCR has repeatedly considered the value of this approach, beginning in 2012 with the International Labour Organization (ILO) and UNHCR roundtable 'Labour Mobility for Refugees'. See UNHCR and ILO, 'Labour Mobility for Refugees: Summary Conclusions' (summary of conclusions from the UNHCR-ILO roundtable, Geneva, 11-12 September 2012), [www.unhcr.org/509a842e9.html](http://www.unhcr.org/509a842e9.html).

## II. NEW AND EXISTING MIGRATION AND MOBILITY CHANNELS

The three durable solutions to displacement traditionally advocated by the United Nations High Commissioner for Refugees (UNHCR)—repatriation, resettlement, and local integration—have proven elusive for most refugee populations. In 2014, just 103,800 refugees benefited from resettlement and 126,000 returned to their countries of origin voluntarily—together amounting to just over 1 percent of the global refugee population.<sup>4</sup> Local integration, defined as the granting of a permanent non-humanitarian legal status in a country of asylum, is of a smaller scale: occurrences such as the recent naturalisation of 26,000 Burundians in Tanzania, for example, remain relatively rare globally.<sup>5</sup> Refugees are thus left with few official options to resume a normal life.

Recent decades have also seen the development of sophisticated immigration systems and legislation in many countries that are designed to efficiently connect would-be immigrants with opportunities abroad. Those with refugee status, however, often struggle to connect with these systems. In some of these cases, there are very simple, practical measures that might enable some refugees to access mobility opportunities for which they already enjoy eligibility, at least on paper.<sup>6</sup> Yet while the inclusion of refugees in existing mobility channels may offer a more direct route to opportunity than building entirely new systems, the pervasiveness of political and technical barriers—alongside a strong preference among much of civil society to clearly delineate refugee flows—suggests that there are limits to how far existing channels can be expanded. Bespoke programmes to facilitate the mobility of refugees, whether for work, study, or permanent settlement, may offer another way to create possibilities for legal movement by running parallel to traditional resettlement schemes.<sup>7</sup>

This section outlines the possibilities for migration and mobility via labour, education, and family reunion channels. It assesses the core obstacles that face refugees in accessing existing opportunities and lays out the steps that would need to be taken to open up new possibilities.

### A. *Labour migration*

Allowing refugees access to employment, whether in countries of first asylum or in immigration destination countries, has a number of potential benefits.<sup>8</sup> Work enables refugees to attain a degree of self-sufficiency and boosts confidence and self-esteem; furthermore, it has the potential to restore lost human dignity to individuals who have fallen into dependency and prevent the atrophy of skills that can lead to long-term unemployment.<sup>9</sup> The self-sufficiency employment provides can also turn refugees from financial burdens, reliant on the state or international humanitarian sector, to taxpaying drivers of growth and job creation. Migration through economic channels can, in some cases, lead to secure and permanent status in third countries, one of UNHCR's 'durable solutions' to displacement. But even when migration is temporary, remittances from refugees

4 UNHCR, *UNHCR Global Trends: Forced Displacement in 2014*, (Geneva: UNHCR, 2015), <http://unhcr.org/556725e69.html>.

5 *Ibid.*, 13.

6 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](http://www.migrationpolicy.org/research/refugee-migrant-labor-mobilitys-protection-potential).

7 *Ibid.*

8 For a full assessment of the barriers and potential of refugee labour mobility, see Katy Long and Sarah Rosengaertner, *Rethinking Protection: Could Labor Migration Work for Refugees?* (Washington, DC: Migration Policy Institute, forthcoming).

9 World Economic Forum (WEF), *Matching Skills and Labour Market Needs: Building Social Partnerships for Better Skills and Better Jobs* (Davos: WEF, 2014), 17, [www3.weforum.org/docs/GAC/2014/WEF\\_GAC\\_Employment\\_MatchingSkillsLabour-Market\\_Report\\_2014.pdf](http://www3.weforum.org/docs/GAC/2014/WEF_GAC_Employment_MatchingSkillsLabour-Market_Report_2014.pdf).

who have moved on to third countries can boost local economies in first-asylum countries and countries of origin, to the benefit of other refugees who stay behind and host communities alike.

There is no impediment, in principle, to refugee populations taking up employment opportunities abroad through the same channels that exist for the nondisplaced. And in fact, small or shrinking domestic working-age populations have created labour market gaps in some high-income countries that refugees with the right skills profile might fill. Manpower Group, for example, estimates that 38 per cent of employers worldwide struggle to fill jobs.<sup>10</sup> Yet real opportunities for refugees to take advantage of work opportunities outside of first-asylum countries are typically limited by several factors, as Long and Rosengaertner have elaborated.<sup>11</sup> Policy communities and advocates will need to give substantial consideration to the best strategy to overcome each barrier within their immigration systems. This section considers each major barrier and potential solutions in turn.

## 1. Immigration requirements may exclude refugees in practice

First, there is a mismatch between the profile largely presented by the refugee population<sup>12</sup> and the labour market needs governments have identified. Most industrialised countries prioritise skills and have designed labour market programmes accordingly. Many systems—whether points systems, employer-driven systems, or a mixture of the two—require applicants to meet certain requirements, such as minimum salary or education levels, or have an existing job offer. The criteria of the Canadian Federal Skilled Worker Program (FSWP), for example, awards points for youth, advanced qualifications, English and French language skills, and holding a job offer in Canada.<sup>13</sup> Such criteria effectively exclude refugees with lower education levels or language skills and without the capacity to connect with potential employers. With an abundant supply of alternative potential employees in the immigration system, the economic incentive for employers to opt for refugees over other viable immigrants is limited. Furthermore, some countries, such as Germany, give preference or restrict economic immigration based on which individuals can fill in-demand occupations as defined by shortage lists maintained by the government. Refugees and other immigrants with occupational backgrounds not judged to be in demand will find accessing opportunities in these countries difficult, even if positions are available. Thus, while employment-based immigration pathways are ostensibly open to refugees, they are also selective and many of the displaced will not meet the high standards of entry.

Migration opportunities at the other end of the skills spectrum, where more refugees may meet the requirements, are even more limited. Governments are often reluctant to widen channels of entry for low-skilled workers out of fear that immigrants will compete with low-skilled individuals within their domestic labour force. For their part, employers may be unlikely to invest in expensive overseas recruitment procedures for

10 Manpower Group, *2015 Talent Shortage Survey* (Milwaukee: Manpower Group, 2015), 4, [www.manpowergroup.com/wps/wcm/connect/db23c560-08b6-485f-9bf6-f5f38a43c76a/2015\\_Talent\\_Shortage\\_Survey\\_US-lo\\_res.pdf?MOD=AJPERES](http://www.manpowergroup.com/wps/wcm/connect/db23c560-08b6-485f-9bf6-f5f38a43c76a/2015_Talent_Shortage_Survey_US-lo_res.pdf?MOD=AJPERES).

11 Long and Rosengaertner, *Rethinking Protection*. See also Long, *From Refugee to Migrant?*

12 An assessment of skill profiles by the ILO in Lebanon for instance, found skill levels to be ‘generally low... three quarters have primary education or below’. See ILO Regional Office for the Arab States, *Assessment of the Impact of Syrian Refugees in Lebanon and their Employment Profile* (Beirut: ILO, 2014), 8, 19, [www.ilo.org/wcmsp5/groups/public/---arab-states/---ro-beirut/documents/publication/wcms\\_240134.pdf](http://www.ilo.org/wcmsp5/groups/public/---arab-states/---ro-beirut/documents/publication/wcms_240134.pdf). While not representative of the Syrian population in Jordan, which is mostly urban, a study by CARE found that over 90 per cent of men and over 99 per cent of women registering an interest in work in Azraq Refugee Camp self-reported low and middle skills. CARE Jordan, *Baseline Assessment of Skills & Market Opportunities for Youth in Azraq Refugee Camp in Jordan: A Summary Report* (Amman: CARE Jordan, 2015), 6-7, [www.care.org/sites/default/files/documents/Summary-Azraq-Assessment-web-FINAL%2029-June15.pdf](http://www.care.org/sites/default/files/documents/Summary-Azraq-Assessment-web-FINAL%2029-June15.pdf). Finally, a report from Gendrassa Refugee Camp in South Sudan highlights that most of its occupants have agriculture-based skills. REACH, *Gendrassa Refugee Camp Profiling* (Juba/Geneva: REACH, 2014), [www.reachresourcecentre.info/system/files/resource-documents/ssd\\_gendrassa\\_refugeecampprofile\\_aug2014.pdf](http://www.reachresourcecentre.info/system/files/resource-documents/ssd_gendrassa_refugeecampprofile_aug2014.pdf). There seems to be a dearth in skills assessments of urban refugee populations in countries of first asylum.

13 Government of Canada, ‘Six Selection Factors—Federal Skilled Workers’, accessed 10 March 2016, [www.cic.gc.ca/english/immigrate/skilled/apply-factors.asp](http://www.cic.gc.ca/english/immigrate/skilled/apply-factors.asp).



lower-skilled jobs, though some are showing increasing interest in middle-skilled recruitment, particularly for skilled trades where shortages have become more acute.<sup>14</sup> Where low-skilled immigration is in greater demand, such as in the Gulf region and certain Southeast Asian countries, requirements that labour remain temporary, self-sufficient, and ultimately removable often lead to the explicit exclusion of refugees. And when refugees do enter undifferentiated labour migration flows, questions have been raised around the level of protection guaranteed them given their specific vulnerabilities and needs.<sup>15</sup>

Moreover, demand among would-be immigrants for legal migration opportunities already exceeds the number of places on offer. Governments often place caps on the number of visas they will issue for work purposes in a given year. Canada, for example, recently reformed its skills-based immigration system in direct response to the untenable backlog of applications that had built up.<sup>16</sup> In the United States, demand for employer-sponsored visas regularly exceeds the number of visas made available. As of November 2015, the U.S. Department of State had a waiting list of at least 4.5 million visa applicants for just 140,000 spots allocated for fiscal year 2016.<sup>17</sup> The result of this oversubscription has been backlogs that can stretch for years or even decades, particularly for some visa categories or nationalities. For refugees living in desperate circumstances, such lengthy waiting periods may exclude participation completely.

There are, however, ways to overcome these challenges. Governments could create exemptions to visa caps for refugee populations or offer additional points to refugee applicants so that they rank more highly in points-based systems of entry. Similarly, skill and minimum-salary requirements that effectively exclude lower-skilled (and, thus, lower-paid) immigrants might be reduced for refugee applicants, particularly when they are able to fill shortage occupations or relocate to regions within countries that typically struggle to attract migrants.<sup>18</sup> Aspects of the Canadian expression of interest model (known as Express Entry), particularly the consideration of localised economic and demographic needs,<sup>19</sup> might offer lessons on how specific regions with an interest in taking in refugees can influence those selected for permanent residency.<sup>20</sup> Most recently, UNHCR has suggested that the upcoming reform to the EU Blue Card legislation explicitly include refugee populations as a distinct category of qualified worker.<sup>21</sup>

Temporary and circular migration programmes, often designed to fill low-skilled labour market gaps, may offer another way to increase opportunities for refugees and migrants with less education and experience. More

14 Manpower Group, *2015 Talent Shortage Survey*.

15 Long, *From Refugee to Migrant?* For the difficulties in guaranteeing protection to refugees who join mixed flows of migrants, see also Michael Collyer, *Conditions and Risks of Mixed Migration in North East Africa*, Study 2 (Cairo: Mixed Migration Hub, 2015), [www.mixedmigrationhub.org/wp-content/uploads/2015/11/Conditions-and-Risks-in-Mixed-Migration-in-North-East-Africa.pdf](http://www.mixedmigrationhub.org/wp-content/uploads/2015/11/Conditions-and-Risks-in-Mixed-Migration-in-North-East-Africa.pdf).

16 Maria Vincenza Desiderio and Kate Hooper, *The Canadian Expression of Interest System: A Model to Manage Skilled Migration to the European Union?* (Washington, DC: Migration Policy Institute, 2016), [www.migrationpolicy.org/research/canadian-expression-interest-system-model-manage-skilled-migration-european-union](http://www.migrationpolicy.org/research/canadian-expression-interest-system-model-manage-skilled-migration-european-union).

17 In addition, the U.S. Citizenship and Immigration Service maintains a separate list of visa applicants from within the United States. Because the size of the applicant pool within the United States is not publicly available, the waiting list provided by the Department of State should thus be seen as a minimum. The true backlog is likely much larger. U.S. Department of State, *Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based Preferences Registered at the National Visa Center as of November 1, 2015* (Washington, DC: State Department, 2015), <https://travel.state.gov/content/dam/visas/Statistics/Immigrant-Statistics/WaitingListItem.pdf>.

18 Long and Rosengaertner, *Rethinking Protection*.

19 The Canadian expression of interest model requires prospective economic immigrants to apply for entry into a pool of highly qualified candidates before filing an application for permanent residence. Points are awarded to candidates in the pool based on criteria relating to their skills, employment prospects, and profile. Those scoring highest in a dynamic process where additional points can be earned in the pool, for example with a job offer, are fast-tracked for immigration and invited to apply. Furthermore, territories within Canada are able to lend weight to specific profiles in demand regionally, thereby allowing them to counter labour shortages and depopulation.

20 Refugee Council of Australia, *Options & Opportunities for the Safe Haven Enterprise Visa (SHEV)* (Sydney and Melbourne: Refugee Council of Australia, 2015), [www.refugeecouncil.org.au/wp-content/uploads/2015/07/SHEV-options-and-opportunities-201506.pdf](http://www.refugeecouncil.org.au/wp-content/uploads/2015/07/SHEV-options-and-opportunities-201506.pdf).

