



Creating lawful opportunities for adult refugee labour market mobility

A conceptual framework for a VET, skills and
qualifications-based complementary pathway
to protection

Creating lawful opportunities for adult refugee labour market mobility

A conceptual framework for a VET, skills and qualifications-based complementary pathway to protection

Please cite this publication as:

Cedefop (2019). *Creating lawful opportunities for adult refugee labour market mobility: a conceptual framework for a VET, skills and qualifications-based complementary pathway to protection*. Luxembourg: Publications Office of the European Union. <http://data.europa.eu/doi/10.2801/2882>

A great deal of additional information on the European Union is available on the Internet.

It can be accessed through the Europa server (<http://europa.eu>).

Luxembourg:

Publications Office of the European Union, 2019

Copyright © European Centre for the Development
of Vocational Training (Cedefop), 2019
All rights reserved.

PRINT

ISBN: 978-92-896-2888-4

doi:10.2801/313562

TI-02-19-477-EN-C

PDF

ISBN: 978-92-896-2886-0

doi:10.2801/2882

TI-02-19-477-EN-N

The **European Centre for the Development of Vocational Training** (Cedefop) is the European Union's reference centre for vocational education and training, skills and qualifications. We provide information, research, analyses and evidence on vocational education and training, skills and qualifications for policy-making in the EU Member States.

Cedefop was originally established in 1975 by Council Regulation (EEC) No 337/75. This decision was repealed in 2019 by Regulation (EU) 2019/128 establishing Cedefop as a Union Agency with a renewed mandate.

Europe 123, 570 01 Thessaloniki (Pylea), GREECE
Postal address: Cedefop service post, 570 01 Thermi, GREECE
Tel. +30 2310490111, Fax +30 2310490020
Email: info@cedefop.europa.eu
www.cedefop.europa.eu

Mara Brugia, *Acting Executive Director*
Tatjana Babrauskiene, *Chair of the Management Board*

Foreword

The global and EU refugee crisis has posed substantial challenges for asylum countries. First asylum countries, in particular, often find it difficult to manage large numbers of refugees and provide durable solutions to their protection needs, including work.

Access to employment is a crucial step for refugees to become self-reliant, get access to decent living conditions, and contribute to and integrate in their host society. Matching their skills with regional and local economic needs may create win-win situations for refugees and host countries. Working refugees may contribute to the sustainability of national welfare systems and may help address challenges arising from demographic change and skills shortages.

To support this process, the European Commission and several countries have devised initiatives and tools to identify refugee skills and competences, as they may not have proof of their qualifications or may not have acquired formal credentials. In many EU countries, structured approaches or pilot initiatives with a specific focus on skills and qualifications have been developed to tackle the key challenges faced by refugees in integrating into the labour market. Although such initiatives require considerable resources, the advantages of labour market integration tend to outweigh the costs of non-integration.

However, most refugees still struggle to prove themselves in economies which are unable to absorb them and make full use of their labour market potential. This has given rise to exploring complementary solutions and generated renewed interest in creating specific channels of labour mobility opportunities.

In this perspective, Cedefop's project on *Complementary pathways for adult refugees: the role of VET, skills and qualifications* aims to fill the knowledge and action gap. Building on its expertise and long-lasting cooperation with labour market stakeholders, together with the active support of all major European social partner organisations, Cedefop decided to investigate how vocational education and training (VET) can effectively contribute to creating such pathways for adult refugees. The idea is to define a skills-based matching process to allow refugees to move to other countries where they can find work. The starting point would be labour market needs in the potential receiving countries and the refugees' skills and qualifications.

This may lead towards rethinking the international refugee management system. Introducing lawful cross-country labour mobility opportunities for adult refugees would require and promote cross-country collaboration, and favour shared responsibility and solidarity. This would also be a step forward in EU asylum policy.

Drawing on experiences gained in similar settings, the conceptual framework presented in this report discusses the potential purpose and scope of a complementary pathway for adult refugees that builds on VET, skills and qualifications. Preliminary findings presented in this report show that drawing on refugees' human capital potential and labour market needs for their transition from a first asylum country to another is a policy idea that is worth being examined and tested.

Mara Brugia
*Acting Executive
Director*

Antonio Ranieri
*Head of department for
learning and employability*

Acknowledgements

This publication was produced by Cedefop, Department for learning and employability, under the supervision of Antonio Ranieri. Ramona Carmen David Craescu and Ioannis Katsikis, Cedefop experts, were responsible for the publication and research conducted from January 2018 to December 2018 under the project *Complementary pathways for adult refugees: the role of VET, skills and qualifications* (1).

Cedefop would like to acknowledge Martin Wagner and Albert Kraler from the International Centre for Migration Policy Development (ICMPD) and Ferruccio Pastore from Forum Internazionaleed Europeo di Ricerche sull'Immigrazione (FIERI), who conducted the interviews, coordinated the case studies and drafted the framework.

(1) <http://www.cedefop.europa.eu/en/events-and-projects/projects/adult-refugee-legal-mobility>

Table of contents

Foreword	4
Executive summary	9
1. Introduction	16
1.1. Background	16
1.2. Objective of the framework	21
1.3. Glossary	23
2. The migratory component	26
2.1. Introduction	26
2.2. Potential beneficiaries of a skills-based complementary pathway	26
2.3. Migratory anchor	35
2.4. Legal admission channels and migratory status in receiving country	40
2.5. Migration component: main points	50
3. The labour market component	54
3.1. Introduction	54
3.2. Selecting the underlying labour market approach to a skills-based pathway	54
3.3. A demand-driven approach to a skills-based complementary pathway to protection	56
3.4. Labour market component main points	65
Abbreviations and acronyms	68
References	69
Websites	73
Annex 1. Institution members of the technical advisory group	74
Annex 2. Asylum seekers' access to employment	75
Annex 3. Migration component options	78

Figures

Figure 1. Steps in shaping the decision-taking	11
Figure 1. Steps in shaping the decision taking	59

Boxes

Box 1. Rights of applicants for international protection to access labour markets in EU Member States	31
Box 2. Rights of beneficiaries of international protection to access the labour market and VET in EU MS	34
Box 3. Talent Beyond Boundaries	36
Box 4. The Australian Community support programme	42
Box 5. Status of beneficiaries of resettlement	42
Box 6. IOM pilot skills assessment in the EU relocation programme	43
Box 7. Status of beneficiaries of relocation	45
Box 8. Status of the beneficiaries of humanitarian visas	46
Box 9. Humanitarian corridors: Italian civil society organisations	47
Box 10. Status of beneficiaries of employment-based permits	49
Box 11. Blue Card Directive	50
Box 12. Summary of findings from case studies	58
Box 13. Viability and receiving country beneficiary status	58
Box 14. Care and language training: Pflege und SpracheLernen [PULS project], Germany	60
Box 15. Study-work trajectories, the Netherlands	61
Box 16. The European qualifications passport for refugees	63
Box 17. Professionals in focus, Germany	65
Box 18. Option 1: refugee/UNHCR/resettlement from outside the EU	78
Box 19. Option 2: refugee/UNHCR/HAP from outside the EU	79
Box 20. Option 3: refugee/embassy/humanitarian visa from outside the EU	80
Box 21. Option 4: refugee/embassy/legal migration channel from outside the EU	81
Box 22. Option 5: refugee/sponsor/various channels from outside the EU	82
Box 23. Option 6: applicant for international protection/hotspot/relocation intra-EU-mobility	83
Box 24. Option 7: beneficiary of international protection/new agreement/relocation like intra-EU mobility	84
Box 25. Option 8: beneficiary of international protection/agreement/legal migration intra-EU mobility	85

Executive summary

Most refugees ⁽²⁾ live in developing countries of asylum, struggling to prove themselves in economies which are unable to absorb and make full use of their labour market potential. As a result, their skills often remain unused and become obsolete over time. Key challenges for Europe include sharing the global responsibility for refugees fairly with major countries of asylum and meeting existing and future skill gaps and labour market needs. Cedefop's project *Complementary pathways for adult refugees: the role of VET, skills and qualifications* ⁽³⁾ seeks to contribute to meeting these challenges by conceptualising and testing a skills-based complementary pathway that allows lawful and safe pathways to protection of adult refugees by drawing on their human capital potential and labour market needs. A skills-based complementary pathway to protection is complementary to the traditional solutions: return, local integration and resettlement; similar to resettlement, it foresees the movement of people from a first country of asylum to another receiving country; unlike resettlement, however, movement is based on skills and not purely on vulnerability criteria. The central element of this pathway thus matches refugees' skills and qualifications to the labour market needs of a potential receiving country; this will allow refugees to move from a major country of asylum to another country based on employment potential.

As part of the project, this framework discusses all different migration options and implications that need to be considered for the design of a skills-based complementary pathway by a potential receiving country, as well as how such a pathway may be approached from a labour market perspective. The framework does not put forward concrete pathways; these may only be defined within specific national contexts.

The elaboration of the framework was based on extensive desk research on complementary pathways and labour market integration of refugees in EU countries. It also examines existing experimental initiatives, with

⁽²⁾ A refugee is a person who was forced to leave his/her country of origin because of persecution or war.

⁽³⁾ Contract No 2017- FWC15/AO/DLE/RCDCR/adult refugees and VET/007/17.

complementary pathways and/or skills-based distribution of refugees. The desk research was complemented by 13 interviews with experts from different backgrounds (national authorities, EU and international organisations and academia) ⁽⁴⁾. Based on the desk research and the interviews, the framework was drafted and used as a basis for discussions during the meeting of the technical advisory group on 1 October 2018 in Brussels ⁽⁵⁾.

The framework is structured into two main components:

- (a) a migratory component, which considers the labour market mobility of refugees both in the EU (intra-EU mobility) and from a third country to the EU, and examines the migration-related options available, taking into account the protection-related international and EU legal context at the date of the research ⁽⁶⁾;
- (b) a labour market component, which discusses the pathway from a VET, skills and qualification perspective, and explores how the matching of refugee skills and competences with the labour market gaps in a receiving country could be efficiently done for the pathway to:
 - (i) offer adult refugees a clear perspective of employment and a clear route to self-reliance;
 - (ii) be politically, socially and economically sustainable in the receiving country.

The migration component has different options, each raising different questions and requiring different answers when it comes to designing a concrete pathway. For example, a skills-based complementary pathway for refugees residing in a non-European first country of asylum is a matter quite different from offering opportunities for intra-EU mobility of refugees. The framework takes these different migration-related constellations into account and sketches out the potential, the key elements and some of the main issues for the design of a skills-based complementary pathway for adult refugees. In principle, also from the labour market component perspective, there are multiple ways in which a skills-based complementary pathway to protection may be realised. However, in this case, the framework defines the purpose and the core of a skills-based pathway: it nails down its

⁽⁴⁾ The following institutions and organisations were involved: NOKUT (Norway), ECRE, Swedish Migration Agency, UNHCR, IOM MPI Europe, Comunità di Sant' Egidio (Italy), Stockholm University, DG HOME, Talent Beyond Boundaries, and ICMC.

⁽⁵⁾ See Annex 1 for a list of the institution member of the technical advisory group.

⁽⁶⁾ January to December 2018.

identity and frames the general approach ruling its application, regardless of the migratory component scenarios or range of possibilities. The choice made in developing this framework is in favour of a skill-demand approach; the starting point for admission would be specific labour market needs (though not concrete job offers) identified at local (municipality) or regional (group of municipalities) level, in a receiving country matched with the skill profiles and interests of potential beneficiaries (participatory matching). By ‘limiting’ the labour market component to a demand-led approach, a skills-based complementary pathway is more likely to offer adult refugees a clear perspective of employment and a clear route to self-reliance (in terms of employment opportunity as well as to-be place of residence).

A specific demand-led skills-based pathway is subject to a receiving country decision applying such an approach. Figure 1 provides an overview of the main steps in shaping decision-taking. The flow is shaped based on the assumption that the whole process is triggered by the EU, international organisations or NGOs. In the case of national authorities initiating such a process, seeking political buy-in becomes redundant. However, the public authorities would still need to promote the concept to employers.

Figure 1. **Steps in shaping the decision-taking**



Migration component

The migration component starts by identifying and discussing the potential beneficiaries of a skills-based complementary pathway. While the term refugee is used to indicate a person who was forced to leave his/her country of origin because of persecution or war, the framework distinguishes between different categories of refugees based on their status, and thus identifies the different potential types of beneficiaries of a skills-based pathway: refugees in third countries (with or without identified resettlement needs), beneficiaries of international protection in EU countries (i.e. people with refugee or subsidiary protection status), and asylum applicants whose application can be considered as obviously justified in EU countries. All these groups may be considered for the scope of a skills-based complementary pathway, due to their protection needs. Refugees in third countries without identified resettlement needs may be a preferred target group over refugees in third countries with identified resettlement needs. Reserving skill-based solutions for the former:

- (a) would address concerns about watering down the traditional divide between humanitarian and non-humanitarian mobility purposes;
- (b) would eliminate the risk of cherry-picking and reducing the already scarce protection places via resettlement;
- (c) could potentially save resettlement places for vulnerable cases.

On the other hand, anchoring skills-based pathways in resettlement programmes, and acknowledging that refugees in third countries – whether vulnerable or not – have skills that may be of added value to receiving countries and their local labour market needs could:

- (a) additionally encourage resettlement countries to boost their resettlement programmes;
- (b) also stimulate the resettlement engagement of countries who are traditionally less open to such programmes, if they also see the benefit of filling labour market gaps in their societies.

However, there is a need to safeguard that any skills-based pathway would not consume other, vulnerability-based protection solutions for refugees in third countries. This could be met by setting certain safeguards that resettlement countries need to engage in both humanitarian and non-humanitarian driven resettlements.

For intra-EU labour market mobility, those whose applications can be considered as obviously justified and those who have been granted refugee status are suitable potential beneficiaries of skills-based complementary pathways. However, the former group poses a challenge in relation to finding a balance between the needs for quick relocation from the first country of asylum in the EU (to relieve the country's pressure on the national asylum system) and the time and context needed to conduct some form of skill assessment that would allow selection and matching of potential beneficiaries of the pathway with available labour market opportunities in a receiving country.

The migration component also addresses issues related to legal admission channel and the status of the beneficiaries in the receiving country. Member States have some discretion with regards to these two questions. In relation to legal admission channels, a receiving country may make use of humanitarian or non-humanitarian channels; it may issue *laisser passer* documents or humanitarian visas; or it could make use of employment permits to support legal entry of the beneficiaries of skill-based complementary pathways.

The status of beneficiaries in the receiving country is, however, quite complex and plays a crucial role in determining the feasibility of a skill-based complementary pathway.

First, a skills-based pathway that provides a longer perspective in the receiving country (refugee status) is widely considered as a necessary condition by employers and beneficiaries themselves, compared to temporary and short-term (subsidiary protection) and insecure (applicants for international protection) status. Second, the migratory change from a protection channel to a legal migration channel, where the legal right of stay in the receiving country is conditioned by the reason of entry and stay in the country (i.e. employment), may involve the rights of beneficiaries being more limited compared to their previous legal migration status; this could create, at least temporarily a hiatus and limbo situation (7). Beneficiaries need to have safety nets protecting against *refoulement* and policies of 'no-return' in certain countries of first asylum. Should the reason for the legal stay end (e.g. loss of employment) the person should, in principle, leave the country, while at the same time having no realistic options to return the country of origin (*non-refoulement*), creating possible limbo situations. In

(7) An agreement with receiving country governments on the possibility of prolonging a temporary status could alleviate these concerns.

principle, such a person could apply for asylum in the receiving country (as 'sur place refugee').

Labour market component

The central element of a skill-based pathway is matching the eligible groups' skills and qualifications to labour market needs in a potential receiving country; this allows beneficiaries of a skills-based pathway to move from a sending country to a receiving country with a view to employment. Matching could be approached either starting from the supply side (skill-supply approach) or from the demand side (skill-demand approach). In the former case, the starting point for admission would be the skill profiles of potential beneficiaries matched with macro level labour market needs in a receiving country (top-down/managerial matching). In the latter case, the starting point for admission would be specific labour market needs (though not concrete job offers) identified at the local (municipality) or regional (group of municipalities) level, in a receiving country matched with the skill profiles and interests of potential beneficiaries (participatory matching).

The choice made in developing this framework is in favour of a skill-demand approach. By 'limiting' the labour market component to a demand-led approach, a skills-based complementary pathway is more likely to offer adult refugees a clear perspective of employment and a clear route to self-reliance (in terms of employment opportunity as well as to-be place of residence). People are thus selected and would have the possibility to move lawfully from a first asylum country (sending country) to another host country (receiving country), mainly due to their potential to fill labour demand gaps clearly linked to real employment opportunities that are hard to fill by the local labour force. Labour market actors would be more likely to be active in initiating and pushing for political support in the receiving country.

