

## Skilled based complementary pathways to protection – an area of policy relevance?

by Martin Wagner and Ramona David

### Background

In the framework of a current Cedefop project, [ICMPD](#) and [FIERI](#) are working together with the European Centre for the Development of Vocational Training ([CEDEFOP](#)) on looking into the potential of [skills based complementary pathways to protection](#). The aim of this initiative is to increase the evidence base which can support policy- and decision-makers in EU Member States in designing and implementing complementary pathway mechanisms for admission of adult refugees from a first host country (be it within or outside the EU) to an EU country, taking into account and making use of vocational education and training (VET), skills and the qualifications of the individuals and in relation to the local labour market needs of the receiving countries.

References to skills of refugees with the aim of creating pathways for protection can be found in the context of the [Global Compact on Refugees](#) but were (at least initially) also intended to lead to a more purposeful relocation of asylum seekers from Italy or Greece to other EU MS under the EU relocation programme which ran from September 2016 until September 2018. Recently, several publications additionally addressed the question of refugee protection and a possible connection with labour market considerations.

In *Fluchtforschungsblog*, Caroline Schultz, Dana Wagner and Stefanie Allemann discuss along five practical examples whether “[Labour mobility for refugees and asylum seekers would mend or erode protection systems?](#)”. Most of the described examples foresee the refugee to take a shift in their migration status from a (refugee) protection status to a work-related migration status. One of the examples, the Australian Community Support Programme (CSP) does not depend on a shift in category, but combines resettlement with skills by letting the refugee arrive as a refugee with a concrete labour market offer in hand. The authors conclude that this last option would result in cherry picking and reduce the already scarce protection places via resettlement.

As part of a three year strategy on resettlement and complementary pathways, set out in the New York Declaration (para 95), UNHCR together with OECD published a [study on third](#)

[country solutions for refugees](#), mapping non-humanitarian regular visas granted for family, study or work purposes in OECD destination countries since 2010. The UNHCR-OECD study looked at the different types of resident permits issued by OECD countries to citizens of five major refugee-producing countries: Afghans, Eritreans, Iraqis, Somalis and Syrians. As regards to work permits, the study concludes that the number is limited due to legal, administrative and practical obstacles.

In another article, Martin Ruhs (2018) questions whether theoretically “[Labour Market can work for Refugees?](#)”. Ruhs identifies three possible policy approaches: refugees gaining access to existing labour immigration programs without policy adjustments for “refugees workers”; the second policy approach is directed to employers who should be incentivized to recruit refugee-workers within existing labour market schemes and, finally, the creation of labour market immigration programs exclusively for refugee workers. Among the main obstacles, Ruhs identifies that any temporary work permit would usually require the migrant worker to return to the home country – a requirement which is most often inconceivable in the case of a refugee. The non-refoulement of refugee workers thus deters states to grant temporary employment permits to refugee workers.

All the concerns raised in the three papers were also reflected in stakeholder consultations that were conducted under the Cedefop project on skills based complementary pathways to protection. Employers are reluctant to invest in upskilling an employee whose legal status is only of temporary nature. Humanitarian stakeholders raised concerns that instead of broadening pathways for refugees to protection, such a scheme could result in cherry picking by at the same time reducing already limited places for resettlement for vulnerable people. The idea of skills based complementary pathways is thus met with some doubts, mainly connected to technical practicalities as well as concerns about watering down the traditional divide between humanitarian and non-humanitarian mobility purposes.

Indeed and as also stressed by the articles mentioned above, the links between labour market and refugee protection are neither new nor without friction. Refugee protection evolved as a rather exclusive category of third country nationals with a broad range of special rights vis-à-vis other third country nationals. As refugees are resettled predominantly based on vulnerability criteria, their skills play (so far) only a little role, if not any. This approach completely neglects that refugees – whether vulnerable or not – have skills that may be of added value to receiving countries and their local labour market needs and thus – if carefully matched – could improve refugees’ self-reliance in the country of refuge. Making

use of refugees' skills for a more purposeful matching of refugees with destination countries' labour market needs seems thus a rather logical way to go.

So, what if a refugee would retain the refugee status when admitted to a destination country based on her/his skills? And what if the skills of refugees would be used to resettle the refugee to a country where such skills are on demand by the local labour market?

For one, the rather recent initiative, [Talent Beyond Boundaries](#) (TBB), founded in 2016, showed that employers may embrace the possibility to hire refugees from third countries if they have a labour demand that cannot be satisfied by the local labour market and if administrative hurdles can be kept low. While the number of skills based mobility under this initiative is (so far) modest, it shows that employers can be won for such an initiative if the appropriate framework conditions are met.

Secondly (and probably most importantly), refugees – whether vulnerable or not – do possess skills and qualifications. TBB's "Talent Catalog" has gathered so far more than 10,000 refugees' work experiences, educations, and skills. To match them with countries' demands is a challenge; however, not using them would be a waste.

Thirdly, there seems to be no good reason why refugees could not be resettled based on their skills using established pathways for regular refugee resettlement, humanitarian admission or sponsorship schemes. The argument of cherry picking refugees with skills at the expenses of vulnerable refugees could be met by setting certain safeguards that resettlement countries need to engage in *both* humanitarian and non-humanitarian driven resettlements.

Fourthly, and connected to point three, allowing refugee resettlement which is also based on skills may open doors to countries that traditionally are skeptical towards refugee admission. If contributing to address global resettlement needs is at the same time satisfying local labour shortages, it could be easier argued in front of anti-immigrant leaning electorates.

Fifthly, and in connection with the first point above, refugee status allows for a more stable and secure residence than a permit connected to a certain employment. Allowing refugees to keep their refugee status while entering skills based pathways to protection would make their stay predictable and not inevitably lead to filing asylum applications once the work permit ends. After all, without any significant changes in the country of origin, the person will remain a refugee and in need of international protection.

Summarised, as one expert noted during our consultations on Cedefop’s skills based complementary pathways to protection, there is “much talk, but less action”. Most complementary pathways pertain to either student scholarship programmes or community based sponsorship programmes but there is – with the exception of TBB – less experience of skills based complementary pathways or broadening refugee resettlement based on their skills. With the current Cedefop project we are amidst a process of filling this action gap, thereby engaging with and drawing on many experiences gained in similar settings. One way to move forward with certain ideas is to test them. Seeking ways to expand refugees’ access to protection is definitely a policy idea that worth to be examined and therefore should be well tested instead of prematurely searching for reasons to close the respective doors.

## References

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