21 UNHCR Bureau for Europe, *UNHCR's Contributions to the European Union's New European Policy on Legal Migration the Review of the 'Blue Card' Directive* (Brussels: UNHCR Bureau for Europe, unpublished, 2015).

broadly, such programmes purport to offer development benefits in first-asylum and origin countries, whilst offering destination countries much needed short-term, and often less-skilled, labour.<sup>22</sup> Other benefits might include: preparing refugees for the labour market by developing skills and competences that can then be employed back in the country of first asylum or through onward mobility, and offering some independence when few, or no, labour market integration opportunities exist in the country of first asylum on the premise that some short-term employment is better than none. The possibility for refugees to take advantage of sustainable, geographically proximate, repeat journeys for seasonal or short-term employment can also contribute to longer-term financial independence. A similar idea was behind UNHCR’s Solutions Strategy for Afghan Refugees (SSAR), for example. The Strategy recognised that while a large number of Afghan refugees in Iran and Pakistan would not return home, many did engage in informal circular or cross-border movements between Afghanistan and their asylum country, sometimes as a livelihoods strategy. The Strategy thus encouraged the Iranian and Pakistani governments to consider opening the possibility for Afghan refugees to qualify for alternative stay arrangements, which could allow for cross-border movements to occur legally and without jeopardising refugees’ right of stay in the country of asylum. Unfortunately, a resurgence of active conflict in Afghanistan, together with the desire to emphasise return rather than integration in Iran and Pakistan, has meant that implementation of the SSAR has been slow.<sup>23</sup>

Programmes that give national populations in the host country privileged or like-for-like access to such opportunities could also help avoid local resentment of refugee populations, recasting them from perceived burdens to harbingers of opportunity. Regional visa arrangements that ease mobility between member countries can also facilitate circular mobility. The availability of visa-free travel for citizens of African states to Uganda, for instance,<sup>24</sup> enables high levels of circular migration from conflict-affected Democratic Republic of Congo.

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Circular migration programmes raise several concerns, however; these include limited rights in the country of destination (often linked to the nature of temporary residence), the inability to establish a more permanent stay in the host country, even if desired, and the risks migrant workers face of exploitation by unscrupulous employers.<sup>25</sup> For refugee groups, the risks of vulnerability and exploitation may be magnified. Refugees who participate in a circular migration programme may be excluded from permanent residence channels on the one hand, but then lose the right to return (in this case, to the country of first asylum) on the other—a concern common to most nonhumanitarian legal pathways and expanded upon in the following subsection.

## 2. Information about potential opportunities may not be available to refugees

A second barrier for refugees, as identified by Long and Rosengaertner, may be a lack of information. Refugees, like other potential immigrants, often face a lack of knowledge about potential opportunities or how

22 Graeme Hugo, ‘What We Know about Circular Migration and Enhanced Mobility’ (MPI Policy Brief no. 7, Migration Policy Institute, Washington, DC, September 2013), [www.migrationpolicy.org/research/what-we-know-about-circular-migration-and-enhanced-mobility](http://www.migrationpolicy.org/research/what-we-know-about-circular-migration-and-enhanced-mobility).

23 Long, *From Refugee to Migrant?*

24 African Development Bank (ADB), *Africa Visa Openness Report 2016* (Addis Ababa: ADB, 2016), [www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Africa\\_Visa\\_Openness\\_Report\\_2016.pdf](http://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Africa_Visa_Openness_Report_2016.pdf).

25 However, permanent status does not cure all ills. The experience within the European Union highlights that, whilst citizenship and rights can reduce the risk of exploitation, it does not eliminate it entirely.

to take advantage of them. To remedy this, international agencies could support the operation of Migrant Resource Centres in camps or communities where refugees are hosted in order to link interested refugees to international recruitment portals and online application processes as well as to offer advice on particular schemes that may suit individual refugees' profiles.<sup>26</sup> The advent of online recruitment and application processes means that the opportunities to connect jobseekers to jobs have multiplied; however, the range of options can also be bewildering and not all postings may be legitimate, underscoring the need for such centres to offer personalised guidance. Long and Rosengaertner further emphasise the need for official portals themselves to be made more open to refugees; the EU's European Employment Services (EURES) system, for example, is limited to EU nationals.<sup>27</sup>

The range of available migration opportunities will, however, still influence the resource centres' rate of placement, and refugees' expectations will need to be managed carefully. In 2008, for example, the European Commission established a Migration Resource Centre in Bamako, Mali, with the intention of offering information on immigration opportunities to would-be migrants, as well as programmes for training and education. Results from the first year of operation, however, found that the vast majority of applicants had only primary level education and, thus, could not be matched with any available opportunities, which were geared toward individuals with higher skill levels.<sup>28</sup>

### 3. Refugees may lack necessary documentation of skills and experience

The need for immigrants to possess recognised qualifications—and provide documentation of them—constitutes a third, related, obstacle that has plagued skilled migration systems for decades. Regulated professions, health care being a typical example, have particularly restrictive standards; candidates generally must formally demonstrate through tests or evaluation procedures that they have the requisite education and qualifications to be accredited in the country of employment. Even outside regulated professions, refugees and other immigrants may encounter barriers to employment because their credentials or experience were obtained abroad. Employers may not understand the specific skills that a foreign qualification represents, or they may simply have a bias against qualifications from foreign institutions even where they are officially recognised by the government in the country of potential employment.

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*The development of 'refugee skills passports' is one way to remedy this lack of documentation and could be driven by industry groups.*

Efforts to harmonise the recognition of credentials internationally have proved elusive beyond regional blocs, such as the European Union, where equivalence exists for professionals in 12 categories across Europe. Furthermore, where credential recognition systems do exist, they often lack the capacity to recognise informally acquired skills and experience.<sup>29</sup> Refugees face even greater challenges, as they are far less likely to be able to

26 Paul Tacon and Elizabeth Warn, *Migrant Resource Centres: An Initial Assessment* (Geneva: International Organization for Migration, Geneva, 2010), [http://publications.iom.int/system/files/pdf/mrs\\_40.pdf](http://publications.iom.int/system/files/pdf/mrs_40.pdf). For an assessment of the potential and limitations of facilitating centres that could direct individuals towards legitimate recruiters, see Long and Rosengaertner, *Rethinking Protection*.

27 Long and Rosengaertner, *Rethinking Protection*.

28 Louis Michel, 'Europe-Africa Cooperation in Mali', *Forced Migration Review* no. 32 (2009): 62-63, [www.fmreview.org/en/FMRpdfs/FMR32/FMR32.pdf](http://www.fmreview.org/en/FMRpdfs/FMR32/FMR32.pdf).

29 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-](http://www.migrationpolicy.org/research/tackling-brain-waste-strategies-)

validate their skills with their home professional authority or professional referees and may find it difficult to produce documentation to verify their educational background. The development of ‘refugee skills passports’ is one way to remedy this lack of documentation and could be driven by industry groups,<sup>30</sup> potentially improving recognition and adoption. Similarly, a number of networks of accreditation offer guidance on how to develop recognition processes for refugee populations, though the variations between national qualifications frameworks means that such processes and their outcomes may still differ strongly from country to country.

To help employers find and recognise the skills and competences of potential recruits, public authorities in third countries—perhaps supported by specialised international institutions with the appropriate expertise—could collect occupational and educational information as part of the registration process itself.<sup>31</sup> Both formal procedures for the recognition of qualifications and Recognition of Prior Learning (RPL) techniques are already employed in certain countries for assessing humanitarian migrants, in some cases even asylum seekers,<sup>32</sup> and could rapidly equip potential migrants with the trusted proof of skills necessary to secure support from employers.<sup>33</sup> For example, Talent Beyond Boundaries, a U.S.-based nonprofit, is developing a pilot project to map the skills of refugees in Lebanon, Jordan, and Turkey with a view to working with multinational corporations to match their hiring needs.<sup>34</sup> The utility of such a scheme does, however, require a deep understanding of employers’ requirements. For such efforts to be effective, Public Employment Services (PES) or employers themselves would need to be involved in both the planning and implementation in order to ensure that correct and useful information is collected and that such information is made available to potential employers in destination countries in a timely manner.

The ongoing migration crisis in Europe has motivated some governments to experiment in this area. EU Member States are devising a process to relocate a large number of refugees from Greece and Italy to other Member States, and several governments have suggested including a skills assessment as a part of the refugee relocation interview in order to foster labour market integration at the earliest opportunity. The European Commission suggested such assessments might be part of the relocation processes when it proposed a mechanism to relocate refugees from Greece in September 2015.<sup>35</sup>

Each of these approaches to the labour market comes with a caveat. The use of labour migration pathways for potential refugees can signal a broader problem with the asylum system. Ukrainian nationals arriving in Poland, for example, have tended to utilise temporary labour migration routes extended by the government rather than apply for asylum, as the latter route is lengthy and applicants risk return if unsuccessful.<sup>36</sup> Where this occurs, not only can refugee workers become vulnerable to exploitation, but a change in labour market dynamics may also affect other labour migrants, who may see depressed wages and worsened conditions as

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[improve-recognition-immigrants-foreign-qualifications.](#)

30 Industry bodies have played a crucial role in driving credential assessment systems forward. Frustrated with the slow progress of governments in this area, some industries have found their own solutions. The Federation of National Engineering Associations (FEANI), for example, has created the ‘Engineering Card’ to allow employers to quickly assess candidates’ skills.

31 Long and Rosengaertner, *Rethinking Protection*.

32 Belgium, Germany, the Netherlands, Portugal, Spain, and the United Kingdom, among other Organisation for Economic Co-operation and Development (OECD) countries, have some form of Recognition of Prior Learning (RPL) or Accreditation of Prior Learning (APL) programmes specifically targeting migrants and refugees. For a full discussion, see International Organization for Migration (IOM), *Recognition of Qualifications and Competences for Migrants* (Brussels: European Commission, 2013), <https://publications.iom.int/books/recognition-qualifications-and-competences-migrants>.

33 OECD, *Making Integration Work: Refugees and Others in Need of Protection* (Paris: OECD Publishing, 2016), 30, <http://dx.doi.org/10.1787/9789264251236-en>.

34 Talent Beyond Boundaries, ‘About Labor Migration’, accessed 18 March 2016, [www.talentbeyondboundaries.org/labormigration](http://www.talentbeyondboundaries.org/labormigration).

35 European Commission, ‘Refugee Crisis: European Commission Takes Decisive Action—Questions and Answers’ (press release, 9 September 2015), [http://europa.eu/rapid/press-release\\_MEMO-15-5597\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-5597_en.htm).

36 Franck Düvell and Irina Lapshyna, ‘The EuroMaidan Protests, Corruption, and War in Ukraine: Migration Trends and Ambitions’, *Migration Information Source*, 15 July 2015, [www.migrationpolicy.org/article/euromaidan-protests-corruption-and-war-ukraine-migration-trends-and-ambitions](http://www.migrationpolicy.org/article/euromaidan-protests-corruption-and-war-ukraine-migration-trends-and-ambitions).

a consequence. The involvement of trade unions can help guard against this by ensuring that protection is mainstreamed in policy design.

## *B. Education and study channels*

International student flows have proliferated and now form a major consideration for immigration and economic policymakers. In 2013, 4.1 million students worldwide went abroad to study.<sup>37</sup> While industrialised countries remain the preferred destinations for international students, Central Asian and sub-Saharan African students are the most mobile, with many students moving within the region.<sup>38</sup> For all students, scholarship programmes offer an opportunity to develop new knowledge and skills, whether in the country of education or elsewhere. For those who have fled war zones, scholarship programmes bring the added value of producing graduates capable of contributing to postconflict rehabilitation and development, an additional outcome that might encourage development and foreign policy actors to invest in such schemes.

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*Scholarship programmes bring the added value of producing graduates capable of contributing to postconflict rehabilitation and development.*

Many of the applicable scholarship programmes<sup>39</sup> are designed for refugees already in-country and with residency secured.<sup>40</sup> However, there is a long tradition of educational institutions spearheading initiatives to bring at-risk academics and students to safety. When conflict broke out in the Balkans in the 1990s, for example, a number of foreign governments provided scholarships and sanctuary for students in Bosnia-Herzegovina.<sup>41</sup> The Council for at Risk Academics (CARA)<sup>42</sup> has a similar legacy, beginning during the Second World War, of raising funds and liaising with governments to relocate academics threatened by war and oppression in Nazi Germany, apartheid South Africa, and, more recently, Iraq after the 2003 invasion.<sup>43</sup>

The Syria crisis has seen a resurgence of these educational schemes. The German Academic Exchange Service (DAAD), for example, emulated an earlier programme for U.S. students whose education was disrupted

37 See UNESCO, 'Global Flow of Tertiary-Level Students', accessed 10 March 2016, [www.uis.unesco.org/Education/Pages/international-student-flow-viz.aspx](http://www.uis.unesco.org/Education/Pages/international-student-flow-viz.aspx). This may have grown as high as 5 million in 2014. See ICEF Monitor, 'The State of International Student Mobility', 5 November 2015, <http://monitor.icef.com/2015/11/the-state-of-international-student-mobility-in-2015/>.

38 In Central Asia, 7.6 per cent of enrolled university students were pursuing qualifications outside of their countries of origin in 2013, followed by sub-Saharan Africa at 4 per cent. See UNESCO, 'Global Flow of Tertiary-Level Students'.

39 More extensive lists than can be provided here are available at European Resettlement Network, 'Supporting Refugees to Access Higher Education', accessed 18 March 2016, [www.resettlement.eu/page/supporting-refugees-access-higher-education](http://www.resettlement.eu/page/supporting-refugees-access-higher-education); Jusoor, 'Scholarships for Syrian Students and Refugees', 27 September 2015, <http://jusoor.syria.com/scholarships-for-syrian-students-and-refugees/>; UNHCR, *Tertiary Scholarship Opportunities for Refugee and Asylum-Seeker Students in Europe: A Mapping Exercise (Annex III)* (Geneva: UNHCR, unpublished).

40 A number of institutions offer scholarships to asylum seekers too. See, for example, Tom Morgan, 'Refugee and Asylum Seeker Scholarships Launched as Goldsmiths Responds to International Crisis', Goldsmiths, University of London, 23 October 2015, [www.gold.ac.uk/news/refugee-and-asylum-seeker-scholarships](http://www.gold.ac.uk/news/refugee-and-asylum-seeker-scholarships).

41 The programme became formalised under the auspices of the Association of European Universities. Bernd Wächter, *Internationalisation in Higher Education* (Bonn: Lemmens, 1999), 21, [www.aca-secretariat.be/fileadmin/aca\\_docs/images/members/1999\\_Internationalisation\\_in\\_Higher\\_Education.pdf](http://www.aca-secretariat.be/fileadmin/aca_docs/images/members/1999_Internationalisation_in_Higher_Education.pdf).

42 The Council for At Risk Academics (CARA) has changed its name a number of times. It was founded as the Academic Assistance Council in 1933, changed its name to the Society for the Protection of Learning in 1939, the Council for Assisting Refugee Academics in 1999, and took on its current name in 2014. See CARA, 'Who We Are: Our History', accessed 5 March 2016, [www.cara.ngo/who-we-are/our-history](http://www.cara.ngo/who-we-are/our-history).