Leaving aside the ethical and political considerations on linking asylum system and labour migration, this approach is technically conditioned by several factors.

Both beneficiaries and employers need to have the guarantee that the former would benefit from long-term permanence in the receiving country.

As shown by most of the examples of skills-based distribution/selection schemes found at national level, close and active coordination among the numerous stakeholders involved is essential. A demand-driven

complementary pathway would need considerable input and involvement of socioeconomic actors at municipality and regional levels in a receiving country to identify specific labour demand gaps, and intensive coordination with the national level to ensure the buy-in of political support.

Similarly, there is need for close coordination and cooperation between the receiving and the sending country, through the identification of an anchor ⁽⁸⁾ that aids access to the group of potential beneficiaries and that could be involved directly or indirectly in disseminating the mobility opportunities, outreach and carrying out skill identification and preselection.

As well as the effort to assess the potential of the supply side in terms of skills, prior learning and work experiences, the demand side needs focus. To ensure the sustainability of the process, the demand side should be made aware of their needs and of the potential benefits from participating in international mobility programmes and schemes involving refugees.

Most of the national initiatives that distribute refugees to regions or municipalities, taking skills, qualifications and VET into account and engaging in labour market integration, are low-profile. However, some important lessons can be drawn for the purpose of this framework. First, most identified integration national initiatives aimed at training for employment are costly. While EU funds are available, additional national funding may be necessary, with sharing of responsibilities (financial and non-financial) between private and public partners. Experience also shows that selection processes and procedures need to acknowledge the specific situations of refugees (language, certificates) and to be well-tailored (low admission requirements, focus on identification of non-formal skills and competences, and on motivation). Especially from an international mobility perspective, the receiving country needs to be aware that the beneficiaries of the pathways usually need to undergo education/work before taking up employment.

All stakeholders involved in the pathways (including the beneficiaries) need to understand and acknowledge that assessment and selection may be lengthy and costly, and that skill-based pathways are not appropriate for emergency situations or urgent alleviation of first-asylum countries' burden.

⁽⁸⁾ Institution in the sending country through which beneficiaries of a skills-based pathway are reached and in which it is 'anchored'.

CHAPTER 1.

Introduction

1.1. Background

1.1.1. The global context

In its annual review on the global trends on forced displacement in 2017, the United Nations High Commissioner for Refugees (UNHCR) reported 68.5 million people forcibly displaced worldwide. Of this huge number 25.4 million were refugees⁽⁹⁾ (19.9 million refugees under UNHCR mandate plus 5.4 million Palestinian refugees under UNRWA mandate), 40 million internally displaced people and 3.1 million asylum seekers. About 85% of refugees are hosted by developing countries neighbouring the refugees' countries of origin.

Traditionally three durable solutions for refugees are discussed: return to the country of origin if the situation there allows; local integration in the first country of asylum; or resettlement. However, in reality these offer solutions only for a very small number of refugees: only around 3.5% of the 19 million refugees under UNHCR mandate returned in 2017 to their country of origin and even fewer, (0.4% or 75 500 people) were resettled to other countries⁽¹⁰⁾. Only 6% of the estimated resettlement needs of about 1.2 million people calculated by the UNHCR were satisfied. Compared to the resettlement needs of about 1.2 million refugees in 2017 and 2018 the latest estimates by the UNHCR suggest 1.4 million resettlement needs for 2019 (UNHCR, 2018). Despite the increased number of resettlement countries in 2017 to

⁽⁹⁾ In the global context, Article 1A of the 1951 Refugee Convention defines a 'refugee' as a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail him/herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. Thus a person fulfilling the definition is considered a refugee. Signatory states of the Convention established formal asylum procedures where they determine whether a person fulfils the definition and, if so, recognise a person who applied for asylum (asylum seeker or applicant) as a refugee and grant refugee protection (declaratory act).

⁽¹⁰⁾ The number has been particular small since 2017 as the US significantly reduced its resettlement pledges recently.

35 countries ⁽¹¹⁾, UNHCR reported a fall in 2018 to only 29 countries ⁽¹²⁾ that accepted UNHCR submissions of resettlement cases. In the absence of tangible return and resettlement options, refugees are left with local integration in countries which themselves struggle to provide essential support for their own citizens. Ultimately, only a small number of refugees have access to international protection which the international community has agreed to offer if the country of origin or habitual residence cannot, or is not willing, to provide for them.

Ever-growing displacement numbers alongside limited access to protection solutions has brought renewed interest in improving existing and creating new protection alternatives for persons in need. The debate itself is not new. As Noll argued 15 years ago, access to protection was at the heart of what he considered a crisis of refugee protection and refugee law at the time. In his (and others') view, legal pathways to protection were thus a critical remedy to what he called a 'crisis of access' (Noll, 2003) ⁽¹³⁾. While access to protection, and the related issues of ways to expand resettlement or create new legal pathways to protection, has remained a topic of interest in expert circles, it was only the renewed surge of maritime arrivals in the wake of the Arab spring and the related tragedies in the Mediterranean that put the topic high on the political agenda and led to renewed and much more vigorous debate (FRA, 2015).

The focus in these debates has primarily been on expanding the resettlement numbers as a means to promoting durable solutions for more refugees. However, there also developed an increasing interest in facilitating mobility for refugees through other channels, including through family reunification or humanitarian admission programmes. These are seen as a complement to resettlement and therefore referred to as complementary pathways to protection. The renewed interest in better opportunities for legal mobility for refugees is informed by a variety of considerations, including concerns to improve access to protection and to provide legal and safe pathways (as opposed to unsafe and irregular ones) (ECRE, 2017) as well as considerations of responsibility sharing (Betts et al., 2017) ⁽¹⁴⁾.

⁽¹¹⁾ See UNHCR *Resettlement at a glance: 2017 review*. <https://www.unhcr.org/5a9d507f7>

⁽¹²⁾ See UNHCR *Resettlement at a glance: January to December 2017*.
<https://www.unhcr.org/5c594ddf4>

⁽¹³⁾ The absence on rules on how refugees could access protection is arguably one of the main gaps in international refugee law (see ICMPD, 2016).

⁽¹⁴⁾ See also European Settlement Network and Van Selm (2018).

An additional important strand of debate has focused on pathways that are based on or connected with education and employment. The potential of such pathways is recognised in the final draft of the UNHCR Global Compact on Refugees (GCR) ⁽¹⁵⁾. In respect of skills-based complementary pathways, the GCR encourages pursuing ‘labour mobility opportunities for refugees, including through the identification of refugees with skills that are needed in third countries’.

Complementary pathways in the global perspective may well expand the scope of durable solutions for refugees beyond those targeted by resettlement, humanitarian admission or family reunification programmes. The inclusion of work or education in complementary pathway considerations may allow refugees to attain self-sufficiency, to accomplish educational and professional aspirations and to acquire new skills. Receiving societies may also benefit by filling specific current or future labour market gaps (Collett et al., 2016). However, as one expert noted, there is ‘much talk, but less action’ ⁽¹⁶⁾ and most existing complementary pathways pertain to either student scholarship programmes (see European Resettlement Network and Schmidt, 2017) or community-based sponsorship programmes (European Commission, et al., 2018).

1.1.2. The European Union context

The intra-European context for mobility of persons applying for or being granted international protection ⁽¹⁷⁾ differs substantially from the global context, although it is linked to global debates on legal pathways to protection in various ways. In the context of the common European asylum system (CEAS) the basic assumption is that those in need of international protection are, in principle, able to obtain effective protection in any EU Member State once they have reached its territory and apply for international protection. Mobility from one Member State to another as a means to obtain effective protection thus is – by definition and default – a non-issue ⁽¹⁸⁾.

⁽¹⁵⁾ Report of the UNHCR - Part II: Global Compact on Refugees. See especially Recital 95. The full text is available online at: https://www.unhcr.org/gcr/GCR_English.pdf

⁽¹⁶⁾ Interview with the International Catholic Migration Commission (ICMC) on 18.7.2018.

⁽¹⁷⁾ In the EU context a person seeking protection from being returned to his/her country of origin needs to apply for international protection, encompassing refugee status and subsidiary protection status.

⁽¹⁸⁾ In practice, however, the suspension of Dublin returns to Greece ordered both by national and supranational courts in response to unsatisfactory reception conditions – see for example CJEU

The key question in relation to applicants for international protection has been how they should be distributed between countries. Applicants for international protection are mobile and do not necessarily apply and wish to obtain international protection in the EU country where they first arrive. The distribution of applicants has been framed primarily in terms of responsibility sharing and solidarity (Wagner et al., 2018), although also closely linked to broader questions of migration management (see European Settlement Network and van Selm, 2018).

In this context, the Dublin regulation ⁽¹⁹⁾ is a core instrument. By establishing rules for determining the responsibility for examining applications for international protection and – by implication – providing protection for those granted a status in the country responsible for status determination, it provides a distribution mechanism, with geographical location as its basic principle (ICMPD, 2015). This territorial concept underlying the Dublin rules, and the Dublin system itself, has been subject to heavy criticism virtually from its inception and was held responsible for, or at least found incapable of addressing, the imbalances in distribution of applicants for international protection in Europe (ICMPD, 2016, p. 8). An alternative for distributing has already been proposed in the context of the Yugoslav refugee crisis in the early 1990s but did not gather sufficient support (see Wagner et al., 2018). The Temporary Protection Directive ⁽²⁰⁾ adopted after the Kosovo crisis and reflecting earlier discussions after the Bosnian crisis similarly failed to provide any rules on how applicants for international protection falling under the directive would be distributed. The EU emergency relocation mechanism, adopted in 2015 in response to the perceived overburdening of Greece and Italy as the main first countries of first arrival, and expiring in September

judgment in case C-4/11, Puid, 14 November 2013 – has shown that effective protection is not a done deal in EU Member States.

⁽¹⁹⁾ Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). Official Journal of the European Union, L 180, 29.6.2013, pp. 31-59. <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013R0604>

⁽²⁰⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. Official Journal, L212, 7.8.2001, pp. 12-23. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>

2017 was the first time that a different distribution principle –based on the capacity of countries⁽²¹⁾ – was applied in the EU context.

The EC proposal for an amendment of the Dublin regulation (Dublin IV proposal) similarly foresees a corrective allocation mechanism⁽²²⁾. It also proposes enhanced procedural and material consequences for secondary movements of applicants for international protection. The proposal generally reinforces the top-down approach to regulating mobility of applicants already underlying the Dublin convention, although it also does not rule out matching mechanisms that do take applicant preferences into account⁽²³⁾.

This managerial approach to the distribution of applicants for international protection (and, by implication, those already granted refugee status, given their limited opportunities for mobility within Europe) on the basis of individual countries' capacities has been called into question. Economists have argued for more flexible ways of distributing applicants for international protection that take the preferences of all parties concerned into account (Rapoport and Huertas Moraga, 2016) and that could also be linked to matching the skills and qualifications of applicants to labour demand in receiving countries (Lundborg, 2018).

Compared to the discussion around the distribution of applicants for international protection, the mobility of beneficiaries of international protection in Europe has received much less attention. A paper by the European Council on Refugees and Exiles (ECRE) argued for the mutual recognition of decisions granting international protection and related rights to free movement once status has been granted (ECRE, 2016). According to the ECRE, this could reduce the importance of the particular Member State in which an application for international protection is determined. Empirically, the scale of such movements is likely to be fairly small⁽²⁴⁾. Currently, beneficiaries of international protection enjoy the principle right to

⁽²¹⁾ The capacity of a country has been determined by the Council decision based on a quota composed of a distribution key, taking into account GDP and population size (40% weighting for each) as the primary determinants, whereas the unemployment rate and number of asylum applications received in the past are weighted as 10% each.

⁽²²⁾ The corrective allocation mechanism is built on a 'reference key' which is based on two criteria with equal 50% weighting, the size of the population and the total GDP of a Member State. The application of the corrective allocation for the benefit of a Member State is triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds 150% of the figure identified in the reference key. See COM(2016) 270 final at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0270>

⁽²³⁾ See Rapoport and Huertas Moraga (2016) for a proposal.

⁽²⁴⁾ See Lassen et al., 2004, for an early study.

obtain long-term residence status with (limited) mobility rights after five years of legal residence ⁽²⁵⁾.

Intra-EU mobility for beneficiaries of international protection arguably may create opportunities for both the beneficiaries of international protection and the receiving country. It potentially can ease already tight labour market situations in the countries of (first) asylum by, at the same time, satisfying labour market demands in another EU Member State. According to economists, enabling the mobility of beneficiaries of international protection on the basis of matching their skills and qualifications with the demand side will also increase overall labour market efficiency (MEDAM, 2018, p. 41). In the specific case of beneficiaries of international protection this could also imply diversification of destinations based on demand.

To sum up, within the European context, VET, skills and qualifications could play a central role for the lawful movement of applicants for international protection as well as in the context of movement of beneficiaries of international protection ⁽²⁶⁾. In those contexts, a VET, skills and qualifications based complementary pathway to protection arguably has the potential to contribute positively to current – toxic – debates on intra-EU responsibility sharing for people who were forced to flee their countries of origin and arrived in the EU. It certainly has the potential to shift the debate towards possible benefits for the people concerned, the first countries of asylum and potential destination countries.

1.2. Objective of the framework

The framework was developed as part of Cedefop’s two and a half year ⁽²⁷⁾ project *Complementary pathways for adult refugees: the role of VET, skills and qualifications* ⁽²⁸⁾. The aim of the framework is to discuss what could be the purpose and scope of a complementary pathway to protection through the use of vocational education and training (VET), skills and qualifications (a

⁽²⁵⁾ See the recast long-term residence directive (Directive 2011/51/EU).

⁽²⁶⁾ This said, the scope for mobility for both groups on the basis of skills and qualifications is likely to be modest, considering the profile of the people concerned and given the relative importance of place-specific skills (notably language) in a variety of professions (Interview of Per Lundborg, University of Stockholm, on 27.6.2018).

⁽²⁷⁾ January to December 2018.

⁽²⁸⁾ Contract No 2017- FWC15/AO/DLE/RCDCR/adult refugees and VET/007/17.

skills-based complementary pathway to protection). It serves as a basis for defining concrete pathways for admission of adult refugees from a first asylum country (both EU and non-EU) to an EU country, expanding protection and solution opportunities for adult refugees. Far from seeking utopic answers, the objective of the project is to provide a pragmatic contribution to designing socially sustainable and effective solutions to improve the management of the global and EU refugee crisis.

For the purpose of the project and of the framework, a skills-based complementary pathway to protection is understood as an avenue to protection providing lawful stay in a receiving country based on matching the skills and qualifications of people who have fled their country of origin, cannot return and find themselves in a first country of asylum (sending country) to the labour market needs in a potential receiving country. The framework is structured in two key components: a migratory component and a labour market component. Both components are relevant in the sending and the receiving country (for details on key terms used to describe the skills-based pathway see the glossary in Section 1.3).

This framework is thus designed as a ‘conceptual framework’ and discusses how a pathway could be approached by a potential receiving country from migration and labour market perspectives:

- (a) to offer solutions for the mobility:
 - (i) of adult applicants for or beneficiaries of international protection in the EU (intra-EU mobility);
 - (ii) of adult refugees from a third country to the EU;
- (b) to be based on VET, skills and qualifications;
- (c) to be aimed at labour market integration in a receiving country.

The migratory component puts forth and discusses the migration-related options for such a pathway, starting from the protection-related international and EU legal context at the date of the research ⁽²⁹⁾. The labour market component identifies and describes how the pathway could be approached from a VET, skills and qualification perspective and highlights issues related to this approach. From a migration perspective, the framework remains open. From a labour market perspective, the framework favours one approach as the conceptual backbone of a skills-based complementary pathway to

⁽²⁹⁾ January 2018 to April 2019.

protection; which gives its identity and defines its modus operandi, regardless of the migratory component scenarios or range of possibilities.

The elaboration of the conceptual framework was based on extensive desk research on complementary pathways and labour market integration of beneficiaries of international protection in EU countries. It also examined initiatives already under experiment, with complementary pathways and/or skills-based distribution of refugees. The desk research was complemented by 13 interviews with experts from different backgrounds (national authorities, EU and international organisations and academia) ⁽³⁰⁾. Based on the desk research and the interviews, the framework was drafted and used as a basis for the discussions during the meeting of the technical advisory group on 1 October 2018 in Brussels ⁽³¹⁾.

The main innovation of a skills-based complementary pathway, as put forward in the framework, lies in the combination of skills and labour market considerations with a migratory path. However, this requires certain knowledge about the skills and qualifications of the beneficiaries of such a pathway on the one side as well as knowledge about the labour market situation – and specifically the labour market needs – in EU Member States as potential receiving countries.