43 Ibid.

during Hurricane Katrina<sup>44</sup> with the launch of a new programme allowing 100 elite students to relocate from the Syria region to Germany with full funding and support.<sup>45</sup> The support of policymakers in both instances was crucial. Another initiative, the Global Platform for Syrian Students, highlights the need for a supportive policy environment. In order to circumvent new restrictions on transit visas for Syrians that were introduced across EU Member States as the war escalated, the Global Platform had to use chartered military aircraft to fly students directly from the region to Portugal.<sup>46</sup>

One of the severe limitations of overseas scholarship programmes is scale. Most are bespoke initiatives tailored to specific universities and limited to ten or 20 places per year.<sup>47</sup> They remain a largely elite pathway accessible only to those who excel, can demonstrate compliance with entry requirements, and—in many cases—possess significant private resources. The number of young people forcibly displaced from their home countries and educational tracks is meanwhile far larger than the capacity of these programmes. For example, of the 350,000 students enrolled in Syrian universities on the eve of the crisis,<sup>48</sup> about half no longer study,<sup>49</sup> and only 1-2 per cent of the 40,000-50,000 university-age Syrian students in Turkey are enrolled in higher education institutions<sup>50</sup> despite the legal right to free tuition.<sup>51</sup> Other refugee groups with different legal statuses to Syrians fare worse: conditional (non-Syrian) refugees, for instance, have no legal right to higher education.<sup>52</sup> Similarly, Syrian and Sudanese refugees in Egypt benefit from tuition fee waiver programmes at undergraduate level, while other refugees are expected to pay international student fees.<sup>53</sup>

## 1. Barriers to accessing existing scholarship programmes

Beyond scale, refugees seeking educational opportunities encounter many of the same challenges in expense, design, and elitism as they do in labour migration channels.<sup>54</sup>

- 44 Government of Germany, 'USA: German Universities to Respond to Hurricane Katrina with Scholarships and Funding for Displaced Students and Faculty', 22 September 2005, <http://reliefweb.int/report/united-states-america/usa-german-universities-respond-hurricane-katrina-scholarships-and>.
- 45 German Academic Exchange Service (DAAD), 'Scholarships Programme for Syrian Students Launched', (press release, 27 October 2014), [www.daad.de/presse/pressemitteilungen/en/31298-scholarships-programme-for-syrian-students-launched](http://www.daad.de/presse/pressemitteilungen/en/31298-scholarships-programme-for-syrian-students-launched).
- 46 Portugal Resident, 'Syrian University Students Head for Portugal', 4 March 2014, <http://portugalresident.com/syrian-university-students-head-for-portugal>.
- 47 UNHCR, *Tertiary scholarship opportunities*. Examples of programmes offering mobility include the Student Refugee Programme of the World University Service Canada, which offers 65 places every year (see European Resettlement Network, 'Supporting Refugees to Access Higher Education'), and the Institute of International Education, which has provided around 150 places so far.
- 48 On the eve of the uprising, there were 350,000 students enrolled in higher education in Syria. See Wafic Rida Said, 'Syria and Higher Education' (keynote speech, Jusoor Conference, 19 October 2015), 2, [www.saidfoundation.org/sites/default/files/files/Syria%20and%20HE%20speech%20Final%20for%20Jusoor.pdf](http://www.saidfoundation.org/sites/default/files/files/Syria%20and%20HE%20speech%20Final%20for%20Jusoor.pdf).
- 49 Ibid, 4.
- 50 Keith David Watenpugh, Adrienne L. Fricke, and James R. King, *We Will Stop Here and Go No Further: Syrian University Students and Scholars in Turkey* (New York: Institute of International Education, 2014), [www.iie.org/Research-and-Publications/Publications-and-Reports/IIE-Bookstore/We-Will-Stop-Here-And-Go-No-Further-Syrian-University-Students-And-Scholars-In-Turkey](http://www.iie.org/Research-and-Publications/Publications-and-Reports/IIE-Bookstore/We-Will-Stop-Here-And-Go-No-Further-Syrian-University-Students-And-Scholars-In-Turkey).
- 51 In any case, many Syrians are unable to benefit from the tuition fee waivers because of out-of-reach language requirements. See UNHCR, *3RP Regional Refugee and Resilience Plan 2016-17: Response to the Syria Crisis: Turkey* (Geneva: UNHCR, 2015), 43, 46, [www.3rpsyriacrisis.org/wp-content/uploads/2016/02/Turkey-2016-Regional-Refugee-Resilience-Plan.pdf](http://www.3rpsyriacrisis.org/wp-content/uploads/2016/02/Turkey-2016-Regional-Refugee-Resilience-Plan.pdf).
- 52 Asylum Information Database, *Country Report: Turkey* (Ankara: European Council on Refugees and Exiles, 2015), 134, [www.asylumineurope.org/reports/country/turkey](http://www.asylumineurope.org/reports/country/turkey).
- 53 Syrians are, however, expected to pay the undergraduate enrolment fee of around USD 65, while master's and doctorate programmes require full fees of around USD 3,300. See Sarah Lynch, 'Even in Egypt, Syrian Refugees Struggle to Access Higher Education', Al-Fanar Media, 6 April 2015, [www.al-fanarmedia.org/2015/04/even-in-egypt-syrian-refugees-struggle-to-access-higher-education](http://www.al-fanarmedia.org/2015/04/even-in-egypt-syrian-refugees-struggle-to-access-higher-education).
- 54 In Syria, for example, the proportion of unemployed adults in 2010 who held a tertiary degree was under 10 per cent, indicating a strong link between higher education and subsequent employment. See Adriana Jamillo and Thomas Melonio,

First, refugees need information on what scholarship programmes are open to them. Efforts to create websites offering collated information about opportunities exist,<sup>55</sup> but are often piecemeal (focused on access to a particular country, for example<sup>56</sup>) and require proactive research to determine which programme is most suitable, its entry requirements, and how to navigate the application process. Online resources are useful in this regard, as are other innovative programmes that offer direct support to students through the application stage. For example, the Syrian expatriate NGO network Jusoor’s academic mentorship programme matches mentors who have experience with higher education systems throughout the world with prospective Syrian students. Mentors then aim to guide students in first-asylum countries or elsewhere through the application process.<sup>57</sup> Clearinghouses of scholarship programmes, capable of matching a candidate to an academic programme and advising on the application process, might also help to close the information gap.

Second, many students are unable to demonstrate the skills necessary in the proposed country of study. This may be due to a lack of access to preparatory measures—often language-related—that would help otherwise eligible students fulfil specific conditions or to an inability to provide documentary evidence of skills, credentials, or qualifications already acquired.

There are some programmes that attempt to address one or both of these issues. The United Nations Children’s Emergency Fund (UNICEF) in Turkey provides tuition support for language training in order to smooth the pathway into universities that documented Syrians are legally allowed to access.<sup>58</sup> The British Council’s EU-funded Language and Academic Skills and E-Learning Resources (LASER) programme provides language and academic skills training to over 3,000 students in Lebanon and Jordan that enable them to ‘meet the entry standards of tertiary education institutions’ in the region<sup>59</sup> and further afield.<sup>60</sup> LASER also frequently negotiates discounted admission to local universities,<sup>61</sup> combining assistance with prerequisite qualifications with financial guidance.

That universities need to certify entry requirements can prove a further barrier. In the European Union, special measures to recognise the credentials of refugees has a basis in law, via the 1999 Lisbon Recognition Convention, which requires a ‘fair and expeditious’ assessment of whether entry requirements are met, even where qualification ‘cannot be proven through documentary evidence.’<sup>62</sup> Twenty-six European Council countries have incorporated in national processes the core principles of the convention,<sup>63</sup> which are also echoed in

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*Breaking Even or Breaking Through: Reaching Financial Sustainability While Providing High Quality Standards in Higher Education in the Middle East and North Africa* (Washington, DC: World Bank, 2011), 10, [http://siteresources.worldbank.org/INTMENA/Resources/FinancingHigherEducation\\_MENA.pdf](http://siteresources.worldbank.org/INTMENA/Resources/FinancingHigherEducation_MENA.pdf).

55 See for example, Jusoor, ‘Scholarships for Syrian Students and Refugees’.

56 See for example, Australian Government, Department of Immigration and Border Protection (DIBP), ‘Visa Finder’, accessed 18 March 2016, [www.border.gov.au/Trav/Visa-1](http://www.border.gov.au/Trav/Visa-1).

57 Jusoor, ‘Academic Mentorship Program’, accessed 5 March 2016, <http://jusoor.syria.com/programs/academic-mentorship-program/>. As an example of the kind of support required, Jusoor found that many students were unsure of the differences between undergraduate and postgraduate studies. Jusoor, ‘Scholarships for Syrian Students and Refugees’.

58 Sally Ward, ‘What’s Happening to Syria’s Students During the Conflict?’ British Council, 17 July 2014, [www.britishcouncil.org/voices-magazine/whats-happening-to-syrias-students-during-the-conflict](http://www.britishcouncil.org/voices-magazine/whats-happening-to-syrias-students-during-the-conflict).

59 In Lebanon, Syrian students struggle in particular to pass the English and/or French components of entrance exams. In Jordan, Syrian students must negotiate a U.S.-based style of higher education that contrasts sharply with the French-based Syrian model.

60 It also offers direct access to tertiary level distance-learning courses, accredited by the United Kingdom’s Open University, a longstanding provider of distance learning respected for the quality of its degrees, thereby constituting a viable additional option. See British Council, ‘Beyond Aid: Educating Syria’s Refugees’, September 2015, [www.britishcouncil.org/organisation/policy-insight-research/insight/beyond-aid-educating-Syrias-refugees](http://www.britishcouncil.org/organisation/policy-insight-research/insight/beyond-aid-educating-Syrias-refugees).

61 Ibid.

62 The full article can be accessed at Council of Europe, ‘Convention on the Recognition of Qualifications Concerning Higher Education in the Europe Region 1997’, Article 7, 4 November 1997, CETS no. 165, [www.coe.int/en/web/conventions/full-list/-/conventions/treaty/165](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/165).

63 The five main principles of the Lisbon Convention: (1) applicants’ right to fair assessment; (2) recognition unless substantial differences can be demonstrated; (3) legislation/guidelines emphasise learning outcomes over programme contents; (4) in cases of negative decisions, the burden is on authorities to demonstrate existence of substantial difference; (5) right of appeal. 26 countries have incorporated four of these, normally excluding the fourth principle. Eleven countries have

similar conventions in the Asia Pacific Region (2011) and among the African Union States (2014).<sup>64</sup> Common practices for alternative verification can be resource intensive: universities in a number of countries have set up special boards to determine alternative entry criteria for those without adequate proof of qualifications through an interview and testing process. While this individualised approach enables universities to take a highly selective approach, it requires considerable time on the part of academic and administrative staff. As one potential remedy, Norway, having realised the high costs associated with each of its universities' self-devised approaches, centralised the verification of academic qualifications under the Norwegian Agency for Quality Assurance. Similar efficiency gains might be made at EU level or within other regional contexts.<sup>65</sup>

Third, students face financial constraints and remain financially dependent on the donor, personal funds, or both, for several years. Moreover, overseas students may not have the right to work, or enjoy only a restricted number of hours of employment per week. Many young refugees face pressure—not least from family members—to enter the workforce as soon as possible, despite the long-term cost should they become stuck in low-skilled or precarious work. Furthermore, many scholarships require (sometimes significant levels of) co-financing. Short-term exigencies may thus mean that applicants are opting out of available opportunities or could drive students to violate the terms of their immigration status, in pursuit of a living wage. This is particularly striking when looking at the participation rates of young Syrian refugees in Turkey, where women are much less likely to be enrolled than men, despite the reverse being true before the crisis.<sup>66</sup>

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*Many young refugees face pressure—not least from family members—to enter the workforce as soon as possible.*

Resolving financial constraints does not always involve increased cash outlays. Governments might consider lifting working restrictions on scholarship students (and spouses), particularly for summer months when refugee students are less likely to return 'home' for the break in the academic year than others. Students with dependents could be given access to income support for family members who either accompany the scholarship recipient, or for dependents who remain in the region of origin. Universities might also waive fees for refugee students. Here too, there are creative options to minimise costs: matching scholars with unfilled places on courses that universities have already committed to run could mean that the cost of providing waivers is little more than leaving the places vacant.

Living costs are more difficult to offset, as encountered by the Global Platform for Syrian Students programme: 700 tuition waivers offered by universities in Portugal were not taken up by the programme due to the funding gap in living costs.<sup>67</sup> More creative consideration for the economic underpinning of such programmes, including employer sponsorship and apprenticeship programmes, may allow for the scale to increase significantly in the coming years. In Egypt, for example, courses at the German University in Cairo

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incorporated all of the principles in their national systems. See European Commission/EACEA/ Eurydice, *The European Higher Education Area in 2015: Bologna Process Implementation Report* (Luxembourg: Publications Office of the European Union, 2015), 80, [www.ehea.info/Uploads/SubmittedFiles/5\\_2015/132824.pdf](http://www.ehea.info/Uploads/SubmittedFiles/5_2015/132824.pdf).

- 64 The full names of these conventions are the Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education (Tokyo, Japan, 2011) and the Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States (Addis Ababa, Ethiopia, 2014). UNESCO has described these as a 'new generation' of convention, shifting the emphasis of provision towards applicant needs. See UNESCO, 'General Conference 38th Session' (conference report, Paris, 2 November 2015), 7, <http://unesdoc.unesco.org/images/0023/002351/235196e.pdf>.
- 65 Jack Grove, 'How Europe's Academy is Addressing the Refugee Crisis', *Times Higher Education*, 15 October 2015, [www.timeshighereducation.com/features/how-europes-academy-is-addressing-the-refugee-crisis](http://www.timeshighereducation.com/features/how-europes-academy-is-addressing-the-refugee-crisis).
- 66 Watenpugh, Fricke, and King, *We Will Stop Here and Go No Further*. For an analysis of how changing gender roles affected educational participation, see Claire Harvey, Rosa Garwood, Roula El-Masri, *Shifting Sands: Changing Gender Roles among Refugees in Lebanon* (Oxford: Oxfam International, 2013), <http://policy-practice.oxfam.org.uk/publications/shifting-sands-changing-gender-roles-among-refugees-in-lebanon-300408>.
- 67 Heather Horn, 'Saving Syria's "Lost Generation"', *The Atlantic*, 23 October 2015, [www.theatlantic.com/international/archive/2015/10/syria-university-students-education/412174/](http://www.theatlantic.com/international/archive/2015/10/syria-university-students-education/412174/).



are supported by private partners such as BMW, Mercedes, and Siemens—industry partners that also provide support for poststudy transition into the workforce.

Finally, ensuring refugees' access to visas and residence permits may also prove difficult, even if a scholarship is granted. Universities may deem a candidate worthy of their financial support, while hurdles remain with immigration services. With so much demand from refugee students who have already been granted protection in the host country, there is little incentive for universities to use their limited political capital to push for greater mobility from refugee producing regions.

## 2. The broader benefits of education for mobility

Study overseas is not the only way in which education can expand opportunity for refugee groups. Education and training, more broadly speaking, can provide a link to other mobility opportunities, if they aide refugees in gaining skills and competences relevant to the destination country, including language, professional, and academic skills.

However, increased provision of education and training alone is not sufficient. Regardless of the availability of such programmes, their success depends in large part on the extent to which refugees are willing and able to engage. There is a choice for refugees considering migration: countries of immigration will all have specific entry requirements, qualification expectations, language needs, and security processes. At what point should a refugee place their chips on one particular process—including language training and immigration process—and forgo opportunities to develop the necessary skills to find opportunities in their country of origin or in other destinations? And to what extent is this possible when other livelihood and even survival pressures detract and distract from education goals?

Massive open online courses (MOOCs) and other online study options offer one way of providing access to education while minimising the costs to both provider and refugee. They often have lower entry requirements and enable students to overcome restrictions on mobility (which are not unusual in countries of first asylum), as well as other geographical and livelihood obstacles. Online education options may also help to overcome critical educational capacity issues in overstretched host countries and relieve competition with host populations. They are cost-effective and hold value for all candidates who may take them, even if they prove unsuccessful in acquiring subsequent scholarships. They can also be a route to professional qualifications in their own right and may provide viable futures in the country of first asylum itself.

However, online learning requires careful design to ensure it is fit for purpose. Language requirements and educational expectations will differ greatly according to available scholarships, which may create an overwhelming number of options for candidates, including which language to pursue and what curriculum to complete. Moreover, students have often cited difficulties in accessing the necessary equipment and can be sceptical about the value of qualifications earned online.<sup>68</sup>

The endorsement and accreditation of courses by trusted actors therefore remains paramount. It may be valuable to consider combining online learning platforms with the clearinghouses described previously in a multi-step preparatory process: once a candidate has made an initial application to a clearinghouse, advice could be offered as to what interim programming to pursue, whether in the first country of asylum or further afield. UNHCR's Community Technology Access (CTA)<sup>69</sup> or UNHCR Exchange programming, which offer

68 Scholar Rescue Fund and Al-Fanar Media, *Strengthening Delivery of Higher Education to Syrian Refugees*, (workshop report, Scholar Rescue Fund and Al-Fanar Media, Istanbul, 2015), [www.scholarrescuefund.org/sites/default/files/pdf-articles/strengthening-delivery-of-higher-education-to-syrian-refugees.pdf](http://www.scholarrescuefund.org/sites/default/files/pdf-articles/strengthening-delivery-of-higher-education-to-syrian-refugees.pdf).

69 Refugees currently have access to internet-based opportunities for learning and employment through 60 CTA programmes in 29 countries around the world. UNHCR, 'Community Technology Access', accessed 10 March 2016, [www.unhcr.org/pages/4ad2e8286.html](http://www.unhcr.org/pages/4ad2e8286.html).

access to equipment and online learning tools, would lend themselves well to the process.

Reducing the stakes for refugees making these investments, whether by reducing skills requirements, simplifying processes, or reducing language requirements prior to departure, may be one way to support access to immigration channels. However, the current tendency in most industrialised countries is in the opposite direction, with more demanding requirements, prolonged checks, and higher fees. While the situation of each country, and for each individual, is likely to be unique, efforts might be better invested in building competences relevant for local opportunities, whether admission to universities in the country of first asylum, or vocational training to access new and local jobs, such as those envisaged under new employment creation programmes as part of the international regional response.<sup>70</sup>

### C. *Family reunion*

Refugee decision-making is not influenced solely by economic considerations and opportunities. Among other factors, the availability of family reunification is critical and has a strong influence on group decisions regarding livelihood development. Family unity is a fundamental human right, enshrined in the 1948 Universal Declaration of Human Rights, and one that extends to refugee populations. UNHCR guidelines identify the nuclear family as husband, wife, and dependent children (though encourages a broader interpretation of the latter beyond minors).<sup>71</sup> In practice, family reunification law varies significantly from country to country in terms of the time refugees must wait prior to applying for reunification, the scope of the definition of family, and the entitlements and status that family members enjoy. Countries often jealously guard access to family reunification, citing concerns of uncontrollable numbers, high dependency on the state, and poor integration outcomes.<sup>72</sup>

Some observers have attributed the numbers of young men and unaccompanied minors arriving at the borders of Europe in 2015 to a strategic intention to open a gateway for the arrival of remaining family members.<sup>73</sup> In view of this, a number of European countries have adjusted their family reunification policies to delay the arrival of family members or restrict the application of family reunion to particular categories of protection. Germany, for example, is one of the latest and in 2016 suspended family reunification for beneficiaries of subsidiary protection.<sup>74</sup> The goal in tightening regulations has been to reduce these young migrants' incentives to

70 See, for example, proposals emanating from Supporting Syria and the Region, 'Co-host Declaration from the Supporting Syria and the Region Conference, London 2016', 4 February 2016, [www.supportingsyria2016.com/news/co-hosts-declaration-of-the-supporting-syria-and-the-region-conference-london-2016/](http://www.supportingsyria2016.com/news/co-hosts-declaration-of-the-supporting-syria-and-the-region-conference-london-2016/).

71 UNHCR, *UNHCR Guidelines on Reunification of Family Refugees* (Geneva: UNHCR, 1983), [www.unhcr.org/3bd0378f4.pdf](http://www.unhcr.org/3bd0378f4.pdf).

72 Thomas Huddleston and Anders Pedersen, *Impact of New Family Reunion Tests and Requirements on the Integration Process* (Brussels: Migration Policy Group, 2011), [www.migpolgroup.org/public/docs/Impact\\_of\\_new\\_family\\_reunion\\_tests\\_and\\_requirements\\_on\\_the\\_integration\\_process\\_MPG\\_Briefing\\_3.pdf](http://www.migpolgroup.org/public/docs/Impact_of_new_family_reunion_tests_and_requirements_on_the_integration_process_MPG_Briefing_3.pdf).

73 An argument made in part based on the disproportionate number of men among those arriving via the Mediterranean. According to UNHCR, 57 per cent of those who have arrived since January 2015 were adult men, 17 per cent were women, and the rest children. See UNHCR, 'Refugees/Migrants Emergency Response—Mediterranean', accessed 5 February 2016, <http://data.unhcr.org/mediterranean/regional.php>. Furthermore, a survey conducted by UNHCR of Syrian arrivals in Greece found that more than 60 per cent of those interviewed intend to bring their families with them through reunification channels after they are granted protection. See UNHCR, *Syrian Refugee Arrivals in Greece: Preliminary Questionnaire Findings, April-September 2015* (Geneva: UNHCR, 2015), [http://data.unhcr.org/mediterranean/download.php?id=248#\\_ga=1.236278023.709933093.1429309776](http://data.unhcr.org/mediterranean/download.php?id=248#_ga=1.236278023.709933093.1429309776).

74 Deutsche Welle, 'German Cabinet Approves Asylum Legislation Package', *Deutsche Welle*, 3 February 2016, [www.dw.com/en/german-cabinet-approves-asylum-legislation-package/a-19021974](http://www.dw.com/en/german-cabinet-approves-asylum-legislation-package/a-19021974).

travel to European territory using smuggling networks, though early indications suggest this has not deterred new arrivals.<sup>75</sup>

However, whilst many countries limit family reunification policy, the reality is that enabling entry for family members may be a simple way of offering greater protection to refugee groups in moments of crisis, without designing new channels of entry. Governments might reduce barriers to family reunification for refugees by: (1) increasing processing resources, (2) relaxing threshold criteria, and (3) expanding the definition of the family.

Expediting processing for family in a crisis situation has some precedent. In 2006, the Canadian government accelerated reunion procedures for family members of Canadian citizens during the Lebanese conflict and sent additional officers to Lebanon to provide consular and visa advice. At the same time, the Canadian government generously considered applications from Lebanese visitors to extend their stay in the country.<sup>76</sup> ‘Concurrent processing’ enables refugees present in Canada to sponsor a family member before officially receiving status themselves, rapidly accelerating reunification. Refugees in Canada are also offered a one year window after they receive status to name and sponsor family members before regular family reunification rules apply. By contrast, many European Union Member States offer a window of just three months and do not take into account the difficulties in tracking down family members (and supporting documents) in chaotic situations.

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*Whilst many countries limit family reunification policy, the reality is that enabling entry for family members may be a simple way of offering greater protection to refugee groups in moments of crisis.*

Similarly, the development of the Haitian Family Reunification Parole (HFRP) Program in the United States has expedited the family reunification of thousands of Haitians and allowed them to reside and work in the United States before their applications for permanent residence are completed.<sup>77</sup> This approach was intended in part to reduce frustration amongst communities who might otherwise take more dangerous independent routes, and merely speeds up, rather than augments, the final number expected to receive permanent residence status in the United States.

Expanding definitions of family beyond nuclear family relationships may, however, prove more difficult. Immigration authorities already struggle to obtain the necessary documentation to prove close familial ties, such as those between parents and children or spouses.<sup>78</sup> Cultural differences around the definition of family can

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<sup>75</sup> Disaggregated figures for this type of family reunion are not kept, but early indications from flows in December 2015 and January 2016 suggest that this has not had the desired effect: in the absence of timely family reunification procedures, more vulnerable family members are now making the dangerous journey directly. In Germany, the number of children under age 14 claiming asylum as a proportion of all child asylum seekers climbed from 78 per cent in January 2015 to 84 per cent in January 2016. The vast majority of these arrive with family, suggesting that restrictive family reunion policies are unlikely to reduce irregular flows as family members will make the journey themselves without legal channels to reunify. See UNHCR, ‘Breakdown of Men—Children—Women Among Sea Arrivals in Greece for the Period June 2015–January 2016, Based on Partial Data as Communicated by Authorities’, 31 January 2016, <http://data.unhcr.org/mediterranean/download.php?id=587>; Eurostat, ‘Asylum and First Time Applicants by Citizenship, Age and Sex, Monthly Data (rounded)’, updated 11 March 2016, <http://ec.europa.eu/eurostat/data/database>; Eurostat, ‘Asylum Applicants Considered to be Unaccompanied Minors by Citizenship, Age and Sex, Annual Data’, updated 9 March 2016, <http://ec.europa.eu/eurostat/data/database>.

<sup>76</sup> Canadian Citizenship and Immigration Resource Center, ‘Immigration Canada Sponsorship Rules Relaxed in Response to the Crisis in Lebanon’, 17 March 2016, [www.immigration.ca/en/immigration-wiki2/48-canada-immigration/family-sponsorship-immigration/125-immigration-canada-sponsorship-rules-relaxed-in-response-to-the-crisis-in-lebanon.html](http://www.immigration.ca/en/immigration-wiki2/48-canada-immigration/family-sponsorship-immigration/125-immigration-canada-sponsorship-rules-relaxed-in-response-to-the-crisis-in-lebanon.html).

<sup>77</sup> U.S. Citizenship and Immigration Services (USCIS), ‘The Haitian Family Reunification Parole (HFRP) Program’, updated 7 July 2015, [www.uscis.gov/HFRP](http://www.uscis.gov/HFRP).

<sup>78</sup> Refugees may not travel with documents such as marriage licenses or birth certificates that can help them prove these relationships. DNA evidence has also proven unreliable in some cases, particularly in cases of sibling relationships, and

further complicate matters, particularly where extended relatives are considered close family in one community but are not recognised as such in the country of destination, leading to concern about wilful fraudulent use of the system.<sup>79</sup> DNA testing has been brought in to confirm family relationships in some programmes, although its utility beyond parent-child relationships is limited. While civil society and diaspora groups might also help corroborate ties in the face of unreliable test results, immigration authorities have typically preferred to rely on ‘hard’ evidence, like documentation or DNA, rather than statements or testimony to prove such claims.

### III. SECURE STATUS IN FIRST-ASYLUM COUNTRIES: A GATEWAY TO MOBILITY?

A secure legal status in the first-asylum country is a prerequisite for refugees to take advantage of existing or potentially new mechanisms for mobility that are outside the humanitarian realm. Without a secure status—meaning refugees will not forfeit protection and other rights should they move to another country<sup>80</sup>—and the ability to return to the first-asylum country when visas expire, refugees will not be able to access many of the more traditional migration channels described above. There are, however, additional benefits to a secure status that extend beyond enabling mobility, including the ability to access work in first-asylum countries for refugees who choose not to move. The relationship between pathways to a more secure status and access to opportunities—whether through resettlement, return, local integration, or onward mobility—thus does not constitute a zero sum game. Each possibility relies and draws to some extent on another.

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*For many displaced persons, access to refugee status itself is limited (or precarious) in the country of residence.*

The goals of this section are twofold. The first aims to ascertain how far countries can work together to offer individuals the *security of status* that would allow them to take advantage of channels for mobility, whether for work, study, or family reunion, without risking their existing status and the threat of deportation back to an unstable or inhospitable country. The second explores how governments can be encouraged to offer refugees *access to the legal means to stay* in the first country of asylum (or possibility to return after utilising a temporary migration opportunity) and improve prospects of becoming ‘more than a refugee’ whilst there. Linked to this is the reality that for many displaced persons, access to refugee status itself is limited (or precarious) in the country of residence, and options for regularising status are urgently needed. In either scenario, it is paramount that the pursuit of greater self-reliance through livelihood opportunity does not compromise protection.

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is of no use to prove spousal connections. For more information, MPI and ICF International conducted interviews with Dublin Unit officials in EU Member States as part of European Commission evaluation of the Dublin Regulation, November 2015 – January 2016. ICF International, *Evaluation of the Dublin III Regulation (No 604/2013)* (Brussels: ICF International, forthcoming).

79 The United States, for example, shut down its family reunification resettlement channel for several years after investigations turned up numerous cases where claimed familial relationships could not be substantiated, leading to concerns of fraud.

80 Some governments may consider refugees who travel on their home country passport to have reavailed themselves of the protection of their home country, grounds for withdrawing refugee status.