The two components are discussed in the following chapters (Chapters 2 and 3, respectively).

1.3. Glossary

Throughout the text different terms are introduced to discuss a skills-based complementary pathway to protection. The glossary below explains the most relevant ones.

⁽³⁰⁾ The following institutions and organisations were involved: NOKUT (Norway), ECRE, Swedish Migration Agency, UNHCR, IOM MPI Europe, Comunità di Sant'Egidio (Italy), Stockholm University, DG HOME, Talent Beyond Boundaries, and ICMC.

⁽³¹⁾ See Annex 1 for a list of the institutions member of the technical advisory group.

Table 1. **Definitions of key terms**

Applicant for international protection*	A third-country national or stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.
Beneficiary of international protection*	A person who has been granted refugee status or subsidiary protection status.
Beneficiary of the skills-based complementary pathway to protection	Person to be relocated via a skills-based complementary pathway to protection from a sending country to a receiving country.
Complementary pathways to protection	Safe and regulated avenues that complement refugee resettlement and by which refugees may be admitted into a country and have their international protection needs met. (UNHCR at https://www.unhcr.org/complementary-pathways.html)
Country of origin (*)	The country of nationality or, for stateless persons, of former habitual residence.
First country of asylum (*)	A country in which an applicant for international protection has either (a) been recognised as a refugee and can still avail themselves of that protection; or (b) otherwise enjoys sufficient protection, including benefiting from the principle of non-refoulement, provided that they will be readmitted to that country.
Labour market component	Component covering the VET, skills and qualification aspects of the complementary pathway: skills identification, labour market needs and matching.
Legal admission channel	Legal instrument through which the beneficiaries are admitted into the receiving country.
Migrant (*)	A person who is outside the territory of the State of which they are nationals or citizens and who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate.
Migratory anchor	Institution in the sending country through which beneficiaries of a skills-based pathway are reached and in which it is 'anchored'.
Migratory component	Component describing the migratory and legal aspects of the skills-based complementary pathway.
Receiving country	Country which admits beneficiaries of the skills-based complementary pathway with the aim of offering access to work, vocational education or training.

Refugee	A person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail him/herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it.
Sending country	Country where the beneficiary of the skills-based complementary pathway is residing. The sending country typically will host a large number of asylum seekers and refugees, and/or is unable to provide durable solutions for them.
Skills-based complementary pathway to protection	Describes a pathway to protection for refugees. The pathway is considered complementary to the traditional solutions (return, local integration and resettlement). Similar to resettlement, it foresees the movement of people from a sending country to a receiving country; different to resettlement, the movement is based on skills and not purely on vulnerability criteria.
Subsidiary protection (*)	Protection given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to their country of origin or, in the case of a stateless person, to their country of former habitual residence, would face a real risk of suffering serious harm as defined in Art. 15 of Directive 2011/95/EU (Recast Qualification Directive), and to whom Art. 17(1) and (2) of this directive do not apply, and is unable or, owing to such risk, unwilling to avail themselves of the protection of that country.
Third country	A country that is not a member of the European Union as well as a country or territory whose citizens do not enjoy the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code).

(*) The definition of terms marked with (*) are taken from the EMN glossary: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en

Source: Cedefop.

CHAPTER 2.

The migratory component

2.1. Introduction

Starting from the protection-related international and EU legal context at the date of the research ⁽³²⁾, the aim of this chapter is to describe the migratory component and the options related to it. It begins by identifying and discussing the different potential target groups (or beneficiaries) and their legal status in the sending country, the migratory anchors, the legal admission channel under which the movement could be organised and, finally, the migratory admission status in the receiving country (temporary or permanent, humanitarian or non-humanitarian).

2.2. Potential beneficiaries of a skills-based complementary pathway

Identifying the target group/beneficiaries of a skills-based complementary pathway and considering the specific implications of each group is a necessary first question to be addressed. In doing so, the framework focuses on three options that depart from different possible migratory statuses of people in the sending country:

- (a) refugee in a third country;
- (b) applicant for international protection who has lodged an application for international protection in an EU Member State;
- (c) beneficiaries of international protection in the EU (refugees and persons under subsidiary protection).

The migratory status in the sending context is central because it is directly linked to, and determines the options of, the legal admission channels for the beneficiaries of a skills-based complementary pathway to the receiving country.

⁽³²⁾ January to December 2018.

2.2.1. Refugees in a third country

The 1951 Refugee Convention defines a ‘refugee’ as a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail him/herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it (Article 1A). A person fulfilling the definition is considered a refugee irrespective of whether the person has received a (declaratory) decision that s/he fulfils the definition by a determining State (or UNHCR). For the purpose of this framework, the term refugee is understood in this ‘classical’ and broad sense, but it will be subdivided into two cases:

- (a) refugees identified by the UNHCR as in need of resettlement;
- (b) refugees who have not been identified as in need of resettlement.

2.2.1.1. Refugees identified in need of resettlement

Seeking and providing durable solutions to the problems of refugees is an essential element of international protection. The UNHCR considers the three durable solutions (return, local integration and resettlement) as complementary.

Before turning to resettlement as the most appropriate solution, the UNHCR first gives full considerations to the other two options⁽³³⁾. Resettlement under UNHCR auspices is thus a protection tool to meet the specific needs of refugees whose life, liberty, safety, health or fundamental human rights are at risk in their country of refuge⁽³⁴⁾. Among the criteria establishing the vulnerability of refugees that determine the need for resettlement, the UNHCR *Resettlement handbook* lists:

- (a) legal and/or physical protection needs of the refugee in the country of refuge;
- (b) survivors of torture and/or violence, without appropriate treatment in the country of refuge;
- (c) medical needs, in particular life-saving treatment that is unavailable in the country of refuge;

⁽³³⁾ See UNHCR, 2011, p.36. *Resettlement handbook*. Geneva: UNHCR – Division of international protection. <https://www.unhcr.org/46f7c0ee2.pdf>

⁽³⁴⁾ Ibid, p. 37.

- (d) women and girls at risk;
- (e) family reunification, when resettlement is the only means to reunite;
- (f) children and adolescents at risk;
- (g) lack of foreseeable alternative durable solutions ⁽³⁵⁾.

Are refugees identified as in need of resettlement a potential target group for a skills-based complementary pathway to protection favouring lawful access to the EU countries?

Resettlement has the preliminary goal of finding durable solutions for a particular vulnerable group among refugees. Since available resettlement places are already scarce, their use for skills-based pathways may lead to further reduction in availability. It may, ultimately, lead to a cherry-picking exercise, with highly needed resettlement places for vulnerable refugees being taken by skilled refugees.

On the other hand, combining resettlement of vulnerable refugees with skill-based and labour market considerations may further stimulate the readiness of receiving countries to extend their resettlement engagement; it could add resettlement places based on vulnerabilities to resettlement places based on VET, skills and qualifications needed in the receiving country. Vulnerable refugees also have skills that may ultimately help the refugee to integrate after resettlement and so be of a valuable benefit for the receiving country.

The 94% of refugees in need of resettlement but without available resettlement places makes a strong case for this category of people to be considered for the purpose of a skills-based complementary pathway to protection.

2.2.1.2. Refugees not identified as in need of resettlement

The refugee population is far larger than those identified as in need of resettlement according to the UNHCR's vulnerability criteria. Refugees who are not considered in need of resettlement are a far bigger group of candidates for a skills-based complementary pathway to protection.

Are refugees not identified in need of resettlement a potential target group for a skills-based complementary pathway to protection favouring lawful access to the EU countries?

⁽³⁵⁾ Ibid.

From a conceptual point of view, this second category of refugees is of importance as the whole discussion on ‘complementary pathways to protection’ had specifically in mind to trigger ideas and new forms of ‘pathways’, complementing resettlement. The opening of a new form of ‘complementary pathway’ would be a potential win-win effect for this group. Based both on considerations of responsibility-sharing and expanding effective access to protection, a skills-based complementary pathway addressing refugees not in need of resettlement and located in third countries could well complement existing resettlement efforts as well as the EU resettlement framework. It could also lend an additional humanitarian dimension to the objective of attracting skills to the EU in a legal migration context ⁽³⁶⁾.

This could open an additional pathway and increase or top up the resettlement numbers; it would therefore mean an additional contribution to ‘burden’ sharing.

2.2.2. Applicants for international protection in an EU Member State

According to Article 2(h) of the recast Qualification Directive (QD) ⁽³⁷⁾ an application for international protection is a request made by a third-country national or a stateless person for protection by an EU Member State, who can be understood to seek refugee status or subsidiary protection status. An ‘applicant’ for international protection is, therefore, a third-country national or a stateless person who has made such an application in respect of which a final decision has not yet been taken (see Article 2(i) QD) ⁽³⁸⁾.

The CEAS is based on the principle that people seeking international protection who arrive in the EU must apply in the first country of arrival. As the ‘corner stone’ of the CEAS, the Dublin system foresees a hierarchy of

⁽³⁶⁾ The EC proposal for a recast Blue Card Directive proposes to extend the application of the directive to beneficiaries of international protection. While the main target groups are persons who received international protection in the EU, persons resettled to the EU should also be eligible. The negotiations on the directive are currently stalled due to conflicting approaches between the joint legislators (interview with legal expert of the European Commission – DG HOME on 28.6.2018; see also European Commission, 2016).

⁽³⁷⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted. *Official Journal of the European Union*, L 337, 20.12.2011, pp. 9-26.

⁽³⁸⁾ See the definition of ‘asylum seeker’ in the glossary of the European Migration Network (EMN): https://ec.europa.eu/home-affairs/content/asylum-seeker-0_en

different elements, according to which the responsibility of a country that is part of the Dublin system for an applicant is determined. In the absence of other links such as family ties or earlier migratory links with a specific EU country, it is the country where the applicant is present that is also responsible for determining his/her status. As most applicants enter the EU by land or sea, it is the countries at the EU external borders that are – in principle – responsible for most spontaneously arriving applicants.

Applicants for international protection have generally been the primary reference group in European debates on ‘responsibility sharing’, because of the political and economic costs linked to initial reception, carrying out the procedure, integration in case of a positive decision, and return in the case of a negative decision. This does not mean that costs and benefits in terms of their longer integration (should they be granted protection status) are not recognised, but these have generally been less of an issue in these debates. As a consequence, growing numbers of arrivals in 2015-16, especially in Greece and Italy, led to the establishment of a corrective allocation mechanism that aimed at sharing the responsibility of those two countries for the incoming applicants for international protection more equally across the EU. A system of ‘relocation’ has been established to transfer physically those applicants with a high probability of being granted international protection (applicants from countries that enjoy a high recognition rate of 75% across the EU) from Greece and Italy to other EU countries (on relocation, see also Section 2.4.1.2).

The category of applicants for international protection is a broad group comprising:

- (a) recently arrived applicants;
- (b) applicants who may have been resident already for some time ,for example because the procedures lasted for a long time or because they cannot return to their country of origin after having stayed under another (non-protection related) residence title due to significant changes there (‘refugee *sur place*’);
- (c) applicants with a high probability of recognition;
- (d) applicants with a low chance for recognition.

Box 1. Rights of applicants for international protection to access labour markets in EU Member States

Applicants for international protection enjoy – in principle – the right to access the labour market (at latest) nine months after lodging an application according to Article 15(1) of the recast reception conditions directive⁽³⁹⁾ but Member States are free to grant access earlier (many Member States give access earlier than nine months: see Annex 2). Member States have also broad leeway in defining the conditions under which labour market access is granted and may prioritise own nationals, EU/EEA nationals and other legally residing third-country nationals when assessing the access to employment for applicants for international protection.

Source: Cedefop.

Are applicants for international protection a potential target group for a skills-based complementary pathway to protection favouring intra-EU mobility?

For several reasons, not all of the above listed groups of applicants may be considered for a skills-based complementary pathway:

- (a) to include applicants for international protection with a low chance of recognition (e.g. if they come from a country that is considered safe) in the scope of a skills-based complementary pathway to protection is difficult to justify; first the asylum seeker would need to be transferred to the receiving country, only to be returned to the country of origin later on. Also, those applicants whose cases are considered obviously unjustified are usually decided quickly;
- (b) a person who has already stayed longer in a country and only later applied for asylum ('*sur place* refugee') has already gained certain links to the first country of asylum and may find more and better opportunities in this country than in a new 'receiving country. However, this group shall not be excluded;
- (c) applicants, who have already waited for some time for their decision, may already have gained access to the labour market in the first country of

⁽³⁹⁾ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection. *Official Journal of the European Union*, L 180, 29.6.2013, pp. 96-116. Note that, according to further modifications of the reception conditions directive currently discussed, the waiting period for labour market access should be reduced to six months following the lodging of the application for international protection (See the Proposal for a directive laying down standards for the reception of applicants for international protection (recast), COM(2016) 465 final).

asylum and may thus – from a skills-based complementary pathway point of view – be better off staying in the asylum country than moving on to another, where s/he may not yet have gained this right ⁽⁴⁰⁾. However, also this group shall not be excluded;

- (d) applicants whose application can be considered as obviously justified seem the most logical group of applicants to be involved in a skills-based complementary pathway ⁽⁴¹⁾.

Not all applicants for international protection are equally suitable for a skills-based complementary pathway favouring intra-EU mobility. A particular concern also seems to be the trade-off between quick relocation from the first country of asylum in the EU (in order to relieve pressure on the national asylum system) and the time and context needed to conduct some form of skills assessment that would allow beneficiary selection and matching to a pathway with available labour market opportunities in a receiving country (see Box 6 for a pilot project implemented within the EU relocation programme: IOM pilot skills assessment in the EU relocation programme).

The group of applicants whose application can be considered as best justified would be the most straightforward given the precedent and a potential legal basis with the relocation exercise ⁽⁴²⁾, as well as possible justification, under certain circumstances, by Article 17 of Dublin regulation ⁽⁴³⁾; this could offer a true show of solidarity among EU countries to the benefit of overburdened EU Member States at the EU external borders.

⁽⁴⁰⁾ For a list of the different waiting times until applicants have access to the labour market in different EU Member States, see Annex 1.

⁽⁴¹⁾ The use of high recognition rates to determine whether a claim is justified or not – as the EU relocation Council decisions foresaw – seems ill-suited. A high recognition rate is only an indication for whether a person is in need of international protection. However, applicants from countries with low recognition rate may have a well-founded application and consequently be granted international protection.

⁽⁴²⁾ Relocation is also possible based on bilateral agreements, as has been piloted to the benefit of Malta in the EUREMA projects; see EASO (2012).

⁽⁴³⁾ The discretionary clause under Article 17 of Dublin Regulation allows a Member State to take charge of an applicant by way of derogation from Article 3(1). Each Member State may decide to examine an application for international protection lodged with it by a third-country national or a stateless person, even if such examination is not its responsibility under the criteria laid down in this regulation (Article 17/1 of Dublin Regulation).

2.2.3. Beneficiaries of international protection in the EU

Beneficiaries of international protection are, according to Article 2(b) QD, ‘persons who have been granted refugee status or subsidiary protection status’. Beneficiaries of international protection are therefore recognised in one EU country after having passed the respective national asylum procedure. Although EU countries established asylum procedures based on common standards, there is no mutual recognition of international protection statuses among EU countries (European Parliament, 2016b, p. 94; ECRE, 2016). In the European context, beneficiaries of international protection who move from a first country of asylum to another European country would not lose their protection status in the first country of asylum, as this is not one of the reasons listed in the QD for the withdrawal of international protection status. However, they would not enjoy the rights associated to the international protection status in the second EU country and their legal status would depend on the status granted upon admission in that Member State⁽⁴⁴⁾. While only a handful of EU Member States have signed and ratified the European Agreement on the transfer of responsibility of refugees under the Council of Europe⁽⁴⁵⁾, an older study commissioned by the European Commission showed that in non-signatory countries of the convention the transfer of responsibility for mobile refugees from one country to another was also practised (Lassen et al., 2004).

The risks involved in terms of losing protection status when moving to another EU Member State on the basis of a legal economic migration title thus seem to be modest or non-existent; the main drawback for recognised refugees is that they would not enjoy the same range of rights in a second EU Member State and may have to return to the first country of asylum should conditions for residence no longer be met in another EU Member State. The implications for mobility of persons only enjoying subsidiary protection are likely to be slightly different, as their status is temporary and systematically reviewed in the initial period of their stay, so they face a higher risk of withdrawal of their status in the first country of asylum in the EU.

⁽⁴⁴⁾ Interview with European Commission - DG HOME on 28.6.2018.