## A. *Facilitating mobility*

The most reliable means of ensuring refugees can enjoy stability of status and the ability to travel is to allow resident populations to access permanent residence and, eventually, citizenship. Within the European Union, for example, refugees and others who benefit from international protection gain access to long-term residence after five years of continuous legal stay in a single country, subject to conditions,<sup>81</sup> and are allowed access to free movement and protection across the European Union itself.<sup>82</sup>

Elsewhere in the world, governments have remained reluctant to incorporate refugees through permanent residence or citizenship. In many countries, the requirements for naturalisation are onerous: long periods of required residence and high levels of socio-economic and linguistic integration. For example, in Uganda, refugees must have resided in the country for at least 20 years prior to application and, even then, the procedures for obtaining citizenship are unclear and have not been fully implemented.<sup>83</sup> However, in other countries, efforts have been made to improve access to citizenship for long-standing refugee populations. For example, as part of its Comprehensive Solutions Strategy,<sup>84</sup> the Tanzanian government recently granted citizenship to over 180,000 former Burundian refugees (or ‘newly naturalised Tanzanians’), a group that has resided in the country for several decades.<sup>85</sup> The government has also granted citizenship to other groups, including Rwandans, Somali Bantus, and nationals of the Democratic Republic of Congo,<sup>86</sup> as well as allowing for repatriation and supported local integration (including via relocation within the country) depending on refugees’ preferences.

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*Regardless of the level of (perceived) security threat, verifying identity, right to travel, and skills can be a challenge for groups who may not have any papers in their possession or the ability to obtain new ones.*

While in certain contexts naturalisation (and long-term residency) may amount to something of an ideal solution, it is beyond the necessary minimum to facilitate onward mobility. In principal, there are only two components of a secure status that—almost universally—are required to allow holders to take advantage of mainstream mobility channels: (1) valid, recognised documentation; and (especially in the case of temporary mobility) (2) a country of return, enabling ‘returnability’<sup>87</sup> of refugees admitted to third countries. Addressing these two issues is a prerequisite to resolving critical destination country concerns, including those relating to an entrant’s ability to provide proof of identity, meet visa processing requirements, and maintain the protection of the country of first asylum.

Security and identity in particular have become an increasingly important issue for destination countries. Concerns about security in the U.S. refugee resettlement programme, for example, have driven the development of smart border initiatives and the proliferation of information databases, including the multi-step security

81 These include financial stability, health insurance (where relevant), and in some cases integration requirements such as language aptitude. See European Commission, ‘EU Immigration Portal: Already in the EU?’, accessed 9 March 2016, [http://ec.europa.eu/immigration/who-does-what/what-does-the-eu-do/already-in-the-eu\\_en#longterm](http://ec.europa.eu/immigration/who-does-what/what-does-the-eu-do/already-in-the-eu_en#longterm).

82 There are exceptions to this: the Danish government, which has opted out of the relevant EU law on this matter, has recently extended the residency requirement to six years.

83 Samuel G. Walker, *From Refugee to Citizen? Obstacles to the Naturalisation of Refugees in Uganda* (Kampala: Refugee Law Project, School of Law, Makerere University, 2008), [www.refugeelawproject.org/files/briefing\\_papers/Naturalisation\\_of\\_Refugees.pdf](http://www.refugeelawproject.org/files/briefing_papers/Naturalisation_of_Refugees.pdf).

84 UNHCR, ‘Durable Solutions and New Displacement: Chapter III’ in *UNHCR Statistical Yearbook 2009* (Geneva: UNHCR, 2009), 5-6, [www.unhcr.org/4ce531b59.pdf](http://www.unhcr.org/4ce531b59.pdf).

85 UNCHR, ‘Tanzania Grants Citizenship to 162,000 Burundian Refugees in Historic Decision’, 17 October 2014, [www.unhcr.org/5441246f6.html](http://www.unhcr.org/5441246f6.html).

86 Ibid.

87 Katy Long, ‘When Refugees Stopped Being Migrants: Movement, Labour and Humanitarian Protection,’ *Migration Studies* 1, no. 1 (2013): 4-26, <http://migration.oxfordjournals.org/content/1/1/4.full.pdf+html>.

process<sup>88</sup> (comprising biometrics, interview, and multiple database checks) for refugees hoping to be resettled to the United States. These processes can take up to two years to complete and may still result in rejection. While processes in the other 27 countries currently participating in resettlement programmes have shorter timelines, security concerns are by no means limited to the United States.<sup>89</sup>

Regardless of the level of (perceived) security threat, verifying identity, right to travel, and skills can be a challenge for groups who may not have any papers in their possession or the ability to obtain new ones. Applications for travel require statements of citizenship; however, governments sometimes assume that the very use of national passports to meet this requirement is evidence that their holders are no longer in need of protection. Thus, the use of verification documents to prove identity may place refugees' protected status in jeopardy, presenting applicants with a conundrum.<sup>90</sup> Whilst some countries allow individuals to list themselves as stateless, this does not necessarily resolve the challenge. Ensuring that application forms offer the option of declaring refugee status would reduce risks and increase clarity for refugee applicants.

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*Granting access to convention travel documents and other means for refugees to travel without forfeiting their status is one important way to safeguard refugees' right to protection whilst facilitating access to migration*

One of the principle barriers to verifying identity is largely technical (and partly technological) in nature. It relates to the issuance of a Convention Travel Document (CTD), effectively a 'refugee passport' and the most common means by which refugees can travel internationally.<sup>91</sup> Despite the promotion of such documents by UNHCR, and a Convention requirement to issue documents,<sup>92</sup> there is incomplete issuance and acceptance of CTDs across the globe. For example, as of 2012, 12 countries in the Africa region still did not issue CTDs.<sup>93</sup> The challenge has been further complicated by the fact that since November 2015, countries may now refuse to recognise any CTDs that are not machine-readable.<sup>94</sup> So far, just 45 countries issue machine-readable CTDs (MRCTDs), which will severely curtail access to migration channels for many refugees. For those refugees who do not have access to CTDs, countries may issue alternative *laissez-passer* documents that allow travel.

88 The White House, 'Infographic: The Screening Process for Refugee Entry into the United States', (White House blog, 20 November 2015), [www.whitehouse.gov/blog/2015/11/20/infographic-screening-process-refugee-entry-united-states](http://www.whitehouse.gov/blog/2015/11/20/infographic-screening-process-refugee-entry-united-states).

89 Nonetheless, in the European Union, there is perhaps a surprisingly little amount of analysis of the security threat of resettlement channels. See the European Migration Network (EMN), *Ad-hoc Query on Risk to National Security in Resettlement Context* (Brussels: European Commission, 2015), [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/ad-hoc-queries/protection/2014\\_638\\_emn\\_ahq\\_risk\\_to\\_national\\_security\\_in\\_resettlement\\_context\\_wider\\_dissemination.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/protection/2014_638_emn_ahq_risk_to_national_security_in_resettlement_context_wider_dissemination.pdf).

90 Long and Rosengaertner, *Rethinking Protection*.

91 Identity documents are also essential to ensuring refugees can access basic services in countries of first asylum, obtain work permits where possible, and enrol children in schools. Reflecting this, UNHCR has been expanding biometric registration in North Africa and the Middle East-North Africa (MENA) region, as well as collaborating with the International Civil Aviation Organization (ICAO) on the expansion of machine-readable Convention Travel Documents. See UNHCR, 'Executive Committee of the High Commissioner's Programme, Standing Committee, 63rd meeting', (Note on International Protection, 8 June 2015), 12, [www.refworld.org/cgi-bin/txis/vtx/rwmain?page=search&docid=55c1dacf4&skip=0&query=%22convention%20travel%20documents%22&searchin=title&sort=date](http://www.refworld.org/cgi-bin/txis/vtx/rwmain?page=search&docid=55c1dacf4&skip=0&query=%22convention%20travel%20documents%22&searchin=title&sort=date).

92 See UNHCR, 'Convention and Protocol Relating to the Status of Refugees', Article 28, Geneva, 2010, [www.unhcr.org/3b66c2aa10.html](http://www.unhcr.org/3b66c2aa10.html).

93 Alex Beck, 'Towards Machine Readable Convention Travel Documents—Challenges and the Road Ahead' (paper presented at the ICAO Regional Seminar on MRTDs, Biometrics, and Border Security, Zimbabwe, 27-29 November 2012), [www.icao.int/Meetings/mrtd-Zimbabwe2012/Documents/8-Beck\\_UNHCR.pdf](http://www.icao.int/Meetings/mrtd-Zimbabwe2012/Documents/8-Beck_UNHCR.pdf).

94 ICAO and UNHCR, *Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons: Conference Edition* (Montreal and Geneva: ICAO and UNHCR, 2012), [www.icao.int/Security/mrtd/Downloads/MRCTD%20Guide%20ICAO-UNHCR\\_conference%20edition.pdf](http://www.icao.int/Security/mrtd/Downloads/MRCTD%20Guide%20ICAO-UNHCR_conference%20edition.pdf). It should be noted, however, that an exception may be granted for 'travel documents or passports of limited validity in cases of emergency, which usually have a short validity period and are issued by consulates to distressed nationals so that they can return to their home country'; see ICAO, '24 November 2015 Deadline', accessed 6 March 2016, [www.icao.int/Security/mrtd/Pages/24-NOV-2015.aspx](http://www.icao.int/Security/mrtd/Pages/24-NOV-2015.aspx).

For example, Brazil issues such documents to recipients of humanitarian visas, to allow them to travel to the country, and has done so primarily for Haitians and now Syrians.<sup>95</sup> Governments might also waive fees for the issuance of such documents for refugee populations as an additional measure to increase accessibility to travel documents.

Granting access to convention travel documents and other means for refugees to travel without forfeiting their status is one important way to safeguard refugees' right to protection whilst facilitating access to migration and mobility opportunities. Perhaps ironically, however, one of the factors underlying low issuance and adoption of CTDs, apart from administrative and funding shortcomings in a number of refugee-hosting countries, is low demand from refugees themselves. Greater grassroots agitation from potential beneficiaries may provide the incentive for countries of first asylum to make proper documentation a priority.<sup>96</sup>

The corollary of issuing valid documentation is ensuring that visa processes do not present insurmountable obstacles. Training is thus needed for staff in international institutions, countries of first asylum, and potential destination third countries, to ensure that refugees receive accurate guidance in submitting their applications. Established migrant and refugee diaspora groups or organisations could potentially play a significant role and support refugees through this process by providing trusted advice, with training and verification from authorities to ensure the information provided by such groups was accurate.

## *B. Access to legal stay*

Offering a legal means to stay in first-asylum countries is also a valuable goal in its own right. Some host countries may be reluctant to recognise refugee populations as permanent members of society out of concern that they could create a socio-economic burden and source of potential instability. Yet while it can be politically sensitive, by avoiding the issue of legal stay, governments can create pernicious challenges for themselves in the long-term, including the growth of the informal economy and the permanent exclusion of a significant segment of the resident population, including the children of those who arrive.<sup>97</sup>

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*By avoiding the issue of legal stay, governments can create pernicious challenges for themselves in the long-term.*

In practice, offering a legal means to stay involves: (1) providing a refugee or other legal status that secures the holder from *refoulement* and (2) granting holders of this status the full rights accorded to them under the 1951 Convention, including providing pathways for refugees to integrate locally and transcend the limitations of traditional humanitarian assistance—which primarily provides ‘care and maintenance’ to meet refugees’ basic needs. Intrinsicly linked to this is the need to provide opportunities to forge livelihoods, for which insertion in the labour market is crucial. Despite recognition of the centrality of labour market access in the country of first asylum, progress on this front has remained limited in most refugee situations—with some notable exceptions, such as the decision to award limited working rights to registered Syrian refugees in Turkey in early 2016.<sup>98</sup>

Integration into the labour market can have other benefits too. By reducing the reliance of displaced populations on social welfare or international aid, governments can help build or maintain support politically—es-

<sup>95</sup> Long and Rosengaertner, *Rethinking Protection*, 11.

<sup>96</sup> Beck, *Towards Machine Readable Convention Travel Documents*.

<sup>97</sup> Karen Jacobsen and Susan Fratzke, *Building Livelihood Opportunities for Refugee Populations: Lessons from Past Practice* (Washington, DC: Migration Policy Institute, forthcoming).

<sup>98</sup> For more details on the extension of permission to work to Syrian refugees in Turkey, see Metin Corabatir, *The Evolving Approach to Protection in Turkey: Assessing the Practical and Political Needs* (Washington, DC: Migration Policy Institute, forthcoming).

pecially in those countries where welfare is being scaled back for citizens—as well as enable the international community to more efficiently allocate resources to those unlikely to ever enter the labour market. This effect can be multiplied where refugee entrepreneurs are able to start businesses, thus providing employment to other refugees and individuals in the host community, an effect that has been clearly documented from Uganda<sup>99</sup> to Turkey.<sup>100</sup> Economic self-sufficiency is also a prerequisite for other forms of legal status in many countries, with residency awarded in some instances only when there has been no recourse to public funds. This point is especially pertinent in countries where transition to permanent status by other means—such as naturalisation—is improbable.

For those countries that do not formally recognise refugee status, work permits or other visas can offer a modicum of security against deportation or exploitation and ensure some access to public services such as education for children of refugee families. In some places, a pragmatic ‘blind-eye’ approach has been taken to those who may be in need of international protection: in Saudi Arabia, the government has exempted Syrian nationals overstaying their visas from immigration enforcement and even created a de facto in-country scholarship programme following a royal order for universities to admit 3,000 Syrian students free of charge. Kuwait has also created space for tolerated stay through the conversion of visitor visas into long-term visas, thereby enabling enrolment of Syrian children into schools.<sup>101</sup>

Yet these alternatives to refugee status come with a downside. Those who access protection through scholarships, for example, generally receive a status that is inherently temporary and insecure. Within the European Union, students are excluded from long-term residency, and some countries across the region require graduates to leave. Aside from evidence showing this policy to be economically unsound—training graduates but not reaping the benefits of their education<sup>102</sup>—it may leave those who cannot return to their countries of origin in a vulnerable position, a prospect that would in all likelihood curtail their chances of being awarded a visa in the first place. Many of the governments that have offered scholarship places in recent years have deferred this policy decision, hoping that either the situation in Syria will be resolved before the students graduate or that graduates will move into an immigration track. It is clear that in most situations, however, some recourse to asylum needs to be integrated into scholarship programmes in order to offer longer-term security.

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*Those who access protection through scholarships ... generally receive a status that is inherently temporary and insecure.*

Discussion of legal status must acknowledge a reality where, even with a major reduction in the length of time spent in protracted situations, a large number of refugees are likely to continue to face several years of uncertainty. There is therefore considerable merit in pursuing ‘stop gap’ programmes that enable refugees to engage with constructive opportunities that put them in the best position possible to take advantage of more permanent solutions when they do eventually transpire. In-country scholarship programmes do not affect refugee status per se, but offer an opportunity to improve prospects, establish a career, and can potentially lead—most often indirectly—to other forms of legal residence and protection (as well as opening pathways for eventual onward mobility). The Albert Einstein German Academic Initiative (DAFI), led by UNHCR with implementing partners including Jusoor, enables refugees to apply for support to enter higher education in

99 Alexander Betts, Louise Bloom, Josiah Kaplan, and Naohiko Omata, *Refugee Economies: Rethinking Popular Assumptions* (Oxford: Refugee Studies Centre, University of Oxford, June 2014), [www.rsc.ox.ac.uk/files/publications/other/refugee-economies-2014.pdf](http://www.rsc.ox.ac.uk/files/publications/other/refugee-economies-2014.pdf).

100 Hurriyet Daily News, ‘Over 600 Businesses Owned and Operated by Syrian Refugees in Turkey’s Gaziantep’, *Hurriyet Daily News*, 16 March 2016, [www.hurriyetdailynews.com/over-600-businesses-owned-and-operated-by-syrian-refugees-in-turkeys-gaziantep.aspx?pageID=238&nID=96530&NewsCatID=345](http://www.hurriyetdailynews.com/over-600-businesses-owned-and-operated-by-syrian-refugees-in-turkeys-gaziantep.aspx?pageID=238&nID=96530&NewsCatID=345).

101 Long and Rosengaertner, *Rethinking Protection*, 8.

102 For example, see Oscar Barillas, ‘America’s Loss: A Broken Immigration System for Brilliant International Students’, *Stanford Review*, 8 March 2015, <http://stanfordreview.org/article/americas-loss-a-broken-immigration-system-for-brilliant-international-students/>.



their (developing) country of asylum.<sup>103</sup> A University of Munich scheme permits refugees and asylum seekers to audit classes for a year before entering mainstream admission procedures, providing them exposure to language and local academic culture, and giving them a better chance of competitive admission. In Turkey, the creation of parallel universities specifically targeting the refugee population is steadily building opportunities to access education. The Zakat University, funded by a private foundation based in the United States, and Turkey Qatar University, proposed by the two countries' respective governments, are currently in their initial stages of development. While the isolation of refugees in designated institutions may be to the detriment of social integration prospects, if such institutes provide a pathway to the labour market, they may offer a net positive to the integration challenge overall. The universities do, however, have a long way to go in gaining the appropriate accreditations and building reputations for excellence before they can convince critics and, most importantly, refugees that they facilitate access to meaningful post-study opportunities.

Despite the value of shelter and opportunities in the short-term, the longer-term effects may be deleterious, particularly if work and residence permits are constantly in need of renewal or they limit access to public services or the labour market. There is also the unavoidable question of what happens once permits expire. Malaysia, for example, provided residence permits to 30,000 Acehnese refugees in 2005 and, more recently, offered legal status and employment opportunities for Syrians and Rohingya refugees, but in all three cases the visas to be granted were temporary and did not answer the question of long-term legal status.<sup>104</sup> The Iranian Amayesh system of protection for (mainly Afghan and Iraqi) refugees in Iran provides some indication of the difficulties that can arise. Amayesh status cards require constant renewal and some analysts, including Frontex, have drawn a link between Iranian authorities' increased reluctance to renew these cards and illicit onward movements to Turkey, Greece, and beyond.<sup>105</sup>

## IV. CROSS-CUTTING PATHWAYS

While there is potential for expanding opportunity through new and existing pathways, the hurdles to realisation are often recurrent; policymakers might consider investing in auxiliary tools to make these pathways more tenable. Private sponsorship, for example, is emerging as a complement to traditional resettlement processes. Sponsorship offers a model for sharing costs across the range of legal pathways, allows government actors to reduce expenses (particularly post-arrival), and potentially accelerates integration. Similarly, the smart use of existing legal agreements between neighbouring countries can circumvent cumbersome legislative and governmental processes that resist the establishment of protection systems or resettlement programmes. Programmes can be engineered around regional mobility frameworks to produce possibilities for legal stay or mobility, as demonstrated in West Africa and South America and discussed below.

<sup>103</sup> Albert Einstein German Academic Initiative (DAFI) programmes exist in sub-Saharan Africa; Central, South, and Southeast Asia; Eastern Europe; and Central and South America.

<sup>104</sup> For a brief description of the decision of the Malaysian government to give Acehnese refugees residence cards on humanitarian grounds, see UNHCR, *Solutions for Refugees* (Geneva: UNHCR, 2007), 201, [www.unhcr.org/50a4c17f9.pdf](http://www.unhcr.org/50a4c17f9.pdf).

<sup>105</sup> Frontex, *Western Balkans Quarterly: Quarter 2, April-June 2015*, (Warsaw: Frontex, 2015), [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_Q2\\_2015\\_report.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q2_2015_report.pdf). Data on Afghanis arriving in Greece appear to support this. According to a recent UNHCR survey, 23 per cent of Afghan respondents who arrived in Greece in January 2016 had lived for 6 months or more in Iran, and 19 per cent had never lived in Afghanistan at all. UNHCR, *Profiling of Syrian Arrivals on Greek Islands in January 2016* (Geneva: UNHCR, 2016), [www.unhcr.org/56cc4b876.html](http://www.unhcr.org/56cc4b876.html).

## A. *Private sponsorship*

Private sponsorship<sup>106</sup> has attracted interest as a possible pathway that might augment traditional refugee resettlement programming, whereby communities and other nongovernmental entities directly support the arrival and integration of individuals in need of protection.

The longest-running private sponsorship programme can be found in Canada, where government-designed programming has existed since the 1970s. However, with the onset of the Syria crisis, new initiatives have been developed in a number of countries, including Argentina, Germany, Ireland, Italy, Switzerland, and the UK. Though currently small-scale and often linked to family members who are willing to invest in them, there is the potential to expand programmes to include a broader range of actors—including private sector employers and diaspora groups—as well as to expand their scope and application in a greater number of countries. Such programmes offer governments contemplating the development of the heavier institutional machinery required for formal resettlement programmes a quick way to create an initial legal pathway by utilising the current public activism towards direct refugee support. Concerns that the expansion of private sponsorship could undermine resettlement quotas are real, however, and a distinction must be made between schemes that increase opportunity versus those that simply shift costs from government to private actors.

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*Governments must look at private sponsorship as much as a strategic tool to augment other channels for migration as a programme to be developed in and of itself.*

Family members are often, de facto, the core sponsors. Indeed, the short-lived Swiss initiative was actually a facilitated family reunification programme available to those families that could demonstrate sufficient funds to support invited family members. This offers strong advantages, particularly with respect to the familiar support that is immediately available to individuals upon arrival. However, sponsorship programmes can also tap into broader community networks. Churches and other religious groups have become strong catalysts for the development of some of the newer programmes. A newly established programme to allow 1,000 vulnerable refugees from Morocco, Lebanon, and Ethiopia to travel to Italy on humanitarian visas is led by the Community of Sant'Egidio, along with the Federation of Evangelical Churches in Italy and the Waldensian Table, in cooperation with the Italian government. It successfully relocated its first 100 individuals at the beginning of March 2016.<sup>107</sup> The central position of the church in the social fabric of Italy means that new arrivals under the programme will be incorporated into existing local integration programming run by church groups.<sup>108</sup>

Distinctive systems also exist in the UK, Canada, Australia, Germany, and elsewhere, but share a common a tendency for sponsors to overwhelmingly come from specific church, ethnocultural, or religious groups. In the UK, there is a commitment from the government to set up a private sponsorship scheme akin to that found in Canada, and Citizens UK has created a register through which potential sponsors can indicate their commitment (with up to £12,000 for individual support during the first year the estimated requirement). It is notable that many of the founding signatory sponsors are religious institutions of various denominations.<sup>109</sup> To increase the potential of sponsorship, governments will need to find ways to expand programmes by bringing in

106 For an in-depth discussion of the design and function of private sponsorship programmes, see Judith Kumin, *Welcoming Engagement: How Private Sponsorship Can Strengthen Refugee Resettlement in the European Union* (Brussels: Migration Policy Institute Europe, 2015), [www.migrationpolicy.org/research/welcoming-engagement-how-private-sponsorship-can-strengthen-refugee-resettlement-european](http://www.migrationpolicy.org/research/welcoming-engagement-how-private-sponsorship-can-strengthen-refugee-resettlement-european).

107 Weedah Hamzah and Alvis Armellini, 'Italian Christian Groups Grant "Trip of Hope" to Syrian Refugees', *DPA International*, 29 February 2016, [www.dpa-international.com/news/top\\_stories/news-featureitalian-christian-groups-grant-trip-of-hope-to-syrian-refugeesby-weedah-hamzah-and-alvise-armellini-dpa-a-48466217.html](http://www.dpa-international.com/news/top_stories/news-featureitalian-christian-groups-grant-trip-of-hope-to-syrian-refugeesby-weedah-hamzah-and-alvise-armellini-dpa-a-48466217.html).

108 Vatican Insider, 'Sant'Egidio: Humanitarian Corridors Open for One Thousand People', *Vatican Insider*, 16 December 2015, [www.lastampa.it/2015/12/16/vaticaninsider/eng/world-news/santegidio-humanitarian-corridors-open-for-one-thousand-people-7F1BrNhUFKY1CqirpOULcM/pagina.html](http://www.lastampa.it/2015/12/16/vaticaninsider/eng/world-news/santegidio-humanitarian-corridors-open-for-one-thousand-people-7F1BrNhUFKY1CqirpOULcM/pagina.html).

109 Refugees Welcome, 'Private Sponsorship', accessed 18 March 2016, [www.refugees-welcome.org.uk/sponsorship](http://www.refugees-welcome.org.uk/sponsorship).

groups that have been less traditionally involved in such schemes, from local communities through to private sector actors, including employers.

To accomplish this goal, governments must look at private sponsorship as much as a strategic tool to augment other channels for migration as a programme to be developed in and of itself. The Student Refugee Programme of the World University Service of Canada, for example, brings together private sponsorship channels with university scholarships to provide permanent residency to those in need of protection. The University of Winnipeg, under the same programme, funds the scheme in part through a small levy on student union members of 4.13 Canadian dollars per year<sup>110</sup>—a practice that suggests the possible utility of innovative tools such as crowdfunding to provide solutions. Private sponsorship might also be incorporated into labour migration pathways to help mitigate some of the perceived risks of recruiting lesser-skilled individuals. Sponsorship might, for instance, help fund matching programmes for employers, sponsors, and the sponsored, or they might finance predeparture skills assessment and/or post-arrival skills development. However, governments may need to overcome their reluctance to mix philanthropy with the private sector, while managing real concerns about encouraging exploitation, especially given the high level of dependence new arrivals have on their sponsors.

Some of the challenges in developing private sponsorship, and incorporating a broader group of actors, concern the balance between regulation and autonomy for groups willing to sponsor. Enthusiastic groups may be willing to donate financially to the sponsorship of a refugee family, but may be unaware of and unable to address needs more complex than mere support for accommodation and supplies, from local orientation through to psychiatric needs and challenges of adjusting to a new country. For example, a newly formed NGO in Slovakia managed to motivate 3,000 individuals to commit online to hosting Syrian refugees in 2015. However, the NGO is now concerned that, should they manage to overcome the reluctance of the government towards welcoming refugees, they will lose support if the process is not carefully managed and potential hosts are not well prepared to deal with the realities that may accompany the responsibility.<sup>111</sup> In a similar vein, some European governments are concerned that once the time-limited support component of the sponsorship has expired, sponsored individuals will revert back to public welfare support, merely delaying rather than reducing the costs to the state.<sup>112</sup> Of course, this is largely untested as a proposition and may well be the case for some individuals; however, the small body of evidence that has been gathered in Canada suggests that individuals who arrive under private sponsorship programmes tend to be more quickly self-supporting than those assisted by the government.<sup>113</sup> Governments may thus see cost savings through the use of private sponsorship, as sponsors take on the sometimes significant costs of providing housing and living assistance and integration support to refugees after they arrive.<sup>114</sup>

Certainly, the informal volunteer networks that have sprung up to match newly arrived asylum seekers to host families in Europe have resulted in deeply mixed experiences due to a lack of preparedness and professional structures. Governments will need to create means to ensure the short- and long-term outcomes of sponsorship programming are monitored, whilst not inhibiting grassroots enthusiasm. Within the European Union, more experienced states and NGOs could offer their expertise and experience to less experienced groups

110 University of Winnipeg Students' Association, 'World University Service of Canada', accessed 7 March 2016, <http://thewsa.ca/wusc/>.

111 Author conversations with nongovernmental actors, Tatra Summit, hosted by the Open Society Foundations, Bratislava, 4 November 2015.

112 This has already happened in Germany, where officials estimate up to 30 per cent of Syrians who entered under the family-sponsored humanitarian admission scheme have since claimed asylum in order to access social benefits. Author conversation with official from German Interior Ministry, February 2016.

113 Kumin, *Welcoming Engagement*. This may also be due to selection bias and the pressure exerted by sponsors to ensure access to the labour market, though pre-existing social capital is a strong driver of integration processes.

114 The most recent evaluation of the Canadian private sponsorship program found that overall costs to the government of resettling privately sponsored refugees were lower than for those under the government program for this reason. It is important to note, however, that the processing costs for privately sponsored refugees were much higher because authorities must assemble case files and conduct vetting that is normally done by UNHCR under the government-run program. Citizenship and Immigration Canada, *Summative Evaluation of the Private Sponsorship of Refugees Program: Final Report*, (Ottawa: Citizenship and Immigration Canada, 2007), [www.cic.gc.ca/english/resources/evaluation/psrp/psrp-summary.asp#s3.4](http://www.cic.gc.ca/english/resources/evaluation/psrp/psrp-summary.asp#s3.4).

through twinning programmes (possibly funded through the EU's Asylum Migration and Integration Fund) to develop trainings and exchange programmes to ensure the broader system is ready to accommodate private sponsorship programmes.