⁽⁴⁵⁾ Council of Europe, ETS No 107, 1.12.1980. <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/107> The agreement refers only to refugees and foresees that the responsibility for the refugee shall be considered to be transferred after two years of legal and continuous stay in the second State with the agreement of its authorities. The use and scope of the agreement varies between the participating States (ECRE, 2016). A total of 11 EU Member States (Denmark, Germany, Spain, Italy, the Netherlands, Poland, Portugal, Romania, Finland, Sweden and the UK) signed the agreement as well as Norway and Switzerland.

As legal residents of an EU Member State, beneficiaries of international protection are, in principle, eligible for long-term residence status after five years of residence and, with this, associated freedom of movement rights.

Box 2. Rights of beneficiaries of international protection to access the labour market and VET in EU MS

Beneficiaries of international protection enjoy access to employed or self-employed activities immediately after protection has been granted (Article 26, recast QD). Further, activities such as employment-related education opportunities for adults, vocational training, including training courses for upgrading skills, practical workplace experience and counselling services afforded by employment offices, shall be offered to beneficiaries of international protection under equivalent conditions as nationals (Article 24/2, recast QD).

Refugee status guarantees the broadest set of rights in the receiving country, on par almost with those of nationals (apart from political rights). The rights of beneficiaries of subsidiary protection are more limited, notably in respect to welfare benefits. However, it is the limitation of the duration for which subsidiary protection status is granted which arguably presents the biggest obstacle for beneficiaries of the status to access employment. Employers are likely to be reluctant to invest in training and skills of employees if they may have to leave after a short time period.

Source: Cedefop.

Are beneficiaries of international protection a potential target group for a skills-based complementary pathway to protection favouring intra-EU mobility?

From a practical perspective, beneficiaries of international protection in the EU may be the most straightforward target group for a skills-based pathway from one EU country to another. This is the case for people granted refugee status as they enjoy broader rights and are usually connected with longer residence permits (minimum of three years compared to the minimum length of residence permit of one year for beneficiaries of subsidiary protection).

The main rationale of a skills-based complementary pathway to protection for people enjoying international protection in an EU Member State would be to provide work opportunities otherwise not available in the first country of asylum. This could promote the longer term integration prospects for beneficiaries of such solutions. For first countries of asylum, mobility options for beneficiaries of international protection may relieve social spending. For

both sending and receiving countries they can be argued to increase labour market efficiency.

A focus on beneficiaries of international protection could also help decouple the issue of initial distribution of asylum seekers, and the responsibility to determine their status, from their longer-term integration and settlement. This would offer more nuanced and flexible perspectives on how responsibilities could be shared and solidarity between EU Member States exercised (Wagner et al. 2018). For beneficiaries of international protection in countries such as Greece or other southern EU Member States in an unfavourable economic situation, hence with limited prospects for integration, skills-based complementary pathway solutions may be an effective way of sharing responsibilities.

In sum, targeting beneficiaries of international protection could offer an option both politically and practically feasible. It could help expand available opportunities for this group in the EU and create triple win situations: for countries of first asylum, beneficiaries of international protection themselves and for receiving countries.

2.3. Migratory anchor

Essential for a skills-based complementary pathway to protection is an institutional link in the sending country around which skills-based complementary pathway solutions could be built. The anchor would be central for any further considerations as it should provide access to potential beneficiaries for the purpose of conducting or facilitating their skills identification, plus selection and have a role in the admission to a receiving country.

2.3.1. International organisations and NGOs (for refugees in a third country)

The Office of the United Nations High Commissioner for Refugees has the mandate to protect refugees, forcibly displaced communities and stateless people, and assist in their voluntary repatriation, local integration or resettlement to a third country (referred to as the 'classic' durable solutions). The agency is mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country. The UNHCR runs major missions in all countries hosting large numbers

of refugees and provides services both in camps and in urban settings. With the adoption of the GCR, the UNHCR was tasked with developing a three-year strategy (2019-21) on resettlement and complementary pathways, as a key vehicle for increasing the number of resettlement spaces, expanding the number of resettlement countries and improving the availability and predictability of complementary pathways for refugees.

As the migratory anchor for refugees, the UNHCR may well facilitate the link to admission channels, specifically to resettlement but also other channels like humanitarian admission programmes, humanitarian visas or legal migration channels (Section 2.4). As the UNHCR does not have the capacity or expertise to identify the skills and talents among the refugee communities, they could partner with other UN agencies, such as the International Labour Organization (ILO) or the International Organization for Migration (IOM) or various non-governmental partners such as Talent Beyond Boundaries for the purpose of skill identification.

Box 3. **Talent Beyond Boundaries**

Talent Beyond Boundaries (TBB) envisions a world in which refugees can move to secure futures on the basis of their skills, not just their status. To achieve this vision, TBB is pioneering international labour mobility for refugees; it is the only organisation engaging the global private sector and national governments to provide a safe, legal migration option for refugees.

Talent Beyond Boundaries was founded in 2016 in response to unprecedented levels of displacement across the Middle East. Since its founding, TBB has developed a systematic approach to identifying and overcoming the barriers that keep refugees from moving to security based on their skills. Lack of data on refugees' employability and job skills presented an initial barrier to refugee access to international work. In 2016, TBB began developing a first-of-its-kind 'talent catalogue', a database of work experience, education, and skills of refugees living in Jordan and Lebanon interested in being considered for international employment. More than 10 000 refugees registered, representing workers across more than 200 occupations. This data is unparalleled in its depth and a significant contribution to understanding the human capital in refugee populations.

Equipped with relevant data, TBB approached employers who, for the first time, can consider the previously hidden pool of international refugees when sourcing talent. Using the talent catalogue and communication technology, TBB has supported remote international recruitment efforts of refugees in Lebanon and Jordan for dozens of companies, primarily from Canada and Australia. To date, employers across the

healthcare, technology, hospitality, consulting, and skilled trades sectors are sponsoring the migration of 35 refugees based in Jordan and Lebanon, and committed to being global pioneers of a new solution for refugees. TBB candidates will enter their new receiving country with full-time employment and a clear route to self-reliance. Every individual with whom TBB is currently working is not only moving to a better life, but is part of expanding the ways that refugees can move now and into the future. Through its work with individuals, TBB has generated first-hand learning on the administrative and policy barriers that inhibit refugee access to regular skilled migration, and has been able to demonstrate to governments the value of making skilled migration more accessible to qualified refugees as a complement to existing humanitarian programmes.

TBB's vision of change is not limited to the two initial receiving countries (Australia and Canada); rather, adoption of labour mobility for skilled refugees in individual countries serves as examples and establishes best practices for other countries to follow. Each is a step toward a profound reimagining of the international refugee management system to account not only for refugees' vulnerabilities but also their potential.

Source: Cedefop, interview with Talent Beyond Boundaries on 13.5.2018 and <http://talentbeyondboundaries.org/>

2.3.2. Organisations linked to (possible) controlled/disembarkation centres (for applicants for international protection in an EU Member State)

In the context of the refusal of several EU Member States to admit ships carrying migrants to the territories, the European Council suggested⁽⁴⁶⁾ setting up so-called 'controlled centres' where people should be disembarked in the EU after search and rescue operations. The processing in those centres should be conducted in a swift and secure manner and supported by the EU. The aim of controlled centres would be to distinguish more swiftly between irregular migrants, who would be returned, and those in need of international protection, for whom the principle of solidarity would apply. All measures in the context of these controlled centres, including relocation and resettlement, shall, according to the European Council conclusions from 28 June 2018, be voluntary, without prejudice to the Dublin reform. The idea of the controlled centres was closely connected with considerations on so-called disembarkation centres in third countries outside the EU. However, while the idea on disembarkation centres in third countries was soon dropped

⁽⁴⁶⁾ https://ec.europa.eu/commission/sites/beta-political/files/controlled_centres_en.pdf

(but is anticipated to come up again in the future ⁽⁴⁷⁾) the controlled centres remained on the EU agenda. In the absence of more stable arrangements, such temporary ones shall provide a solution for migrants crossing the Mediterranean towards the EU ⁽⁴⁸⁾.

Whatever the current level of political viability, controlled centres (whether temporary or more permanent) could be considered as an entry point for the purpose of a skills-based complementary pathway. Depending on the institutions present in such a centre, they could enable access to applicants of international protection, once those have been identified among the mixed group of migrants disembarked at those centres.

2.3.3. Organisations operating in hotspots and reception centres (for applicants for international protection in an EU Member State)

The hotspots approach was a response to assisting frontline Member States facing disproportionate migratory pressure; it was established by the EU's European agenda on migration. Hotspots were designed to inject greater order into migration management by ensuring that all those arriving are identified, registered and properly processed (European Parliament, 2016a, p. 9). One major objective of hotspots initially was to facilitate the relocation programme established by two Council decisions in September 2015 ⁽⁴⁹⁾.

Hotspots are based on the operational deployment of the EU agencies Frontex, the European Asylum Support Office (EASO) and Europol, and are coordinated by a regional task force in each Member State where hotspots are in operation, namely Italy and Greece ⁽⁵⁰⁾. Implementation of the hotspots was initially slow; factors included the vagueness of the concept and the

⁽⁴⁷⁾ Discussions on temporary arrangements for disembarkation centres (now in an EU MS) recently reappeared.

⁽⁴⁸⁾ See COM(2019) 126 final, Brussels, 6.3.2019 at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190306_com-2019-126-report_en.pdf

⁽⁴⁹⁾ Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece. Official Journal of the European Union, L 239, 15.9.2015, pp. 146-156. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL_2015_239_R_0011
Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Official Journal of the European Union, L 248, 24.9.2015, pp. 80-94. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015D1601>

⁽⁵⁰⁾ See the fact sheet from the European Commission: Hotspot approach to managing exceptional migratory flows: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_hotspots_en.pdf

absence of a solid legal basis, the need to build them up, and to remedy to infrastructure shortcomings. The process has gathered pace significantly since early 2016 (European Parliament, 2016a, p. 9). Even though the EU relocation programme has ended, the hotspots continue to be operational in both Italy and Greece.

In Greece the reception and identification centres (RICs) run under the EU policy framework. The RICs on the islands are run mainly as open reception centres but those in them are not allowed to leave the islands and have to reside in the RICs ⁽⁵¹⁾; this practice that is disputed and subject to an upcoming court ruling in April 2019 ⁽⁵²⁾.

A number of actors are involved in the reception and identification centres including the Hellenic Police, the reception and identification service (RIS) and the Asylum Service. The RIS used to outsource medical and psychosocial care to NGOs (Médecins du Monde, PRAKSIS, Medical Intervention). However, since June 2017 the Centre for Disease Control and Prevention (KEELPNO), funded by the Ministry of Health and Social Solidarity, is being tasked with this. Apart from the Greek State authorities, the following actors are present in the RIC: Frontex, UNHCR, IOM and EASO. Additionally there are facilities mostly run by NGOs for the purpose of temporarily accommodating persons in vulnerable situations.

In Italy the hotspot approach was instituted in 2015. On paper, persons should stay in these centres for no more than 48 hours but in practice they may have to stay in these facilities for days or weeks. At the hotspots migrants are sorted between those applying for international protection and those who have been identified as 'economic migrants'; the former are then transferred to a first-line reception centre, while the latter are sent to the return centres. As of September 30, 2017, there were five active hotspot locations in Italy (Lampedusa, Pozzallo, Taranto, Trapani and Messina) with a capacity for roughly 1 950 people. In 2017, there were discussions about instituting additional hotspot locations to cover all major ports ⁽⁵³⁾.

⁽⁵¹⁾ At the time of drafting, five RICs operated on the islands of Lesbos, Kos, Chios, Samos and Leros. By the end of 2018 the nominal capacity of the RIC facilities (hotspots) was 6 438 while 9 902 persons were residing there. On the basis of the EU-Turkey Statement, 1 484 individuals had been returned to Turkey between 20 March 2016 and 31 December 2017.

⁽⁵²⁾ See the country report on Greece of the asylum information database (AIDA), last updated on 31.12.2018: https://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf

⁽⁵³⁾ However, these ideas seemed to have disappeared from the current government's political agenda.

The institutions active in the hotspots and – more broadly – in reception centres may facilitate access to applicants of international protection for skills-based complementary pathways to protection.

2.3.4. Organisations involved in the integration of beneficiaries of international protection in the labour market (in an EU first country of asylum)

Public employment services (PESs) could be well involved as a possible institutional anchor for skills-based complementary pathway solutions targeting beneficiaries of international protection, and thus could rely on a strong and established infrastructure for undertaking skills validation and matching. National PESs also have the advantage that they are organised in the European PES network, established following a decision by the Council and the European Parliament ⁽⁵⁴⁾.

2.4. Legal admission channels and migratory status in receiving country

To support legal admission of its beneficiaries to a receiving country, a skills-based complementary pathway needs to use existing legal admission channels. Migratory status in the receiving country reflects the status which people will have once they arrive in the receiving country and depends on the admission channels to this country. Two types of channel are discussed in what follows: humanitarian admission channels and non-humanitarian ones.

Migratory status may be based on humanitarian/protection or on non-humanitarian considerations. Humanitarian/protection guided statuses refer to international protection, encompassing refugee and subsidiary protection status, as well as the status of an applicant for international protection. Non-humanitarian status covers legal migratory channels connected with residence permits for employment leading to ‘ordinary’/economic immigration status.

⁽⁵⁴⁾ Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between public employment services text with EEA relevance. Official Journal of the European Union, L 159, 28.5.2014, pp. 32-39: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.159.01.0032.01.ENG

2.4.1. Humanitarian admission channels

In the present context, humanitarian admission channels are used to support refugees in major first asylum countries (mainly extra-EU) to access protection beyond the immediate neighbourhood of refugees' countries of origin. They comprise mainly specific bilateral or multilateral arrangements.

2.4.1.1. Resettlement for refugees in third countries

Resettlement is understood as the selection and transfer of refugees from a country in which they have sought protection (first country of asylum) to another country which has agreed to admit them (resettlement country) – as refugees – with permanent residence status ⁽⁵⁵⁾. Refugees being resettled are issued a *laisser passer* travel document by the resettlement country.

The UNHCR is mandated by its Statute and the UN General Assembly resolutions to undertake resettlement as one of the three durable solutions (Section 1.1.1). Resettlement is unique in that it is the only durable solution that foresees a 'third (neither repatriation in the country of origin, nor integration in the (first) host country) country solution'. However, in quantitative terms, as countries make few resettlement places available so only a tiny minority of refugees have access to resettlement. According to the latest available data for 2018, from around 20 million refugees of concern to the UNHCR around the world, around 55 600 (or 0.28%) were resettled that year ⁽⁵⁶⁾.

Resettlement based on labour market considerations and admission of refugees through labour migration programmes dates back to the early days of the international protection regime ⁽⁵⁷⁾. However, there is an inherent tension between utility-based admission of workers and refugee protection. At the same time, there are several labour market-based resettlement schemes for refugees that can serve as useful example (see Durable solutions platform, 2018, p. 19).

⁽⁵⁵⁾ UNHCR (2011). Resettlement handbook, p. 3. In the EU context 'resettlement' means 'the admission of third-country nationals and stateless persons in need of international protection from a third country to which or within which they have been displaced to the territory of the Member States with a view to granting them international protection' (Article 2 of the Proposal for a regulation of the European Parliament and of the Council establishing a Union resettlement framework. COM/2016/0468 final 2016/0225 (COD)). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0468>

⁽⁵⁶⁾ UNHCR (2018). Resettlement 2018 at a glance, revised 18 April 2019. <https://www.unhcr.org/5c594ddf4>

⁽⁵⁷⁾ UNHCR (2012). *Labour mobility for refugees: past and present examples*, dated 7.9.2012. <http://www.unhcr.org/509a82ba9.html>

Box 4. **The Australian Community support programme**

The Australian Community support programme (CSP) ⁽⁵⁸⁾ allows refugees aged 18-50, who either have a job offer in Australia or possess relevant skills, to enter the country as resettled refugees. Prioritised are refugees willing to work in the regions of Australia. Australian community organisations, families and individuals can use CSP to help people in humanitarian need to settle in Australia. Communities or private organisations need to bear the costs of visa application charges (see visa page for details), airfares, medical screening, accommodation, and settlement services. This kind of resettlement is apparently at the expense of overall Australian resettlement numbers; a number of resettlement places go to skilled refugees instead of vulnerable refugees.

Source: Cedefop.

In light of the negotiations for a European Union resettlement framework, skills-based complementary pathway solutions for third country refugees could be linked with ongoing and planned resettlement negotiations and activities. Linking skills-based pathways with the EU resettlement framework could potentially also attract countries that are generally less in favour of admitting refugees but which, at the same time, are facing labour force shortages. In this context labour market considerations could also help to diminish the discrepancy between identified resettlement needs and resettlement pledges by resettlement countries ⁽⁵⁹⁾.

Box 5. **Status of beneficiaries of resettlement**

Resettled refugees are granted refugee status in the receiving country.

Source: Cedefop.

⁽⁵⁸⁾ See Australian Department of Home Affairs, Community support programme (CSP): <https://immi.homeaffairs.gov.au/what-we-do/refugee-and-humanitarian-program/community-support-program>

⁽⁵⁹⁾ According to the UNHCR, 1.4 million persons are estimated to be in need of resettlement in 2019, while only around 100 000 are targeted to be effectively submitted for resettlement this year. See: UNHCR (2018).

2.4.1.2. Relocation-type arrangements (for applicants for international protection in an EU Member State)

The EU-wide pendant to global-level resettlement was ‘relocation’. Piloted as a voluntary scheme in the framework of the EU-funded EUREMA project in 2009 ⁽⁶⁰⁾, relocation became the instrument of the day in the context of the high influx of asylum seekers and migrants in 2015 and 2016. Greece and Italy faced high numbers of arrivals of asylum applicants; according to the Dublin rules, as first country of entry they would have been responsible for most of these. In the spirit of solidarity and responsibility sharing, the European Commission adopted an EU relocation programme based on two Council decisions in September 2015 ⁽⁶¹⁾. The programme aimed at partly voluntarily (first relocation Council decision) and partly mandatorily (second Council decision) relocating people from Greece and Italy to other EU countries. The main selection criteria of this tool were people coming from a country with a high probability of being granted international protection (the threshold was set at a country recognition rate of 75%) ⁽⁶²⁾. People being relocated were issued a *laisser passer* travel document by the country of relocation.

Box 6. IOM pilot skills assessment in the EU relocation programme

Using the EU skills profile tool for third-country nationals, the International Organization for Migration (IOM) has profiled 450 individual beneficiaries of the EU relocation programme both pre-departure (Italy and Greece) and post-arrival (Spain, Romania). In other countries, more informal orientation workshops were held.

A report on the exercise recommends to place employment at the centre of integration oriented efforts and systematically include them in relocation programmes (and by implication, in similar programmes), ‘case manage’ labour market inclusion from the beginning, using skills assessment such as through the EU skills profile

⁽⁶⁰⁾ EUREMA stands for intra-EU relocation from Malta. See EASO (2012). Fact finding report on intra-EU relocation activities in Malta. <https://www.refworld.org/pdfid/52aef8094.pdf>

⁽⁶¹⁾ See the Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece. Official Journal of the European Union, L 239, 15.9.2015, pp. 146-156. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL_2015_239_R_0011 and the Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Official Journal of the European Union, L 248, 24.9.2015, pp. 80-94. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015D1601>

⁽⁶²⁾ See also the country studies conducted under work assignment 2 of this project on the implementation of the EU relocation programme in the two sending States (Greece and Italy) and six countries of relocation (Germany, Ireland, Spain, France, the Netherlands and Finland).

tool for third-country nationals ⁽⁶³⁾ as a first entry point that needs to be followed up after arrival by more in-depth assessment for skill validation. Another finding from the pilot was the importance of the possibility of face-to-face exchanges between beneficiaries of relocation and relevant stakeholders.

Source: Cedefop, interview with IOM on 7.6.2018.

The relocation programme was anchored at the newly introduced hotspots in Greece and Italy (Section 2.3.3). In principle, VET-, skills- and qualifications- based criteria were considered for use in addition to other selection criteria in the process of matching eligible applicants with receiving States. Recital 34 of Council Decision 2015/1601 of 22 September 2015 ⁽⁶⁴⁾ foresaw that skills should be taken into account in deciding on the specific Member State to which the beneficiary of relocation would be relocated. In practice, however, this provision seems to have been little used ⁽⁶⁵⁾. The main reason is probably that the relocation programme targeted newly arrived asylum seekers at a stage in which security vetting was intensive and the time schedule very tight, leaving no room for lengthy and resource-consuming skill identification and assessments.

Nevertheless, in the current policy context, some form of voluntary relocation programme (based on bilateral agreements) may be a feasible option to support skill-based complementary pathways for applicants for international protection in an EU Member State. While the relocation programme was criticised as a failure in practical terms, with ‘only’ around 34 000 people actually transferred ⁽⁶⁶⁾ instead of the targeted 160 000, on the positive side the necessary administrative and cooperation structures were developed and some concrete, although limited, outcomes, were obtained within the time span of only two years.

⁽⁶³⁾ European Commission’s webpage on skills profile tool for thirds country nationals:
<https://ec.europa.eu/migrantskills/#/>

⁽⁶⁴⁾ Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece. Official Journal of the European Union, L 248, 24.9.2015, pp. 80-94.
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015D1601>

⁽⁶⁵⁾ Interview with European Commission – DG HOME on 10.7.2018.

⁽⁶⁶⁾ European Commission (2018). *Progress report on the implementation of the European agenda on migration: communication from the Commission to the European Parliament, the European Council and the Council*. COM(2018) 250 final.
<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52018DC0250>

Box 7. Status of beneficiaries of relocation

In the context of the EU relocation programme, applicants for international protection who were relocated from Greece and Italy were admitted as applicants for international protection in the receiving country, involving a transfer of the responsibility of the processing of the application from these two countries to the receiving countries.

Source: Cedefop.

2.4.1.3. Humanitarian visas for refugees in third countries

Humanitarian visas are used as legal admission channels for different programmes for the legal admission in the EU of refugees into third countries; examples are transfers of beneficiaries of humanitarian admission programmes or various private sponsorship programmes (Sections 2.4.1.4 and 2.4.1.5).

Humanitarian visas are widely discussed in the context of complementary pathways and can provide alternative solutions for supporting ‘overburdened’ first countries of asylum⁽⁶⁷⁾. Articles 19 and 25 of the Visa Code provide the possibility to issue humanitarian visas with limited territorial validity (LTV), which may be valid in one or more, but not all Schengen States. Although it remains unclear in how far the humanitarian aspects must be determined for issuing such a visa, many Member States make, or have made, use of humanitarian types of visa, either based on Article 25 of the Visa Code or as a matter of national type D visa. According to the European Parliament study more than half of the EU Member States have or have had some form of scheme for issuing humanitarian visas (European Parliament, 2014, p. 48).

A clear advantage of humanitarian visas compared to other options is their flexibility. However, the fact that the status determination would only be processed once the holder arrives in the receiving country requires further waiting time before labour market integration can start due to the different labour market entry regimes in EU Member States (Annex 2).

⁽⁶⁷⁾ They normally apply to refugees in third countries.

Box 8. Status of the beneficiaries of humanitarian visas

Persons granted a humanitarian visa are admitted to an EU MS country to facilitate the application for international protection upon arrival (see, for examples, European Resettlement Network, 2018). Third country nationals arriving with a humanitarian visa are specifically selected based on their *prima facie* international protection needs and a high probability of being granted international protection.

Source: Cedefop.

2.4.1.4. Humanitarian admission programmes for refugees in third countries

Many Member States have had experience with bilateral humanitarian admission programmes (HAPs) with third countries. These bilateral programmes often entail strong elements of resettlement but also sponsorship (van Ballegooij et al. 2018)); they were also implemented with the support of UNHCR. Common to HAPs is that the receiving country determines the eligibility criteria covered by the admission programme, such as refugee families, unaccompanied minor refugees, elder refugees, refugees in need of medication⁽⁶⁸⁾. Receiving countries conduct selection missions or transfer this task to international organisations such as UNHCR. Beneficiaries of such admission programmes were regularly granted a respective visa by the representation abroad (van Ballegooij et al., 2018, p. 57).

HAPs have been implemented, among others, in Austria, France, Germany, Switzerland and the UK (for more information see Durable solutions platform, 2018, p. 15).

Such established programmes could well constitute secondary legal channels for skills-based complementary pathways. The advantage of such programmes could be to define the target group and selection priorities and merge this with labour market priorities and a view of overall higher integration expectations into the national labour markets of the receiving country.

2.4.1.5. Private or community based sponsorship programmes for refugees in third countries

Private and community based sponsorship has recently attracted considerable attention as a possible option in the European context. The main difference

⁽⁶⁸⁾ See European Commission and EMN (2016), pp. 24-25.

to other programmes is that it builds on the committed involvement of private initiatives and communities that ‘sponsor’ the admission of refugees in third countries. Private sponsorship has been widely discussed in the framework of the consultations for the GCR ⁽⁶⁹⁾ as well as by academia and think tanks ⁽⁷⁰⁾.

Under these programmes, beneficiaries are either identified directly by their sponsors, or can be referred by UNHCR but assigned to a sponsor for initial support. Private sponsorship can also be used to enable refugees to reunite with extended family members who may not otherwise qualify for family reunification (Durable solution platform, 2018, p. 17).

Box 9. **Humanitarian corridors: Italian civil society organisations**

Launched on December 2015 by Comunità di Sant’ Egidio, in collaboration with the Federation of Evangelical Churches and the Waldensian and Methodist Churches in Italy, the Humanitarian corridors programme is an initiative that aims at granting people in ‘vulnerable conditions’ living in Lebanon and Ethiopia legal and safe entry into Italy by issuing a humanitarian visa with ‘limited territorial validity’ ⁽⁷¹⁾, with the possibility to apply for asylum.

Humanitarian corridors have three main steps: the identification and selection of beneficiaries, with the support of local organisations, NGOs and UNHCR operating in the camps in Lebanon and Ethiopia; the verification and approval of lists of candidates by competent third countries and Italian authorities, and the issue of a humanitarian visa; and the transfer to and reception in Italy, where beneficiaries are hosted in reception structures for one year, receive legal assistance and participate in integration programmes (such as training courses on Italian language and culture, VET, enrolment in schools/universities).

Although vulnerability is the main criterion for selecting beneficiaries of the programme, two complementary criteria are included to foster integration of beneficiaries and avoid illegal secondary movements: the presence of family ties in Italy and candidates’ possibility of social and economic integration.

For the latter, the logic is to avoid selecting beneficiaries that will be at high risk of vulnerability once in Italy (e.g. an elderly person alone, a family with both parents

⁽⁶⁹⁾ <https://www.unhcr.org/the-global-compact-on-refugees.html>

⁽⁷⁰⁾ See European Commission, ICF; MPI (2018). *Study on the feasibility and added value of sponsorship schemes as a possible pathway to safe channels for admission to the EU, including resettlement*, Luxembourg: Publications Office. <https://publications.europa.eu/en/publication-detail/-/publication/1dbb0873-d349-11e8-9424-01aa75ed71a1/language-en/format-PDF>

⁽⁷¹⁾ <http://archive.santegidio.org/pageID/11676/langID/en/Humanitarian-Corridors-for-refugees.html>

with disabilities, a mother alone with five children), as they will find it difficult to be self-sufficient, learn a new language and, ultimately, adapt to the receiving society. As our interviewee explained, the 'integration possibility' criterion implies that there should be at least one member within each family that will be capable of providing for himself and his family once the programme ends.

Source: Cedefop, interview with Comunità di Sant'Egidio on 15.6.2018.

These programmes could be adapted by engaging employers as sponsors for refugees in third countries that may have certain skills that are sought by the employer.

Even well established and working programmes such as the *Human corridors* programme (Box 9), which work on the basis of already stipulated agreements with the authorities, may embed skills-based complementary pathways and so work as secondary legal admission channels for these pathways.

2.4.2. Non-humanitarian admission channels ⁽⁷²⁾

In addition to the humanitarian admission channels described above, beneficiaries of a skills-based pathway may be legally admitted in a receiving country on the basis of employment-based permits ⁽⁷³⁾. Three possible policy approaches may be pursued: refugees gaining access to existing labour immigration programmes without policy adjustments for 'refugee workers' (such as the Blue Card Directive, Box 11); a second approach directed to employers who should be incentivised to recruit refugee workers within existing labour market schemes; and the creation of labour market immigration programmes exclusively for refugee workers (Ruhs, 2019).

However, beneficiaries of non-humanitarian channels are (at least initially) not granted a protection-related status (although they are refugees *de facto*) and arrive in the country as a labour migrant for a specified duration, meeting challenges discussed in Box 10.

⁽⁷²⁾ For refugees in a third country, applicants for international protection in an EU Member State and beneficiaries of international protection in the EU.

⁽⁷³⁾ In addition to employment-based permits, other non-humanitarian admission channels remain available and are often discussed in the context of complementary pathways: student visas and family reunification permits. Student visas have been used by some countries as alternative pathways for Syrian refugees.

Box 10. Status of beneficiaries of employment-based permits

Apart from the more limited residence rights tied to the specific purpose of the residence title granted (e.g. work) admission under a pathway for legal migration also affords more limited rights in other regards: a refugee who changed the migratory scheme and arrived in the receiving country as a migrant based on labour, enjoys only those rights that s/he is granted with the legal migration status. S/he may work, often limited to a specific job or sector on initial admission.

Source: Cedefop.

People arriving via available channels for legal migration receive a (non-humanitarian) residence permit that is based on the specific purpose for which the migrant enters the EU. Independent of whether the person was initially forced to flee from the country of origin and was considered a refugee, by making use of an employment based legal migration pathway, s/he changes the migratory scheme and will be granted a residence permit for employment⁽⁷⁴⁾. In this respect any temporary residence based on employment is not a regular route to protection; however, it can be a path to a permanent status, and even naturalisation at a future point (Durable solutions platform, 2018, p. 20).

Legal status is a key question as it determines the rights and duties of refugees, asylum seekers and migrants in the receiving country. However, a refugee does not stop being a refugee as long as s/he fulfils the definition according to Article 1A of the 1951 Refugee Convention, which means that s/he cannot return to his/her country of origin if (for example) the conditions for a work-based residence permit are no longer met. Also, the return to the first country of asylum may not be possible due to policies of ‘no-return’ in certain countries of first asylum (notably in third countries such as Jordan and Lebanon). This requires specific safeguards and a guarantee of the permanence of admission to a receiving EU country.

Generally, any skills-based complementary pathway solution to protection would have to be based on the assumption that admission would, in principle, be permanent; this applies whether an individual is admitted

⁽⁷⁴⁾ The refugee does not stop being a refugee as long as s/he fulfils the definition according to Article 1A of the 1951 Refugee Convention. However, without the declaratory act of being granted international protection by the host State, the person only has the limited rights connected with the legal status of a work-based residence permit.

by a receiving EU country from a third country as a resettled refugee or based on a legal admission channel for employment. Should the status not be based on protection considerations, the opportunity to apply for international protection as a fall-back option may have to be available cases such as employment-based admission.

Box 11. **Blue Card Directive**

The EU Blue Card Directive ⁽⁷⁵⁾ sets the framework for allowing highly skilled non-EU citizens to work and live in any country within the European Union. It entitles the holder to work and live in the EU for professional reasons for an initial period of two years, with the possibility to apply for permanent residence after five years. The Blue card is only for very specific and highly skilled workers, as well as for seasonal workers. The former is unlikely to be accessible to the broad Syrian population, and seasonal work, with short-term residence, does little to address the long-term needs of a refugee population (Durable solutions platform, 2018, p. 20).

The EC proposal for a recast Blue Card Directive proposes to extend the application of the directive to beneficiaries of international protection. While the main target groups are persons who received international protection in the EU, persons resettled to the EU should also be eligible ⁽⁷⁶⁾.

Source: Cedefop.

2.5. Migration component: main points

To date there are few examples of skills-based complementary pathway solutions. Two noteworthy initiatives exist at global level: the Talent Beyond Boundaries initiative (Box 3) and the Australian private sponsorship programme (Box 4). Unlike Talent Beyond Boundaries, which uses non-humanitarian labour market migration paths to bring refugees into permanent employment mainly in Canada, the Australian private sponsorship programme targets refugees eligible for resettlement.

⁽⁷⁵⁾ Directive 2009/50/EC.

⁽⁷⁶⁾ The negotiations on the directive are currently stalled due to conflicting approaches between the joint legislators. Source: interview with a legal expert of the European Commission - DG HOME on 28.6.2018; see also European Commission, 2016.

In the latter case, skills and qualifications are additional criteria that allow businesses to sponsor refugees who will be admitted as refugees with protection status. Both of these examples, however, have their disadvantages. The Talent Beyond Boundaries scheme prioritises the labour market component over the protection need and is built on the migratory change from a protection channel to a legal migration channel, while ensuring, however, that refugees have protection. This works well in the Canadian model, where the beneficiaries were given permanent residence, a status they would not be receiving under EU law, but opening up the question what would happen with the beneficiary of such a scheme once the work opportunity ends. The major drawback of the Australian model, as suggested by van Ballegooij et al., is that it 'is not based on the principle of additionality. Sponsored places are integrated within the general government resettlement targets [...] instead of creating additional protection capacity' (van Ballegooij et al., p. 57).

There is, therefore, no existing programme, scheme or approach at global or EU level that has been tested and implemented and could be directly used in the EU context. However, several past and present initiatives offer a basis to develop further skills-based complementary pathway solutions to protection. Many of these are aimed at developing complementary pathways to resettlement, though without focusing on skills, qualifications or work.