Ensuring a stronger evidence base by studying the outcomes of those who have arrived through sponsorship mechanisms will also be essential, along with more practical measures to support integration and boost prospects of success. Both elements will need robust monitoring and evaluation with full appreciation of the sensitivity of sponsorship to context. This will ensure that countries are able to accurately compare the benefits and drawbacks of sponsorship and prudently guide further investment and expansion.

## B. Regional mobility

As with private sponsorship, regional cooperation frameworks can provide pathways to mobility and in-country opportunities in places where traditional protection frameworks and institutions are lacking and other durable solutions—such as resettlement—are difficult to implement.

Most regions of the world are covered by some form of regional governance framework designed to promote economic and political cooperation. These vary quite strongly in terms of depth of collaboration, but most have incorporated some form of limited regional mobility for resident citizens, whether in aspirational or real terms.<sup>115</sup> Regional mobility frameworks can benefit refugees and displaced persons in two key ways: (1) by opening new opportunities to forge livelihoods through increased freedoms to relocate to another country within the region and (2) by opening pathways to alternative, settled legal statuses that allow refugees already present in another member state access to livelihood opportunities.

The most developed example of the first scenario can be found in the European Union, where citizens of Member States enjoy freedom to work and reside in another Member State (subject to some public interest limitations)—rights extended to recognised third country national beneficiaries of international protection with long-term residence as well.

In other regions, regional mobility frameworks are less developed, but nevertheless open up the possibility intra-regional mobility for displaced populations, especially when refugees hail from within the same region. The Economic Community of West African States (ECOWAS),<sup>116</sup> the East African Community (EAC), and the Southern Common Market (MERCOSUR),<sup>117</sup> among others, have all established mobility frameworks that offer freedom of movement privileges to nationals, though with major caveats. The 1979 ECOWAS Protocol Relating to the Free Movement of Persons, Residence and Establishment, for example, provides a right to its citizens to enter other member states for up to 90 days. The MERCOSUR+2<sup>118</sup> Agreement on Free Movement and Residence for State Party Nationals grants automatic visas and the freedom to live and work in another member state. In the EAC, visa free entry exists for all nationals, who may move freely between the states for six month periods and have the right to pursue work in certain professions without discrimination on the basis of nationality, although a work permit is still required.<sup>119</sup>

115 IOM, 'International Dialogue on Migration Intersessional Workshop on Free Movement of Persons in Regional Integration Processes' (background paper for the IOM workshop, Brussels, 18-19 June 2007), [www.iom.int/jahia/webdav/site/my-jahiasite/shared/shared/mainsite/microsites/IDM/workshops/free\\_movement\\_of\\_persons\\_18190607/idm2007\\_backgroundpaper\\_en.pdf](http://www.iom.int/jahia/webdav/site/my-jahiasite/shared/shared/mainsite/microsites/IDM/workshops/free_movement_of_persons_18190607/idm2007_backgroundpaper_en.pdf).

116 Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

117 Argentina, Brazil, Paraguay, Uruguay, and Bolivarian Republic of Venezuela.

118 Plus Bolivia and Chile.

119 The movement towards reciprocal freedom of movement and labour rights is very much a work in progress in the East African Community (EAC). Work permit fees have been abolished for workers moving between Kenya and Rwanda. See EAC, 'Towards a Foreign Market: Annex on the Freedom of Movement of Labour/Workers', accessed 8 March 2016, [www.eac.int](http://www.eac.int).

However, in sharp contrast to the EU, governments in other regions retain a high level of discretion over the terms of entry and the right of refusal; nationals of member states themselves have no real ‘right’ to free movement. In ECOWAS the treaty creates the category of ‘inadmissible migrant’, which member states may define unilaterally, thereby giving each member state the effective right of veto over the entry of any particular group. In MERCOSUR, member states enjoy considerable leeway to restrict access to their respective territories through wide interpretation of the risks to public order, health, and security posed by migrants.<sup>120</sup> As in ECOWAS, this allows member states to unilaterally restrict the movement of individual or groups of migrants and displaced persons.

Despite this, schemes can and have been innovated on a case by case basis. Within the context of MERCOSUR, the Ecuadorian government has waived visa fees for Colombian and Paraguayan nationals, as well as the economic stability requirement for a two year period, in the first instance. While this is not a permanent solution, it offers optimism for displaced populations with few other prospects.<sup>121</sup> Caution must be advised, of course, to ensure that protected status is maintained (or not ignored altogether), especially where it may be tempting to consider cases of displacements solved, lest favourable policies to turn sour when permits expire or the country’s economic fortunes change.

In the second case, there have been several initiatives to utilise free movement frameworks to offer pathways to settlement for displaced populations already residing on the territory of another member state. The ECOWAS Protocol offered significant numbers of Liberian, Togolese, and Sierra Leonean nationals displaced across the region during the 1980s and 1990s the opportunity to apply for country-of-origin national passports but also the chance to settle with residence and work permits in Nigeria, which had been their country of refuge. The conferment of nationality by the country of origin indicates that the duty of protection lies with that government and therefore ends the displaced person’s claim to protection. This was a precondition for settlement in Nigeria, whose government was wary of taking responsibility for the protection of large numbers of people who had until then been financially supported by the international community.<sup>122</sup>

The advantage of this ready-made solution is that it confers a more stable legal status than ad hoc programmes. In practice, some practical and aspirational issues have remained. Some of those displaced were reluctant to formally change status, holding out hope of eventual resettlement in an industrialised country.<sup>123</sup> Others were uneasy at the prospect of a future without international support, sharing the concern of host states.<sup>124</sup>

In the MERCOSUR region, a bespoke project was developed by the Brazilian government in 2014, to allow Colombian refugees residing in Ecuador to travel to the south of Brazil for work. They would receive some assistance from UNHCR in the early months, and job opportunities were identified through partnerships with

[commonmarket.eac.int/index.php?option=com\\_content&view=article&id=88&Itemid=139](http://commonmarket.eac.int/index.php?option=com_content&view=article&id=88&Itemid=139).

120 The right of states to restrict access on these grounds is not uncommon, and indeed exists in the European Community too. However, accumulated case law and the introduction of the Union Citizens Directive (2004/38/EC) significantly narrowed the parameters within which Member States could override free movement rules. No such directive exists in MERCOSUR, and the courts have so far appeared reluctant to intervene in any significant way. See Antonio Cardesa Salzmann, ‘El desarrollo de una libre circulación de personas en el MERCOSUR: balance y perspectivas’ [‘The Development of the Free Movement of Persons in MERCOSUR: Balance and Perspectives’], 19-20, (paper presented at the conference La libre circulación de personas en los sistemas de integración económica: modelos comparativos [The Free Movement of People in Systems of Economic Integration: Comparative Models], University Carlos III, Madrid, 28-29 September 2011), [https://portal.uc3m.es/portal/page/portal/ins\\_derecho\\_publico\\_comparado/seminarios\\_cursos/seminarios\\_conferencias\\_cientificos/Ponencia%20Antonio%20Cardesa%20Salzmann.pdf](https://portal.uc3m.es/portal/page/portal/ins_derecho_publico_comparado/seminarios_cursos/seminarios_conferencias_cientificos/Ponencia%20Antonio%20Cardesa%20Salzmann.pdf).

121 Refugees International, ‘The MERCOSUR Visa: A Band-aid for Ecuador’s Rejected Colombian Asylum Seekers’, 10 December 2015, [www.refugeesinternational.org/blog/2015/12/10/ecuador](http://www.refugeesinternational.org/blog/2015/12/10/ecuador).

122 Katy Long, *Extending Protection? Labour Migration and Durable Solutions for Refugees*, New Issues in Refugee Research, Research Paper no. 176 (Geneva: UNHCR, 2009), [www.unhcr.org/4ad334a46.pdf](http://www.unhcr.org/4ad334a46.pdf).

123 Alistair Boulton, ‘Local Integration in West Africa’, *Forced Migration Review* no. 33 (2009): 32-34, [www.fmreview.org/FMRpdfs/FMR33/32-34.pdf](http://www.fmreview.org/FMRpdfs/FMR33/32-34.pdf).

124 Aderanti Adepoju, Alistair Boulton, and Mariah Levin, *Promoting Integration through Mobility: Free Movement under ECOWAS* (Geneva: UNCHR, 2007), 2, [www.unhcr.org/49e479c811.pdf](http://www.unhcr.org/49e479c811.pdf).

private sector actors.<sup>125</sup> The project was made possible by an underlying 2013 agreement within the MERCOSUR region to allow residents of any member countries residency in any other member state and access to a two-year temporary work visa (the MERCOSUR visa). This combines the provisions extended to citizens of the MERCOSUR bloc with a bespoke project approach to promoting the economic and social integration of refugee groups, thereby taking the static approaches in Ecuador and Nigeria one step further.

A number of other regional initiatives promote mobility and often enable visa-free entry for citizens, but rarely allow citizens or noncitizens to freely seek and take up employment in another member state. The vague and uneven implementation of free movement provisions—where they do exist—means that legal frameworks cannot be relied upon by themselves. Rather, more active intervention from actors such as UNHCR could be effective in ensuring full use of these types of cooperative agreements.

## V. STRATEGIC APPROACH

This section sets out the key aspects of developing an approach that is conducive to advancing an effective agenda for change. It deals with two main principles: (1) the need to frame the problem in context and ensure a common understanding between stakeholders; and (2) the need to develop programming that offers sustainability and value for money. Both underline the imperative to look beyond the ‘usual suspects’ and build partnerships that harness the strengths of an array of new actors in the field.

### A. Framing and coherence

There are a high number of actors involved in developing holistic models of emergency response and care as well as longer-term opportunities to displaced populations. Too often, however, these actors operate in silos, meaning they may lack perspective when responding to wider global challenges. The recurrent example of this is the overwhelming dominance of the ‘care and maintenance’ model in response to situations of displacement since the advent of the Refugee Convention.<sup>126</sup> Recognition of the need to address the artificial barriers that exist between development and humanitarian actors has, however, been gaining momentum; as part of the ‘Supporting Syria and the Region’ London conference in February 2016, major stakeholders again concretely expressed the need for decent work opportunities as a blended part of the humanitarian-development early response.<sup>127</sup> Such approaches have underpinned much recent progress towards the development of durable local solutions.

The same principles apply to coordination between and within government institutions. Well-placed and experienced international agencies and well-designed partnerships can support in this regard. Collaboration, as a work style, can also lay the groundwork for more creative solutions to emerge through the cross-fertilisation of ideas between departments and organisations. In the field of integration, studies show how the incorporation of the Austrian foreign and integration ministries into the Federal Ministry of Europe, Integration and

<sup>125</sup> For a short assessment and description of the initiative, see Carolina Montenegro, ‘Social Protection: A Fourth Durable Solution?’, *Forced Migration Review* no. 51 (2016), 62-63, [www.fmreview.org/destination-europe/montenegro](http://www.fmreview.org/destination-europe/montenegro).

<sup>126</sup> For a discussion of this, see T. Alexander Aleinikoff, *From Dependence to Self-Reliance: Changing the Paradigm in Protracted Refugee Situations* (Washington, DC: Migration Policy Institute, 2015), [www.migrationpolicy.org/research/dependence-self-reliance-changing-paradigm-protracted-refugee-situations](http://www.migrationpolicy.org/research/dependence-self-reliance-changing-paradigm-protracted-refugee-situations).

<sup>127</sup> Government of the United Kingdom, *Co-hosts Declaration of the Supporting Syria and the Region Conference, London, 2016* (London: UK Government, 2016), [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/498040/Supporting\\_Syria\\_the\\_Region\\_London\\_2016\\_-\\_Co-hosts\\_Declaration\\_penultimate.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/498040/Supporting_Syria_the_Region_London_2016_-_Co-hosts_Declaration_penultimate.pdf).

Foreign Affairs has birthed some of the European Union’s most innovative integration policy.<sup>128</sup> In Germany, ever closer cooperation between ministries responsible for labour, interior, and development has also seen creative pilot programmes emerge, including the ‘Triple Win’ project that supports the recruitment of middle-skilled professionals from third countries for the German healthcare sector.<sup>129</sup>

A related consideration is the need to temper longer-term objectives and consequences with the exigencies of short- or medium-term responses to crises of displacement. Actions developed as part of a new package of legal pathways will also have lasting consequences for host populations and other groups, such as existing labour migration flows. In designing paths forward that relieve the pressure on protracted displacement, care should be taken to assess the consequences for social cohesion, access to labour market opportunities, and suitable working conditions for other, mainstream labour migrants<sup>130</sup> as well as the political climate in countries of first asylum and (potential) destination. At the same time, governments need to be careful not to validate inadequate protection frameworks by accepting substandard legal pathways for the sake of urgency or convenience.

For all of these reasons, it is essential that interventions are framed appropriately for context and take into account the geography, timing, and actors involved. Refugees, as the principle actors, ultimately make the crucial choice regarding which options will see the investment of their money, time, and efforts. Like their host environment and society, they comprise highly diverse profiles with unique histories, trajectories, and motivations. Ensuring that new legal pathways are more attractive than less desirable and potentially dangerous avenues—such as relying on smugglers for passage—depends on winning refugee trust on a case by case basis.

## B. Programming

Beyond the framing of problems and creation of coherence between partners and policies, the design of programming must also take into account several more technical factors. One of the primary considerations, which applies to all types of programming regardless of goal or target group, is cost. This includes the administrative cost in developing and implementing the programme as well as the costs of supporting individuals to access and participate in the programme. Take, for example, the Temporary and Circular Labour Migration (TCLM) programme between Colombia and Spain that was funded by the European Commission (AENEAS programme) between 2006 and 2008. The programme sought to facilitate the temporary migration of agricultural workers from Colombia and Spain, and included groups forcibly displaced (due to natural disaster) as one of the target populations. The machinery involved in administering the programme was heavy: individuals were selected, then matched with potential employers, they underwent various training programmes (including on how to develop community and social development projects upon return), and had their remittances channelled towards community initiatives. Beyond this, the project also provided support for the migrants’ families whilst they worked abroad. This paternalistic approach to labour mobility and the number of partners involved made this a resource intensive process: the total budget over two years was 625,000 euros, benefitting just under 3,000 migrants in total (1519 in 2007, and 1400 in 2008).<sup>131</sup>

128 Maria Vincenza Desiderio, *Supporting Immigrant Integration in Europe? Developing the Governance for Diaspora Engagement* (Washington, DC: Migration Policy Institute, 2014), [www.migrationpolicy.org/research/immigrant-integration-europe-developing-governance-diaspora-engagement](http://www.migrationpolicy.org/research/immigrant-integration-europe-developing-governance-diaspora-engagement).