The options discussed under the migration component can be connected in different ways and lead to different scenarios (Annex 3). The description of the migration component already includes some evaluation of the suitability of the different options for the purpose of a skills-based pathway and can be summarised as follows:

The beneficiaries of a skills-based complementary pathway

Refugees in third countries (with or without identified resettlement needs), beneficiaries of international protection in EU countries, and asylum applicants whose application can be considered as justified in EU countries may be considered for the scope of a skills-based complementary pathway, due to their protection needs. Refugees in third countries without identified resettlement needs may be the preferred target group over refugees in third countries with identified resettlement needs. Reserving skill-based pathways for the former:

- (a) would address concerns about watering down the traditional divide between humanitarian and non-humanitarian mobility purposes;

- (b) would eliminate the risk of cherry-picking and reducing the already scarce protection places via resettlement;
- (c) could potentially save resettlement places for vulnerable cases.

At the same time, anchoring skills-based pathways in resettlement programmes, and acknowledging that refugees – whether vulnerable or not – have skills that may be of added value to receiving countries and their local labour market needs could:

- (a) additionally encourage resettlement countries to boost their resettlement programmes;
- (b) may also stimulate the resettlement engagement of countries which are traditionally less open to such programmes, if they also see the benefit of filling labour market gaps in their societies.

However, there is a need to safeguard that any skills-based pathway would not eat up other, vulnerability-based protection solutions for refugees in third countries. This could be met by setting certain safeguards that resettlement countries need to engage in both humanitarian and non-humanitarian driven resettlements.

For intra- EU labour market mobility, those whose applications can be considered as justified and those who have been granted refugee status are suitable potential beneficiaries of skills-based complementary pathway solutions. The former group poses a challenge in relation to finding a balance between the need for quick relocation from the first country of asylum in the EU (to relieve the pressure on the national asylum system) and the time and context needed to conduct some form of skill assessment that would allow selection and matching potential beneficiaries of the pathway with available labour market opportunities in a receiving country.

The migratory anchor

UNHCR, IOM and ILO have been mentioned as relevant international organisations that may act as anchors for a skills-based complementary pathway for refugees in third countries. Valuable initiatives with same or similar purposes (e.g. Talent Beyond Boundaries and the *Humanitarian corridors* programmes) also developed networks that could be instrumental in developing further as anchors.

In the EU context, the institutions linked to the reception of applicants for international protection may be well placed to serve as anchor for applicants

whose application can be considered justified. The national PESs could assist in access to people with international protection status.

The legal admission channel and status in the receiving country

Member States have some discretion with regards to these two aspects. A receiving country may make use of humanitarian or non-humanitarian legal channels; it may issue *laisser passer* documents or humanitarian visas; or it could make use of employment permits to support legal entry of the beneficiaries of skill-based complementary pathways.

The status of beneficiaries in the receiving country is, however, quite complex and plays a crucial role in determining the feasibility of a skill-based complementary pathway favouring labour market mobility.

For the purpose of a skills-based pathway, a solution that provides a longer perspective in the receiving country (refugee status) is widely considered as a necessary condition by employers and beneficiaries themselves, compared to temporary and short-term (subsidiary protection) and insecure (applicants for international protection) status. Also, the migratory change from a protection channel to a legal migration channel, where the legal right of stay in the receiving country is conditioned by the reason of entry and stay in the country (i.e. employment), may result in rights of beneficiaries being more limited compared to their previous legal migration status, creating, at least temporarily, a hiatus and limbo situation. Beneficiaries of the skills-based pathways need to have safety protection nets against *refoulement* and policies of 'no-return' in certain countries of first asylum. Should the reason for the legal stay end (as with loss of employment) the person should leave the country, while at the same time having no realistic options to return the country of origin (*non-refoulement*); this creates limbo situations. In principle, such a person could apply for asylum in the receiving country (as '*sur place refugee*').

CHAPTER 3.

The labour market component

3.1. Introduction

The migratory component has addressed the pathway from a migration perspective, identifying and analysing different options and scenarios (Annex 3). It starts with the potential target groups and their legal status in the sending country, and, for each group, the migratory anchors and the migratory path (the legal admission channel) under which the movement could be organised; finally, it looks at the migratory admission status in the receiving country. From a migration perspective, it is advisable to keep a pathway open to different options as an opportunity to tailor a skills-based pathway to national priorities/realities of the receiving countries.

The labour market component addresses the pathway from an employment perspective. The central element is the matching between the eligible groups' skills and qualifications and the labour market needs in a potential receiving country; this allows beneficiaries of a skills-based pathway to move from a sending country to a receiving country with a view to employment. From this perspective, there are multiple ways in which a skills-based complementary pathway to protection may be realised. However, it seems necessary to define the purpose and the core of a skills-based pathway, nailing down its identity and framing the general approach ruling its application, regardless of the migratory component scenarios or range of possibilities.

3.2. Selecting the underlying labour market approach to a skills-based pathway

The labour market component may be linked to seasonal employment or to regular employment. As the skills-based pathway is aimed at providing durable solutions for the protection needs of adult refugees, it should be aimed at supporting the beneficiaries to get into regular employment in the receiving country.

The labour market component may also be approached either from a skill supply perspective or from a skill demand one. In the former case, the starting point for admission would be the skill profiles of potential beneficiaries matched with macro level labour market needs in a receiving country (top-down/managerial matching). In the latter case, the starting point for admission would be specific labour market needs (but not concrete job offers) identified at the local (municipality) or regional (group of municipalities) level in a receiving country; these are then matched with the skill profiles and interests of potential beneficiaries (participatory matching).

Matching of skill supply and demand is thus common to both approaches.

However, a skill-supply approach would be a national policy solution of a receiving country in response to international and EU commitments/obligations, thus top-down driven and relying on public authority commitment. It implies that:

- (a) the skill identification of potential target groups be done regularly for the whole or a significant part of the group and the information be readily available and to a level of accuracy and detail that would serve for the matching purposes;
- (b) the skill demand be expressed in quite general terms (such as level of education, numbers of years of experience in broad economic sectors) for the matching with the supply to be feasible (as the target group is naturally heterogeneous in terms of skill supply). The assessment at origin is often a question of orientation, and skills and qualifications are expected to be proven at destination by means of a more extended portfolio.

With the skill supply approach, potential beneficiaries are more likely to be passive and benefit from a skill-supply driven pathway to protection that may not have a clear opportunity for labour market integration; the risks of illegal secondary movements may persist.

With the skill-demand approach, a skill-based complementary pathway would be linked to specific labour market needs identified and formulated at the local (municipality) or regional (group of municipalities) level by the relevant stakeholders (group of companies, their representatives, PES, municipalities), driven from the bottom up. Driven by the labour market and supported by the national authorities, the approach would rely on public-private commitments. A skill-based complementary pathway would be in complementarity/addition to national policy solutions as part of international or EU obligations. In this case, it is vital to have specific labour

market demands linked to the perspective of employment and translated into selection criteria; existing skill supply identification (such as a skill supply database) is not *sine qua non* for its viability. With this approach, the integration trajectory would already start in the sending country; upon arrival in the receiving country, beneficiaries are directly allocated to specific municipalities (with labour demand) and integrated into training programmes and work placements leading to employment. Beneficiaries will thus not be at risk of vulnerability as they are already integrated into a clear route to employment. This approach also implies that the beneficiaries make an informed choice prior to departure, in terms of labour market perspective and exact place of settlement in the receiving country (pro-active attitude on potential beneficiaries' side), limiting the risks of illegal secondary movements.

This part of the theoretical framework would focus on the demand-driven approach in the context of a skills-based complementary pathway to protection. The existence of specific labour demand, strong partnerships and political will are necessary conditions to ensure the sustainability of this type of approach. In contrast, a skill supply approach, which is more managerial and top-down, would be more suitable as add-on to fine-tune allocation of people among a pool of potential receiving countries within, for example, resettlement or (any future) relocation programmes.

3.3. A demand-driven approach to a skills-based complementary pathway to protection

The following subsections offer general considerations on what needs to be considered to shape a demand-driven skill-based pathway, from aspects related to shaping the decision-taking to aspects related to the implementation level: i.e. formulation of labour market needs and of the selection criteria, skill identification and selection, pre-departure and post-arrival measures.

The subsections are developed from the assumption that a skill-based complementary pathway to protection would be initiated by the receiving country and supported by anchor organisations and authorities in the sending country. Stakeholders interviewed for this study generally seem to agree that any initiative in this field, while potentially supported by EU-

level resources should be based on voluntary participation of any potential receiving country.

3.3.1. Shaping the decision-taking

The feasibility of any demand-led skills-based pathway depends on identifying strategic supporters and demand, and securing political back-up in the receiving country. In the absence of any relevant EU experiences with the use of skills in protection solutions that could serve as example or inspiration for potential receiving countries, reaching out for strategic supporters to lead countries to embark on the design and implementation of a skill-based pathway is likely to be carried out by international and European bodies and NGOs.

A bottom-up demand-driven skills-based complementary pathway to protection leading to employment starts from specific (sector and geographical) labour market demands (Section 3.3.2 provides some reflections on the labour market demand that is more likely to be addressed through a skills-based pathway). Strategic supporters therefore need to be close to these aspects. The best-suited parties to approach in seeking strategic supporters would be employers and/or employer organisations at sectoral level. Municipalities or groups of municipalities, as well as NGOs could be also approached. Sectoral employers' associations, groups of employers or single employers could be powerful allies for skills-based complementary pathways, if they enter into partnerships with public employment services, (groups of) municipalities, and refugee-interest groups, such as NGOs, agencies and civil society organisations.

Employers can be a significant pull factor if they express interest in addressing their skills demand through a skills-based pathway. They need to be aware of particular skill needs and of the fact that they can benefit from seeking these skills among applicants for, and beneficiaries of, international protection in an EU country or refugees in third countries. Their interest in addressing their skill demand through a skills-based pathway is triggered by a combination of utilitarian and social responsibility rationales.

However, employers themselves do not necessarily have to be the ones to build the case and all the partnerships leading to decision-taking. As national experiences of refugee labour market integration show (Box 12), there is a need for an intermediary entity that can draw the links to relevant stakeholders and coordinate between the different actors; a coordinator that works together with stakeholders at local/regional and national levels to

make the case for a skills-based pathway on the basis of employers interest and demand and bring it to the political level.

Box 12. **Summary of findings from case studies**

There are a number of low-profile national initiatives that distribute refugees to regions or municipalities taking the skills, qualifications and VET into account. Common to most of these is the need for tight and strong coordination among the numerous stakeholders involved. There is a strong indication of the need for an organisation intermediating between employers and employees but also other stakeholders involved. Such complex structures show the need for a well-rooted intermediary at national level in the receiving country who would lobby and promote for a skills-based complementary pathway to protection from a third country or another EU country.

Source: Cedefop.

Seeking for and gaining political support is particularly crucial for the feasibility of the pathway from a migration perspective: this demands agreeing on the target groups, identifying the migratory path (the legal framework) under which the movement could be organised, and the migratory admission status (in the receiving country). Agreement on the status of the beneficiaries in the receiving country is particularly important, as explained in Box 13.

Box 13. **Viability and receiving country beneficiary status**

The viability of any initiative crucially depends on the status of the beneficiary in the receiving country and on his/her perspective of becoming a long-term resident in that country. Employers are reluctant to invest in upskilling and employing a person unless they have the guarantee that the person will stay with the company for a reasonable period of time to make the investment worthwhile.

Source: Cedefop.

Once political support is secured, the strategic aspects of the pathway should be defined and should include:

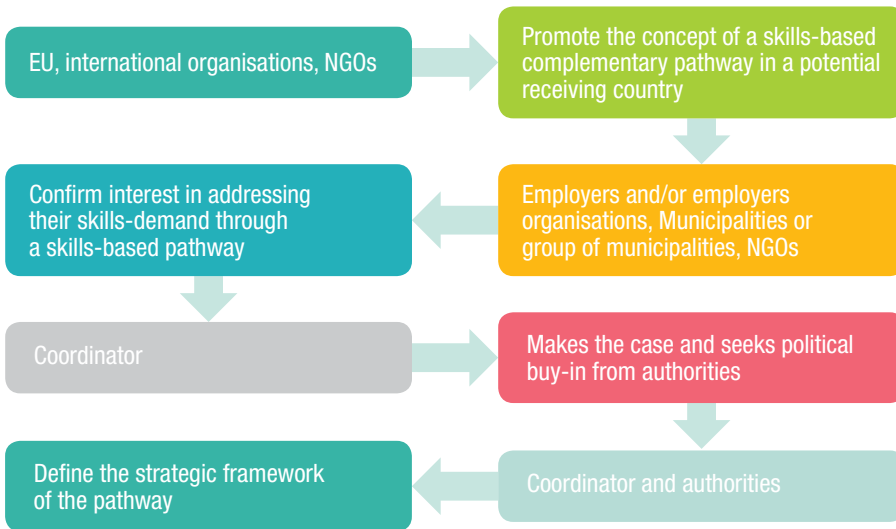
- (a) the demand and number of beneficiaries;
- (b) the elements of the migration component (target group and sending country, status of beneficiaries and their socioeconomic rights);

(c) the sharing of responsibilities, the costs and sources of funding.

The sharing of responsibilities and sources of funding are particularly important. In terms of cost coverage, EU funds – such as the Asylum, Migration and Integration Fund– are a possible source of additional funding, but funds may also be raised from other sources, including private ones.

Figure 1 provides an overview of the main steps in shaping the decision-taking. The flow is shaped based on the assumption that the whole process is triggered by the EU, international organisations or NGOs. In the case of national authorities initiating such a process, seeking the political buy-in becomes redundant. However, the public authorities would still need to promote the concept to employers.

Figure 1. **Steps in shaping the decision taking**



Source: Cedefop.

3.3.2. Skill needs and selection criteria (demand side)

A skill-based pathway to protection should be linked to a real labour force need, demand that cannot be satisfied by the local workforce. Labour market shortage may be structural (in a specific branch) but should also geographically located, in a certain municipality or region, determining the

beneficiaries' place of to-be residence in the receiving country at the early stage in the process.

Employment in regulated professions and jobs is unlikely to be considered for the purpose of a skills-based pathway to protection, as access to such professions and education programs generates high entry barriers. These barriers may be addressed in the long run, once the beneficiaries of skills-based pathway solutions are integrated into the labour market and acquire the education basis that allows them to pursue their studies and get the credentials to access the regulated professions (see German example, Box 14).

Beneficiaries are highly unlikely to be work-ready, not least through lack of knowledge of the receiving country language. The less important the receiving country language knowledge is for the purpose of employment, the more likely it is for the skill demand to be addressed through a skills-based pathway. Besides the language barrier, access to and participation in, the labour market for any type of eligible group is hindered by a variety of factors, such as the relatively low(er) education level, the likely inability to present a diploma, difference in diploma value, differences in study approaches in country of origin and the competence-focused education approach in EU countries, etc. ⁽⁷⁷⁾.

Box 14. **Care and language training: Pflege und SpracheLernen [PULS project], Germany**

The German care sector is facing a dramatic lack of skilled workforce ⁽⁷⁸⁾; due to demographic change, there will be further need for care workers.

The project PULS is a pilot project aiming at providing international migrants in general, including refugees, with vocational training in healthcare. The project is located in Schleswig-Holstein, a federal State with a population of approximately 2.9 million, which is also facing shortages of qualified nursing staff.

Participants of PULS receive qualified language teaching, and professional training combined with practical training. Participants are certified with the degree of a nursing assistant. A further aim is possible professional development of the participants undergoing training for professional nursing [*Pflegefachkraft*].

The low threshold approach of admission to the project addresses refugees missing high standards of formal education but having non-formal experience in the field.

⁽⁷⁷⁾ Depending on the type of target group, there could be situations where potential beneficiaries (particularly people with protection status in the sending country) undergo education and training courses attested by valid diplomas and/or certificates or are undergoing training courses.

⁽⁷⁸⁾ <https://statistik.arbeitsagentur.de/Statischer-Content/Arbeitsmarktberichte/Berufe/generische-Publikationen/Altenpflege.pdf>

Even though many refugees cannot submit formal qualification and certificates and are low-skilled, it is to be assumed many of them already have experience in home care. Since the formal qualification barriers for taking part in the qualification programme are low, the selection procedure suits a large percentage of the target group of refugees.

Source: Cedefop, country case study.

All the above need to be taken into account when drafting the selection criteria; attention should be paid to the fact that the potential beneficiaries cannot always present their diploma and that their experience might not precisely match what is required. Beneficiaries would, in any case, need to undergo training before taking up a job; selection criteria are more likely to be linked to motivation, learning potential and level of education, and potentially (but not necessarily) language skills, especially the language of the receiving country or those languages most commonly used as second languages. National level integration projects show that motivation is generally most important and criteria related to previous work experience or qualifications directly connected to the specific job/occupation demand may not be an essential requirement for all occupations/sectors (see Dutch example, Box 15).

Box 15. Study-work trajectories, the Netherlands

In the *leer-werktrajecten* (study-work trajectories), while the selection methods applied differ per programme, motivation is generally considered most important. For most of the *leer-werktrajecten*, applicants are selected based on their CV, motivation, (Dutch) language skills, but also on geographic considerations (proximity of the workplace to the place where they live). For the electro-technician programme there are some job-specific additional factors considered, as participants are expected to have experience in their home country as an electro-technician. After initial selection, participants go through another two-day selection procedure to be accepted onto the programme.

For the trajectory in healthcare, participants need a Dutch language level of A2 plus ('on their way to B1') to start the trajectory. The ROC assesses participants' language skills in speaking, writing and understanding. The ROC also assesses participants' learning potential and their chances to fulfil an education trajectory at MBO level 3. Participant eligibility for the programme is based on the scores of these assessments, in addition to an interview.

To start the MBO level 3 programme in healthcare, participants need a Dutch language level of B1, but they have a whole year to reach this level (during the trajectory). During the interview, the Gemeente Amsterdam also looks at motivation; are possible participants interested in working with people, what do they expect from working in healthcare, are they prepared to work in shifts? In the healthcare example, there are information sessions, followed by interviews with possible participants as well as assessments. Participants are then selected.

About a third of the students that apply are accepted to the trajectory in healthcare. It is possible that participants already have a background in healthcare, but it is not necessary.

For the hairdresser programme, the *NederlandseKappersakademie* (NKA), the Dutch Hairdressers' Academy, initially required quite a high level of Dutch (B2), because a hairdresser needs to communicate a lot with customers. However, together with the MBO Helpdesk they agreed on a B1 Dutch language level which is similar to other MBO programme entries. In addition, applicants for the hairdresser's *leer-werktraject* had to do an interview at the NKA and show their enthusiasm and motivation to become a hairdresser. Previous experience was not a criterion in this case.

Source: Cedefop, country case study.

3.3.3. Skill supply identification and selection (supply side)

In the context of a skills-based complementary pathway to protection, skill assessment in the sending country is carried out for the purpose of skill identification and not for certification and recognition, which are formal processes under national competence ⁽⁷⁹⁾. Both certification and recognition may be properly carried out only in the receiving country. The main rationale behind the assessment in the sending country is to provide the receiving country with adequate information about the (learning) potential and motivation of beneficiaries, as well as whether their skills and/or qualifications, if available, match the specific demands of the receiving country. This assessment may be separated into the two phases: preselection, carried out under the responsibility/coordination of the migratory anchor based in the sending country; and the final selection to be carried out in the frame of selection missions organised by the receiving country. Convincingly proving one's motivation, capacity, skills and qualifications is a necessary precondition for selection and departure.

⁽⁷⁹⁾ Except for the diplomas and certificates issued by internationally recognised accreditation bodies.

In the preselection phase, the anchor and/or its partners would identify the target group, outreach (an existing skill supply database would allow tailored outreaching campaigns), inform and enrol. Subsequently, they would build a basic file on candidates (following, for example, the methodology underlying the European qualifications passport for refugees (Box 16). This file may include: a CV, a copy of the ID card, document providing status, and obtained diplomas/certificates in the home country or others. Based on a preselection interview with candidates, the file may include a profile of skills, qualifications, ambitions and study and work experience.

Using this information, the anchor presents the candidate profile to the receiving country taskforce. The preselection ends there and further selection is executed by the receiving country itself as part of selection missions.

Box 16. **The European qualifications passport for refugees**

The European qualifications passport for refugees (EQPR) is a document providing an assessment of the higher education qualifications, work experience and language proficiency of refugees. The assessment is based on available documentation, a standardised questionnaire which refugees use to self-assess their qualifications, and a one-hour structured interview. This document aims to provide reliable information to help integration and progression towards further education and employment. The EQPR includes three sections: the assessment part, the explanatory part and an advice on the way ahead. The assessment part provides information on the highest achieved qualifications, subject field, other relevant qualifications, as well as work experience and language proficiency. The explanatory and advisory sections contain information about the status of the document and a short description of the pilot project. The evaluation is a combination of an assessment of available documentation. As a result, the document provides credible information that is relevant for employment, internships, enrolment to qualification courses and admission to studies.

The methodology used was tested in a pilot project in Norway. Different stakeholders were invited to share their opinions of what kind of information should appear in the EQPR and their ideas were taken into consideration. Employer organisations suggested adding language level and job experience to academic qualifications, and education institutions suggested adding the language of instruction in past education qualifications, to provide additional language courses if need be. On their side, integration authorities welcomed the information provided in the EQPR as it would help resettlement efforts within one country.

The EQPR is not a substitute for identification or education documentation and it does not guarantee admission to studies or employment; nor is it a formal recognition act.

The aim of the project is that the EQPR is used by as many stakeholders as possible, such as education institutions and workplaces, but also migration institutions.

Source: Cedefop, interview with Nokut on 14.5.2018 and the project website: <https://www.coe.int/en/web/education/recognition-of-refugees-qualifications>

Given the specificity of the target group, criteria and approaches to be used for the assessment may be critical aspects of the process:

- (a) when specific expertise is required, the assessment will be more complex and demanding in terms of financial and human resources; the more precise the assessment of skills, the higher the investment needed;
- (b) for comprehensive high intensity types of skill assessment, involving practical tests and testing of theoretical knowledge, it is generally preferable to conduct such tests in the candidate's language or in English;
- (c) an optimal assessment (based also on qualitative interviews) should take into consideration all skills that a candidate may possess, not necessarily the ones linked to a specific labour market opportunity, as they may be transferrable or beneficial for the learning potential.

3.3.4. Pre-departure and post-arrival measures

Pre-departure and post-arrival measures can be considered key elements of a skill-based pathway to protection. Apart from skills identification that is instrumental in selection, in the pre-departure phase, orientation programmes, including culture awareness, are important in preparing beneficiaries for the situation in the receiving country. Orientation courses, or at least briefings, have become standard in resettlement programmes and have been used in the EU relocation programme. These orientation programmes are also important as post-arrival measures (as *Professionals in focus* shows, Box 17).

Although the importance of knowing the language of the receiving country will differ depending on the occupation, language skills are key for taking up employment there. Upon selection, and during the period prior to the actual move to the receiving country, the selected beneficiaries may already start attending intensive language training, possibly up to level A2 of the common European framework of references for language (CEFR).

Ideally, prior to departure, the selected beneficiary would be prepared and able to embark on a mixed employment and language skills development course (perhaps at a level to attend combined language and vocational development sessions) upon arrival in the receiving country, and finally

move to technical language in the workplace, in combination with a job. A combination of working and learning is ideal, where the employer offers assistance/support to the beneficiaries in their learning trajectory rather than focusing on productivity or revenues as a result of this work placement.

Box 17. Professionals in focus, Germany

An example of mentorship programme catering for refugees and other employees is *Professionals in focus* run by the Welcoming service of Saxony-Anhalt.

In contrast to (public) employment services, the welcome services provide long-term support which goes beyond skills assessment and looking for vacancies. Within their network on migration-related information, the consultants also accompany the complete application procedure and job interviews. Even after successful applications, the welcome service takes a mediating role between the employer and employee, especially in terms of intercultural or residence permit issues. *Professionals in focus* supports vocational training to meet the demands of German employers supporting long-term employment.

Consulting *Professionals in focus* is a free service for the clients – employers and jobseekers – and spread throughout different networks, such as employment services and business networks. Besides the network partners, many job seekers use the consultation service because it was recommended within their personal network. The same applies to employer networks, such as chambers of commerce. The initiative puts a lot of effort into networking to increase this word-of-mouth effect.

One of the main rationales of the initiative is to help address skills shortages in the region by tapping into the potential of migrants, particularly refugees. The intermediary role of the consultants helps companies facing vacancies by considering ways to employ refugees.

Source: Cedefop, country case study.

3.4. Labour market component main points

By ‘limiting’ the labour market component to a demand-led approach, a skills-based complementary pathway is more likely to offer adult refugees a clear perspective of employment and thus a clear route to self-reliance (in terms of employment opportunity as well as to-be place of residence). People are selected and would have the possibility to move lawfully from a first asylum country (sending country) to another country (receiving country)

mainly due to their potential to fill labour demand gaps; such gaps reflect real employment opportunities that cannot be satisfied by the local labour force. The labour market actors would be more likely active in initiating and pushing for political support in the receiving country.

Leaving aside the ethical and political considerations on linking asylum and labour migration, this approach is technically conditioned by a number of factors as summarised below.

Both beneficiaries and employers need to have some longer-term perspective, including a long-term right to stay in the receiving country.

As shown by most of the examples of skills-based distribution/selection schemes found at national level, close and active coordination among the numerous stakeholders involved is essential. A demand-driven complementary pathway would need significant input and involvement by the socioeconomic actors at municipality and regional levels in a receiving country to identify specific labour demand gaps and intensive coordination with the national level to ensure political support.

Similarly, there is need for active coordination and cooperation between the receiving and the sending country, through the identification of an anchor that aids access to potential beneficiaries and that could be involved directly or indirectly in disseminating mobility opportunities, outreach and carrying out skill identification and preselection.

As well as assessing the potential of the supply side in terms of skills, prior learning and work experiences, the demand side especially needs to be a focus. To ensure the sustainability of the process, the demand side should be made aware of their needs and of the potential benefits from participating in international mobility programmes and schemes involving applicants and beneficiaries of international protection.

Most of the national initiatives that distribute refugees to regions or municipalities, taking skills, qualifications and VET into account and engaging in labour market integration, are low-profile. However, some important lessons can be drawn for the purpose of this framework. First, most identified integration national initiatives aimed at training for employment are costly. While EU funds are available, additional national funding may be necessary, with sharing of responsibilities (financial and non-financial) between private and public partners. Experience shows that selection processes and procedures need to acknowledge the specific situations of refugees (language, certificates) and to be well-tailored (low admission requirements, focus on identification of non-formal skills and competences,

and on motivation). From an international mobility perspective, the receiving country needs to be aware that beneficiaries of the skills-based pathways are usually not work-ready and need to undergo an education/training process before actually taking up employment.

All stakeholders (including the beneficiaries) need to understand and acknowledge that the assessment and selection may be lengthy and costly, and that skill-based solutions are not appropriate for emergency situations or urgent alleviation of first-asylum countries' burden.

Abbreviations and acronyms

CEAS	common European asylum system
Cedefop	European Centre for the Development of Vocational Training
EASO	European Asylum Support Office
EC	European Commission
ECRE	European Council on Refugees and Exiles
EMN	European Migration Network
EQPR	European qualifications passport for refugees
FIERI	International and European Forum on Migration Research
GCR	Global Compact on Refugees
GDP	gross domestic product
HAP	humanitarian admission programme
ICMC	International Catholic Migration Commission
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organisation
IOM	International Organisation for Migration
IP	international protection
PES	public employment service
QD	Qualification Directive
RIC	reception and identification centre (Greece)
RIS	reception and identification service (Greece)
TBB	Talent Beyond Boundaries
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine refugees in the Near East
VET	vocational education and training

References

[URLs accessed 12.2.2019]

- Betts, A.; Costello, C; Zaun, N. (2017). *A fair share: refugees and responsibility-sharing*. Stockholm: Delmi. Delmi policy brief; No 2017/10 and Delmi report; No 10/2017. <http://www.delmi.se/en/publications-seminars#!/en/a-fair-share-refugees-and-responsibility-sharing-report-and-policy-brief-201710>
- Collett, E.; Clewett, P.; Fratzke, S. (2016). *No way out? Making additional migration channels work for refugees*. Brussels: Migration Policy Institute Europe. <https://www.migrationpolicy.org/research/no-way-out-making-additional-migration-channels-work-refugees>
- Durable solutions platform (2018). *Access to resettlement and complementary pathways for Syrian refugees*. <https://drc.ngo/media/4676369/dsp-resettlement2.pdf>
- EASO (2012). *EASO fact finding report on intra-EU relocation activities in Malta*. <https://www.refworld.org/pdfid/52aef8094.pdf>
- ECRE (2016). *Protected across borders: mutual recognition of asylum decisions in the EU*. ECRE policy note; No 3/2016. <https://www.ecre.org/protected-across-borders-mutual-recognition-of-asylum-decisions-in-the-eu/>
- ECRE (2017). *Protection in Europe: safe and legal access channels*. ECRE policy paper; No 1/2017. https://www.vluchtelingenwerk.nl/sites/default/files/u895/Policy_Papers01.pdf
- European Commission (2016). Commission staff working document: impact assessment, accompanying the document *Proposal for a directive of the European Parliament and the Council on the conditions of entry and residence of third country nationals for the purposes of highly skilled employment and repealing Directive 2009/40/EC, Com (2016) 378 final*. SWD(2016) 193 final, Strasbourg, 7.6.2016. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/directive_conditions_entry_residence_third-country_nationals_highly-skilled_employment_impact_assessment_part_1_en.pdf
- European Commission; EMN (2016). *Resettlement and humanitarian admission programmes in Europe: what works?* Synthesis report.

https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_resettlement_synthesis_report_final_en.pdf

- European Commission; ICF; MPI Europe (2018). *Study on the feasibility and added value of sponsorship schemes as a possible pathway to safe channels for admission to the EU, including resettlement*. Final report. Luxembourg: Publications Office. <https://publications.europa.eu/en/publication-detail/-/publication/1dbb0873-d349-11e8-9424-01aa75ed71a1/language-en/format-PDF/source-77978210>
- European Parliament (2014). *Humanitarian visas: option or obligation?* Luxembourg: Publications Office. Study PE 509.986. [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509986/IPOL_STU\(2014\)509986_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509986/IPOL_STU(2014)509986_EN.pdf)
- European Parliament (2016a). *On the frontline: the hotspots approach to managing migration*. Luxembourg: Publications Office. Study PE 556.942. [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU\(2016\)556942_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU(2016)556942_EN.pdf)
- European Parliament (2016b). *The implementation of the Common European Asylum System*. Luxembourg: Publications Office. Study PE 556.953. https://www.icmpd.org/fileadmin/ICMPD-Website/Asylum_and_Protection/Implimentnation_Common_EU_AsylumSystem.pdf
- European Resettlement Network (2018). *Humanitarian admission programmes in Europe: expanding complementary pathways of admission for persons in need of international protection*. ERN+ Scoping paper; March 2018. <http://www.resettlement.eu/resource/ern-scoping-paper-humanitarian-admission-programmes-europe-expanding-complementary-pathways>
- European Resettlement Network; Schmidt, C. (2017). *Student scholarships for refugees: expanding complementary pathways of admission to Europe*. ERN+ Scoping paper; December 2017. https://www.resettlement.eu/sites/icmc/files/ERN%2B%20Student%20Scholarships%20for%20Refugees%20-%20Expanding%20complementary%20pathways%20of%20admission%20to%20Europe_0.pdf
- European Resettlement Network; van Selm, J. (2018). *Expanding solutions for refugees: complementary pathways of admission to Europe: strategic assessment*. <http://resettlement.eu/sites/icmc/files/ERN%2B%20A%20strategic%20assessment%20of%20expanding%20complementary%20pathways%20of%20admission%20to%20Europe.pdf>