129 Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), ‘Sustainable Recruitment of Nurses (Triple Win)’, accessed 7 March 2016, [www.giz.de/en/worldwide/20322.html](http://www.giz.de/en/worldwide/20322.html).

130 In assessing access to workers’ rights, beyond the Refugee Convention, reference can be made to the Multilateral Framework on Labour Migration and the Conventions of the International Labour Organization, in particular Migration for Employment 1949 (no. 97); Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (no. 143); Private Employment Agencies (no. 181); and The Rights of Domestic Workers (no. 189).

131 Nicole de Moor, ‘Temporary Labour Migration for Victims of Natural Disasters: The Colombia-Spain Model’ in *Climate Change and Migration: Rethinking Policies for Adaptation and Disaster Risk Reduction*, eds. Michelle Leighton, Xiaomeng

The TAPiG (Transformation Partnership in the Healthcare Sector) project undertaken by Germany and Tunisia between 2012 and 2013 further demonstrates the issue. The project aimed to foster the arrival, training, and employment of 150 Tunisian graduates in the German healthcare system, but was suspended due to high costs. Particularly problematic was the fact that participants were expected to cover up to 20,000 euros of the total costs themselves—a major stumbling block that prevented increased scale. Other programmes between the two countries have been more successful (though not necessarily any cheaper): a project concerning the engineering sector, managed by the German Agency for International Development (GIZ), placed 120 engineers in apprenticeships with German enterprises after having been jointly selected by the public employment agencies of both countries. With 56 German companies participating, over 70 per cent of the internships led to full-time employment, though the total cost of the grant was 2.7 million euros (or 22,500 euros per participant) over the two years, excluding the costs covered by the employers themselves.

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*It may be possible to offset costs by spreading them amongst a range of actors ... or to build in longer-term benefits (such as skills development) that make the programme itself a means to a greater end.*

Together, these costs must be weighed against the need to look at the overall long-term benefits. Some programmes are expensive to establish and maintain, which may affect overall scale, but are still worthy of pursuit because of the opportunities ultimately afforded the individuals that participate and the value-added brought towards objectives in other policy domains (as in the case of refugee scholarship programmes, described above). In the example of the TCLM programme, it is unclear from any of the evaluations that there has actually been a positive long-term impact for participating communities, particularly given the relatively low-skilled, low-paid employment involved.

It may be possible to offset costs by spreading them amongst a range of actors (including those in the private sector) or to build in longer-term benefits (such as skills development) that make the programme itself a means to a greater end. Thus it is important to ask several questions at the outset when considering the development of such programmes: what is the goal, how do the costs compare to the benefits, and what are the alternatives?

Costs are also a prime consideration in developing education programming. Scholarship programmes are not cheap. Beyond the organisation of such programming, both tuition and living costs need to be covered to make them viable options for refugee students. They are more costly than temporary or circular labour migration programmes, but are valuable in that they are a development track for those who participate, offering significantly improved prospects in the longer term. Universities are unlikely to be able to scale up programmes if they alone are covering the costs. The waiving of government fees or financial contributions may be possible within some systems, and cost-sharing with private sector employers (some of whom may wish to offer apprenticeships to budding graduates) offers a further option for defraying costs, as explored in the private sponsorship section. Given the shortages in some public sector job categories—notably the healthcare sector—scholarship programming might be tailored to fill particular needs in the labour market and, indeed, be expanded to cover more vocational paths. The promising link between education during a conflict and the application of knowledge as part of post-conflict rebuilding and development projects may interest well-financed actors in the field of international development too. Evidence for this can be seen in the scholarship schemes of many national development agencies and in the preference of the Said Foundation (among others) for funding the studies of refugees who have work experience in their target countries (Lebanon, Jordan, and Syria), which the Foundation takes to suggest that post-study return may be a realistic prospect at some point.<sup>132</sup>

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Shen, and Koko Warner (Bonn: United Nations University Institute for Environment and Human Security, 2011), 92-103, [http://reliefweb.int/sites/reliefweb.int/files/resources/fullreport\\_149.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/fullreport_149.pdf).

132 Said Foundation, 'Guidance Notes for Applicants 2016-17', accessed 18 March 2016, [www.saidfoundation.org/sites/default/files/files/Guidance\\_notes\\_for\\_applicants\\_2016-17.docx](http://www.saidfoundation.org/sites/default/files/files/Guidance_notes_for_applicants_2016-17.docx).



These projects highlight the need for a longer-term cost-benefit analysis that takes into consideration the possible benefits for all parties. For example, employers quickly come to depend on critical labour (particularly employees they have trained themselves) and thus have less interest in a circulating labour force. This suggests that investment in temporary or circular migration programmes for refugee groups should be carefully thought through. For programmes targeting the low-skilled, heavy administrative machinery reduces the overall benefits conferred by limiting the number of participants and may outweigh the benefits, particularly if few additional skills are ultimately transferred. It also increases the financial risk for those investing in recruitment, in particular Small and Medium Enterprises (SMEs)—the most likely source of demand for middle-skilled workers missing from predominantly highly-skilled labour channels. For the high-skilled, the temporariness of the programme may limit its attractiveness to employers, especially when costs are high. Finding a balance is key.

In addition, it is worth asking whether such a model is capable of operating independently of institutional support. The TCLM itself was discontinued due to the global recession's effect on economic conditions in Spain, so it is also unclear whether the model would ever have become self-sustaining, especially given the need for extensive involvement on the part of various partners on both sides of the Atlantic and the unclear long-term gains for those participating. Building a sustainable programme means establishing an independent business model that can survive without institutional support. In labour migration, this means identifying a real demand for labour and building mechanisms to match those opportunities with potential candidates. There are several prerequisites to make labour programmes viable for refugees: first, the active participation of employers with a genuine demand for the labour on offer. Too often, such programming is designed based on the supply of individuals rather than the actual needs of the labour market. Second, a strong legal framework within the host country around temporary migration should include strong labour rights and, ideally, a bilateral agreement with the country of origin that allows for refugees' safe return at the end of the process. For refugees, this should also ensure that mobility can be undertaken without risk of losing status or the protection that comes with it. Finally, all of these programmes require the active participation of multiple partners, from public employment agencies or other selection bodies and government ministries ready to issue visas, through to employers willing to invest in the individuals who arrived. Such partnerships can be high-maintenance and require the establishment of clear goals from the outset.

A simple first step would be to incorporate refugee populations into existing programmes and partnerships targeted at the general populations in which they reside, rather than to create bespoke programming anew. This may require an additional layer of skills assessment for those refugees unable to produce documentation, but could be built in to selection processes. An alternative might be to promote refugees' use of purposefully adapted circular migration programmes, built on the basis of existing bilateral and multilateral agreements; for example, the European Union has developed cooperative frameworks with a number of non-EU countries through 'Mobility Partnerships' framework agreements, an ongoing dialogue in the field of migration policy through which bilateral projects can be established. But to extend any of these programmes to refugees would require not only legal steps to establish the eligibility of refugee cohorts, but active outreach to refugee populations to convince them of the programme's merits.

## VI. CONCLUSIONS

Policymakers and humanitarians have at their disposal numerous opportunities and routes to enable greater mobility, increased self-sufficiency, and more stable legal status in first-asylum countries for refugees. Some of these would require significant development and adaptation (such as processes to streamline the recognition of qualifications), whilst others might be far more swiftly implemented (the introduction of scholarship or private sponsorship programmes, for example). As a next step interested governments and international stakeholders could conduct a triage of the options available to strengthen legal pathways and, on this basis, lay out a roadmap to some quick wins that are of value in the context the current, proliferating crisis. At the same time, it will be important to maintain focus on areas that will take time to bear fruit but will benefit all refugee groups.

Governments with an interest in expanding the migration channels and other opportunities available to refugees have a number of specific, readily available tools to do so.

Through labour- and study-focused programmes, policymakers can:

- ***Increase the supply of work and study opportunities for refugees.*** The current crisis has generated a surge of interest among civil society and private sector groups eager to identify ways in which they might contribute to opening paths to safety for refugees. Governments can capitalise on this interest by working together with universities and other training institutions to ensure access for refugees to existing scholarships, while also encouraging the development of new opportunities for mobility, such as the extension of temporary student mobility programmes or longer-term study and research placements. Governments and civil society can also (continue to) advocate to potential employers the benefits of employing refugee individuals, and provide guidance on how to navigate the (often complex) process of hiring or sponsoring a refugee from abroad.
- ***Provide opportunities for refugees to fill gaps in their own skill profiles that may be preventing them from qualifying for existing opportunities.*** Development and humanitarian actors in countries of first asylum can improve refugees' chances of succeeding in work and study application processes with preparatory courses—on the ground and online. The establishment of vocational training colleges in countries of first asylum might be another mechanism to promote labour market-relevant skills, both for host populations and for refugees. The private sector can also be a valuable partner to help forge pathways from education to employment, whether in first asylum or destination countries.
- ***Improve mechanisms to recognise refugees'—and other migrants'—skills and credentials.*** Refugees face the same, and even higher, barriers to proving their suitability for employment and study opportunities than other migrant populations. Policymakers and industry associations can invest in improving the speed, scope, and flexibility of qualifications recognition—a step that will benefit both refugees and other migrants. Employers' associations, as hands-on, experienced bodies, should be principal partners in skills mapping and job matching exercises that lay the groundwork to recruiting refugees directly from overseas. Centralised mechanisms—or 'clearinghouses'—to recognise qualifications and collectively process applications can help both educational institutions and smaller enterprises to pool their administrative efforts to extend reach and save costs. Such pooling of resources will become especially pertinent in situations where intensive alternative methods of recognition, such as hands-on testing, are needed in the absence of documentary evidence.
- ***Move past pilot projects and develop programmes at scale.*** In order to create projects that are relevant, scalable, and effective governments will need to engage widely with nongovernmental actors, and ensure they understand the comparative advantages of possible partner organisations in the private and non-profit/voluntary sectors. Thorough cost-benefit analyses to identify those initiatives most worth pursuing are equally important, as is regular evaluation once projects are up and running.

- ***Build in safe guards for refugees against exploitation.*** Refugees, given their lack of access to the protection of their national governments, are particularly vulnerable to exploitation by unscrupulous employers and other bad actors. International and other specialised institutions, such as trade unions, can help adapt existing tools for protection against migrant labour exploitation to protect against refugee exploitation, taking into account refugees’ unique vulnerabilities.

In the realm of family reunification policy, decisionmakers should:

- ***Ensure family reunification policies are adapted to the exigencies of refugees’ urgent, often chaotic situations.*** Governments might consider expanding the categories of eligible family member beyond the nuclear family. Accelerated or automatic/concurrent procedures for reunification would also be valuable for refugees who have left family in particularly dangerous situations; such mechanisms allow family members’ visas to be processed alongside the sponsor’s application for refugee status. Governments might also waive or reduce prerequisites, including fees and minimum income requirements for sponsoring family members. Such an approach could form the foundation for orderly departure from countries of first asylum and forestall the use of smugglers.
- ***Address the political sensitivities of family reunion and resettlement in (potential) host countries.*** Governments can incorporate family reunion into resettlement models that allow for private individuals or groups to sponsor refugees, offset costs, and catalyse integration. To address the risk that generous family reunion rules make one state particularly attractive over another, governments might seek to create standard criteria for family reunion with other countries to temper the emergence of ‘preferred’ destinations.
- ***Use citizenship policy to avoid the inheritance of insecure legal status.*** Where children are born to refugees, governments should develop legal frameworks for citizenship acquisition to avoid statelessness in the next generation.

All of these approaches require certain ‘baseline’ provisions to be in place to overcome barriers across pathways. The practical challenge of securing documentation to travel is perhaps the fundamental concern to a refugee hoping for inclusion in any migration channel. Where residency or citizenship in countries of first asylum is an unlikely prospect, the international community should work together to ensure that governments issue machine-readable convention travel documents and that potential destination-country governments recognise them both in law and in practice. First-asylum countries might also underwrite the effectiveness of convention travel documents in acquiring destination country visas by agreeing to serve as countries of return for refugees whose travel abroad takes place under the auspices of temporary visas or whose status is revoked, if it means (even the temporary) relief of supporting a highly-dependent population.

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*The success of any new pathway is utterly dependent on the ability and willingness of refugees to invest their own efforts and scarce resources.*

Potential host governments need to have processes, institutions, and systems that are fit for purpose, can accommodate refugees’ need for flexibility when it comes to documentation and other bureaucratic requirements, and able to deliver results within time frames that do not render them void. Heightened security concerns have seen elongated procedures in many countries. A long lead time reduces the legal pathway’s viability—essential in convincing refugees not to pursue undesirable routes to safety—and diminishes its utility vis-à-vis employers with a time-sensitive vacancy and universities or colleges with fixed admission cycles.

The utility of these conclusions as the basis for action must be taken with a pinch of salt: the success of any new pathway is utterly dependent on the ability and willingness of refugees to invest their own efforts and scarce resources. The needs and motivations of refugees are wide, variable, and often poorly understood. In a

similar fashion, although general global issues can be identified, there is often only a shallow understanding of the specific political and practical barriers to mobility and opportunity at the national and subnational level. Any new initiatives must thus incorporate in-depth analyses of the needs and interests of the refugee and host populations they are designed to engage.

The current political climate toward migration more broadly will, in many countries, be a further complicating factor. Just as a larger number of the world's population seek to move, many countries of immigration are raising requirements and tightening entry criteria. But as processes evolve and interest grows in fixing the chaotic manner in which many refugees are forced to access protection, now is a good moment for governments to review the functioning of their immigration processes as a whole and assess the opportunity for developing initiatives that promote refugee access to legal pathways. Investments in critical infrastructure such as skills and credential recognition systems or information-sharing and recruitment tools that are intended to benefit refugees may ultimately reduce some of the broader dysfunction and mismatching that affects the immigrant population at large and migration systems overall.

The complexity of adjusting numerous and intricate immigration mechanisms and laws at the national level; coordinating action among a large set of disparate local, national, and international actors; and ensuring the interests and protection needs of refugees remain paramount. This means that there is a clear role for agencies such as UNHCR to play not only in driving discussion forward, but in identifying and sharing best practices and monitoring implementation. Moving the needle on refugee mobility in a high-impact way is likely to be more of a marathon than a quick fix to any particular refugee crisis, but with persistence such efforts may begin to offer desperately needed opportunities for those who would otherwise be excluded simply by the circumstances of their displacement.

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