- FRA (2015). *Legal entry channels to the EU for persons in need of international protection: a toolbox*. FRA Focus; No 2/2015. Luxembourg: Publications Office. <http://fra.europa.eu/en/publication/2015/legal-entry-channels-eu-persons-need-international-protection-toolbox>
- ICMPD (2015). *An effective asylum responsibility-sharing mechanism: ICMPD Asylum programme for Member States*. ICPDM thematic paper; October 2014, updated October 2015. https://www.icmpd.org/fileadmin/ICMPD-Website/Newsletter/October_2015/ICMPD_TP_Responsibility_Sharing_Update2015_1007.pdf
- ICMPD (2016). *International refugee protection and European responses*. ICPDM working paper; No 12; November 2016. https://www.icmpd.org/fileadmin/user_upload/Wagner_Kraler_VMC_IntProt_WP_12_15112016-FINAL.pdf
- Lassen, N.M. et al. (2004). *Study on the transfer of protection status in the EU, against the background of the common European asylum system and the goal of a uniform status, valid throughout the Union, for those granted asylum*. Final report of tender DG.JAI/A2/2003/001; study carried out by DRS, MPI and IMES for the European Commission. <http://www.statewatch.org/news/2004/aug/transfer-protection-status.pdf>
- Lundborg, P. (2018). Nationalekonomiska aspekter på reformeringen av det gemensamma europeiska asylsystemet (CEAS) [Economic aspects of the reform of the common European asylum system]. *Ekonomisk Debatt*, No 46, Issue 2, pp. 16-26. <https://www.nationalekonomi.se/node/4599> [in Swedish].
- MEDAM (2018). *Flexible solidarity: a comprehensive strategy for asylum and immigration in the EU: assessment report on asylum and migration policies in Europe*. Kiel: IfW. <https://www.medam-migration.eu/en/publication/2018-medam-assessment-report-on-asylum-and-migration-policies-in-europe-2/>
- Noll, G. (2003). *New issues in refugee research: from 'protective passports' to protected entry procedures? The legacy of Raoul Wallenberg in the contemporary asylum debate*. UNHCR working paper; No 99. <https://www.refworld.org/pdfid/4ff2acca2.pdf>
- Rapoport, H.; Huertas Moraga, J.F. (2014). *Tradable refugee-admission quotas: a policy proposal to reform the EU asylum policy*. San Domenico di Fiesole: EUI, RSCAS. EUI working paper; RSCAS 2014/101. http://cadmus.eui.eu/bitstream/handle/1814/33097/RSCAS_2014_101.pdf

- Ruhs, M. (2019). Can labour immigration work for refugees? *Current history*, Vol. 116, Issue 804, pp. 22, January 2019. <http://migrationpolicycentre.eu/docs/Ruhs-CH-Jan2019.pdf>
- UNHCR (2011). *Resettlement handbook*. Geneva: UNHCR Division of international protection. <https://www.unhcr.org/46f7c0ee2.pdf>
- UNHCR (2018). *Projected global resettlement needs 2019*, as of June 2018. Geneva: UNHCR. <https://www.unhcr.org/5b28a7df4.pdf#zoom=95>
- van Ballegooij, W. et al. (2018). *Humanitarian visas: European added value assessment accompanying the European Parliament's legislative own-initiative report*. A study prepared by the European Parliamentary Research Service; Study PE 621.823. www.europarl.europa.eu/cmsdata/150782/eprs-study-humanitarian-visas.pdf
- Wagner, M.; Kraler, A; Baumgartner, P. (2018). *Solidarity: an integral and basic concept of the Common European Asylum System*. CEASEVAL research paper; No 5, June 2018. http://ceaseval.eu/publications/05_WagnerKralerBaumgartner_Solidarity.pdf

Websites

- Australian Department of Home Affairs, Community support programme (CSP). <https://immi.homeaffairs.gov.au/what-we-do/refugee-and-humanitarian-program/community-support-program>
- Comunità Sant'Egidio. Humanitarian corridors for refugees. <http://archive.santegidio.org/pageID/11676/langID/en/Humanitarian-Corridors-for-refugees.html>
- UNHCR Resettlement handbook and country chapters. <https://www.unhcr.org/protection/resettlement/4a2ccf4c6/unhcr-resettlement-handbook-country-chapters.html>

ANNEX 1.

Institution members of the technical advisory group

SMEunited

Eurochambres

European Centre of Employers and Enterprises (CEEP)

European Trade Union Committee for Education (ETUCE)/European Trade Union Confederation (ETUC)

Business Europe

International Catholic Migration Commission (ICMC) Europe, Brussels

Migration Policy Institute (MPI) Europe

United Nations High Commissioner for Refugees (UNHCR)

International Organisation for Migration (IOM)

European Council on Refugees and Exiles (ECRE)

Organisation for Security and Cooperation in Europe (OSCE)

ANNEX 2.

Asylum seekers' access to employment

Country	Waiting time (in months)	Comments (restrictions)
Austria	3	Access to selected occupations in tourism, agriculture and forestry, subject to labour market test.
Belgium	4	
Bulgaria	3	
Croatia	9	
Cyprus	6	
Czech Republic	6	Legislative change from 12 to six months in December 2015.
Denmark	6	
Estonia	6	
Finland	3 or 6	If applicant has a valid travel document (passport or another document for identification), it is three months; otherwise, it is six months.
France	9	Except access to public sector and some legal professions.
Germany	3	For persons awaiting a decision in initial reception centres, waiting time extends to six months. The requirement of a labour market test is suspended in most regions since 2016. No labour market access for certain safe countries of origin.
Greece	Immediate	Conditional on obtaining a temporary work permit.

Country	Waiting time (in months)	Comments (restrictions)
Hungary	No access	Since an amendment to the Asylum Act in March 2017, asylum seekers no longer have access to the labour market.
Ireland	No access	
Italy	2	Cut from six months; residence permit is given after filing an application (Articles 4 and 22 of Act 142/2015), but this cannot be converted to a labour residence permit.
Latvia	3-9	Change was considered by the Office of Citizenship and Migration Affairs, but it is not present in the amended law on immigration.
Lithuania	No access	Law No IX-2206, Article 71
Luxembourg	6	As of 18 December 2015, reduced from nine months to six months (Article 59(1) of the 2015 Law on International Protection). Labour market test required.
Malta	9	Employment licenses with maximum duration of six months.
Netherlands	6	In practice, it takes longer, up to 15 months, but there are options for asylum seekers without a residence permit to start working after the first six months. Participation in voluntary work is also possible early in the asylum procedure. Working limited to 24 weeks/year.
Poland	6	
Portugal	1	
Romania	3	
Slovakia	9	This is in cases where no decision was taken in the first instance; was around three months in 2015.
Slovenia	9	
Spain	6	A 'red card' – a form of identification in their job search – is issued to asylum seekers, which has to be renewed every six months.

Country	Waiting time (in months)	Comments (restrictions)
Sweden	Immediate	Asylum seekers with valid IDs are exempt from having to obtain a work permit.
UK	12	Permission is limited to applying for vacancies in listed shortage occupations.
Norway	Immediate	In practice, not immediate; the actual waiting time has increased. Asylum interview is a prerequisite and several formal requirements have to be fulfilled.

ANNEX 3.

Migration component options

The options discussed under the migration component (Chapter 2) can be connected in different ways and give way to different scenarios, some of which are identified below. The analysis suggests that, in principle, the different options should not be seen as alternatives: each comes with specific advantages and challenges. In addition, these are likely to vary also according to the concrete country context: what might be both an attractive and feasible option involving, for example, Germany and a non-EU host country, may not either be legally possible or desired in another EU Member State.

Box 18. Option 1: refugee/UNHCR/resettlement from outside the EU

Option 1

Beneficiary of pathway: refugee; need of resettlement

Anchor: UNHCR via registration in first countries of asylum

Criteria: vulnerability, lack of durable solution, skills/education/ qualification that supports local integration in the receiving country

Admission channel: resettlement via UNHCR; HAP/laisser passer by receiving country

Status in receiving country: beneficiary of international protection (refugee status)

Strength Demonstrates solidarity Can be based on already established and tested admission channel such as resettlement UNHCR involvement as reliable partner in refugee related work	Weakness Resettlement is a long and complex process The large number of refugees awaiting resettlement and the presence of established criteria and procedures for resettlement may not justify the significant resources that would be necessary for skills assessment, etc.
Opportunities Could expand the number of resettlement places Could promote resettlement also in countries that do little to engage in resettlement/ or refugee admission in general Registration by UNHCR could be linked to skills assessment	Threat Risk of cherry-picking (utility versus protection needs) Resettlement of skilled refugees may be done at the expense of resettlement of vulnerable persons

Box 19. **Option 2: refugee/UNHCR/HAP from outside the EU**

Option 2

Beneficiary of pathway: refugee; no need of resettlement
Anchor: UNHCR via registration in first asylum countries
Criteria: skills/education/qualification that supports local integration in the receiving country
Admission channel: HAP/laisser passer by receiving country
Status in receiving country: beneficiary of IP (refugee status)

<p>Strength</p> <p>Demonstrates solidarity Can be based on already established and tested admission channel such as HAP Strong involvement of receiving country (potential) UNHCR involvement as reliable partner in refugee-related work</p>	<p>Weakness</p> <p>Difficult selection mission by countries The large number of refugees awaiting resettlement may not justify the significant resources that would be necessary for skills assessment in a HAP context, etc. The humanitarian aspect is of secondary importance</p>
<p>Opportunities</p> <p>Could run complementary to resettlement Could promote refugee admission also in countries that do little to engage in refugee admission in general Registration by UNHCR could be linked to skills assessment</p>	<p>Threat</p> <p>Risk of cherry-picking (utility versus protection needs) Resettlement of skilled refugees may be done at the expense of resettlement of vulnerable persons</p>

Box 20. Option 3: refugee/embassy/humanitarian visa from outside the EU

Option 3

Beneficiary of pathway: refugee; with or without resettlement need
Migratory anchor: private/community/business networks (eventually with support of UNHCR; embassy), NGOs and/or UNHCR
Criteria: skills/ education/ qualification that may support local integration in the receiving country
Admission channel: humanitarian visa
Status in receiving country: applicant for IP with the aim to apply for IP

<p>Strength</p> <p>Demonstrates solidarity Potentially faster than resettlement Strong engagement of receiving State Already tested as ad hoc measure in some countries to enable admission of modest numbers of Syrian refugees.</p>	<p>Weakness</p> <p>If without UNHCR support then requires pre-screening on probability of recognition of IP by receiving country Requires active bilateral engagement, especially from the side of the receiving country Would require application at embassies, a possibility which was stopped in Europe in 2012</p>
<p>Opportunities</p> <p>Could expand access to safe and legal pathways to protection and complement resettlement</p>	<p>Threat</p> <p>Issuing of humanitarian visas by an EU MS creates a pull factor for refugees in the region</p>

Box 21. Option 4: refugee/embassy/legal migration channel from outside the EU

Option 4

Beneficiary of pathway: refugee; with or without resettlement need
Migratory anchor: private/community/business networks (eventually with support of UNHCR; embassy)
Criteria: skills/ education/ qualification that may support local integration in the receiving country
Admission channel: legal migration channels linked to a specific purpose (here: employment)
Status in receiving country: holder of a temporary residence permit with a specific purpose

<p>Strength</p> <p>Would not impact on resettlement pledges Demonstrates solidarity Potentially faster than resettlement</p>	<p>Weakness</p> <p>Beneficiaries lose right associated with (the better) status of a refugee</p>
<p>Opportunities</p> <p>Could expand access to safe and legal pathways to protection and complement resettlement Includes new actors such as private business, universities, etc. Creates a different dynamic around reception of refugees driven both by humanitarian reasons and economic benefits</p>	<p>Threat</p> <p>A longer-term solution depends on education/ employment Upon expiry of the permit/ purpose of stay switching to another legal status may not be easily possible. Return (neither to country of origin nor first country of asylum) may no longer be an option</p>

Box 22. **Option 5: refugee/sponsor/various channels from outside the EU****Option 5**

Beneficiary of pathway: refugee; with or without resettlement need

Migratory anchor: private/community/business networks (eventually with support of UNHCR; embassy)

Criteria: skills/education/qualification that may support local integration in the receiving country

Admission channel: different channels possible (resettlement, humanitarian admission programme, humanitarian visa)/laisser passer by receiving country

Status in receiving country: beneficiary of IP (refugee status)

<p>Strength</p> <p>Adds to State-sponsored resettled refugees Demonstrates solidarity Involves new actors such as private individuals and potentially cities, regions and businesses (see the different sponsorship schemes established)</p>	<p>Weakness</p> <p>Depends on civil/community engagement; may be less predictable and less reliable May be more selective and focused on particular caseloads generating civil society support</p>
<p>Opportunities</p> <p>Engagement of civil society Integration of participants into social networks of sponsors implies better chances for integration</p>	<p>Threat</p> <p>Might take resettlement places State shifts responsibility towards civil society and individual volunteers Sponsors may be overwhelmed if not well prepared and supported</p>

**Box 23. Option 6: applicant for international protection/hotspot/
relocation intra-EU-mobility**

Option 6

Beneficiary of pathway: applicant for international protection (IP)

Migratory anchor: hotspots; centres of first reception; EASO

Criteria: skills/ education/ qualification that may support local integration in the receiving country

Migratory pathway: relocation/laisser passer

Status in receiving country: applicant for IP

Strength

Intra-EU solidarity with countries at the external borders
Know-how and experience gained in EU-relocation programme available
Hotspots provide an existing infrastructure
EASO is an established EU agency

Weakness

Relocation is contested at EU level
EU relocation programme phased out
Need of selection dependent on high likelihood of positive decision
At hotspots there is little time and place to conduct skills assessments

Opportunities

Engages EU MS not at the EU external border in hosting asylum seekers
Potential of changing the narrative from 'burden' into 'opportunities' in accepting asylum seekers

Threat

Risk of cherry-picking (utility versus protection needs)
Employers will be reluctant to invest in individuals as long as status is not secure

Box 24. Option 7: beneficiary of international protection/new agreement/relocation like intra-EU mobility

Option 7	
<p>Beneficiary of pathway: beneficiaries of international protection Migratory anchor: PES, NGOs, etc. Criteria: skills/education/ qualification that may support local integration in the receiving country Admission channel: relocation-like practice/laisser passer from receiving country Status in receiving country: beneficiary of IP</p>	
<p>Strength</p> <p>No status determination procedure necessary anymore Demonstrates solidarity Could potentially support countries of first reception in Europe with limited capacity for integration due to their economic situation Offers individual beneficiaries of protection opportunities for (better) employment and professional development</p>	<p>Weakness</p> <p>Transfer of responsibility for refugees practised only in individual cases and unclear whether still practised at all. Would require bilateral agreement on transfer of responsibility over refugees and refugee status.</p>
<p>Opportunities</p> <p>Organised mobility of recognised refugees on the basis of skills would present a novel approach to address solidarity and responsibility sharing Would allow to uncouple status determination and subsequent integration Mobility would be demand-driven (thus framed in terms of economic benefits) Could contribute to reducing the importance of the EU MS in submitting an application for IP (potentially diminishing secondary movement considerations)</p>	<p>Threat</p> <p>EUMS dislike the idea of mobility of beneficiaries of international protection. Temporary status of beneficiaries of subsidiary protection will be a disincentive both for receiving states and employers, thus would matter most for refugees status.</p>

**Box 25. Option 8: beneficiary of international protection/agreement/
legal migration intra-EU mobility**

Option 8

Beneficiary of pathway: beneficiary of IP

Migratory anchor: bi- PES, NGOs

Criteria: (lack of durable solution), skills/education/qualification that may support local integration in the receiving country

Admission channel: legal migration channels linked to a specific purpose (here: employment)

Status in receiving country: residence permit on the basis of employment

Strength

Supports countries of first reception in Europe with limited capacity for integration due to their economic situation
Offers individual beneficiaries of protection opportunities for (better) employment and professional development
Is labour market (demand) driven
No loss of refugee status in the first country of asylum

Weakness

Beneficiaries would lose right associated to refugee status in the receiving country (but not in the first asylum country)
Rights of beneficiaries of the scheme would be limited to the purpose of entry (e.g. only studies or work, instead of similar status as citizens)
Beneficiaries of the scheme would have to return to country of asylum if status expires or conditions are no longer met.

Opportunities

Organised mobility of recognised refugees on the basis of skills would present a novel approach to addressing solidarity and responsibility sharing
Would allow to uncouple status determination and subsequent integration
Mobility would be demand-driven (thus framed in terms of economic benefits)
Could involve shorter periods of training in another EU MS that may or may not end up in employment in that country but in either case would provide developmental potential

Threat

EU MS dislike the idea of mobility of beneficiaries of international protection.
Risk of cherry-picking (utility versus protection needs)

Creating lawful opportunities for adult refugee labour market mobility



A conceptual framework for a VET, skills and qualifications-based complementary pathway to protection

Creating labour mobility opportunities allowing refugees to move lawfully from first asylum countries to receiving countries, based on their skills and qualifications and recipient labour market needs, is a policy idea that deserves to be explored and tested.

The conceptual framework presented in this report sketches the potential, the key elements and main issues to be addressed in creating such opportunities through a skills-based complementary pathway to protection. The central element of a skills-based pathway is matching refugees' skills and qualifications and labour market needs in a potential receiving country that offers adult refugees a clear perspective of employment with a clear route to self-reliance. The process must also safeguard political, social and economic sustainability in the receiving country, creating a triple win situation: for the refugees themselves, for the first asylum countries and for the receiving countries.



CEDEFOP

European Centre for the Development
of Vocational Training

Europe 123, 570 01 Thessaloniki (Pylea), GREECE
Postal address: Cedefop service post, 570 01 Thermi, GREECE
Tel. +30 2310490111, Fax +30 2310490020, Email: info@cedefop.europa.eu

visit our portal www.cedefop.europa.eu



Publications Office
of the European Union