



KNOMAD STUDY

# Refugees' Right to Work and Access to Labor Markets – An Assessment

Part I: Synthesis

Roger Zetter  
Héloïse Ruaudel

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# Refugees' Right to Work and Access to Labor Markets – An Assessment\*

Roger Zetter and Héloïse Ruaudel†

## Abstract

For refugees, the right to work is vital for reducing vulnerability, enhancing resilience, and securing dignity. Harnessing refugees' skills can also benefit local economic activity and national development. But there are many obstacles. Based on a sample of 20 countries hosting 70 percent of the world's refugees, this study investigates the role and impact of legal and normative provisions providing and protecting refugees' right to work within the 1951 Refugee Convention as well as from the perspective of non-signatory states. Three metrics analyze the principle determinants of the right to work and labor market access: refugee and employment law, policies and practices that facilitate or constrain the right to work, and mediating socioeconomic conditions.

Overall the study finds remarkable diversity in legal provisions and constraints on refugees' right to work. A restrictive approach to the right to work prevails, and most states are reluctant to ease these restrictions. The majority of refugees work in the informal sector, but under much less satisfactory and more exploitative conditions compared with nationals. Informal labor markets are also constrained in countries with fragile economies which often host large numbers of refugees. Based on its findings, the study concludes that more national and international coordination is required, multiple actors should share in the responsibility to deliver decent work, labor market policies as well as training and education should be harnessed to support sustainable livelihoods, and refugee social capital should be more effectively engaged.

Key words: Refugees, right to work, labor market access, refugee law, sustainable livelihoods

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† Roger Zetter is Professor Emeritus of Refugee Studies at the University of Oxford, and Héloïse Ruaudel is Consultant and Researcher (Humanitarian and Development). The authors may be contacted at [roger.zetter@qeh.ox.ac.uk](mailto:roger.zetter@qeh.ox.ac.uk) and [heloise.ruaudel@gmail.com](mailto:heloise.ruaudel@gmail.com).

## Table of Contents

<b>Executive Summary</b> .....	<b>vi</b>
<b>Part 1: Introduction and Overview</b> .....	<b>1</b>
1. Aims and Objectives.....	1
2. Context: The Right to Work, Labor Market Access, and Responding to Refugee Crises .....	3
3. Current Research and Analysis .....	6
4. Methodology.....	8
<b>Part 2: Synthesis and Main Findings</b> .....	<b>11</b>
1. Law .....	11
1.1. Access to Protection and Refugee Status Determination.....	11
1.2. Variety of Legal Conditions Related to the Right to Work.....	12
1.3. Other Legal Restrictions to the Right to Work.....	13
1.4. Freedom of Movement and Encampment.....	13
2. Policy and Practice .....	14
2.1. Procedural, Bureaucratic, Administrative, and Practical Complexity and Constraints.....	15
2.2. Employers' Attitudes and Employment Conditions.....	16
2.3. Information about Legal Entitlements and Access to Legal Advice and Justice .....	16
2.4. Accessing Employment in Camps and in Urban Settings.....	17
2.5. Education Opportunities, Language and Skills Proficiency, and Recognition of Qualifications ..	18
2.6. Proactive Policies and Strategies .....	18
3. Mediating Conditions.....	19
3.1. Socioeconomic Conditions.....	20
3.2. Refugee Profiles .....	24
4. Outcomes.....	25
4.1. Work: Vital for Most Refugees.....	25
4.2. Predominance of the Informal Economy.....	26
4.3. A Group Faced with Multiple Challenges.....	26
4.4. Urban and Camp Economies.....	26
5. Conclusions .....	27
5.1. Refugees' Right to Work – a Necessary but Insufficient Condition .....	28
5.2. Rigid Laws with Fluid but Restrictive Policies .....	28
5.3. The Politics of the Right to Work – the Dominance of Protectionist and Restrictive Policies.....	28
5.4. Labor Markets and Policy Constraints .....	29
6. Ways Forward .....	30
6.1. An Underresearched Topic .....	30
6.2. Rights, Law, and Economic Interests.....	31

6.3. Aligning Law and Policy .....	31
6.4. Inclusive and Holistic Processes .....	32
6.5. Equality of Opportunity and Treatment .....	32
6.6. Training, Education, and Language and Skills Development .....	32
6.7. The Role of Donors and International and Intergovernmental Organizations .....	33
6.8. The Role of Employers .....	33
6.9. The Role of Trade Unions.....	34
6.10. Engaging Refugee Networks and Social Capital .....	34
6.11. Migrants and Refugees .....	34
<b>References.....</b>	<b>35</b>
<b>Annex: Case Study Template .....</b>	<b>38</b>

The Part II of this Study contains case studies for the following countries:

Bangladesh	The Islamic Republic of Iran	Turkey
Ecuador	Lebanon	United Kingdom
Ethiopia	Pakistan	United States
Germany	South Africa	República Bolivariana de Venezuela
India	Sudan	Zambia

The country cases studies for Chad, Italy, Jordan, Kenya, and Uganda will be added at a later stage.

## **Executive Summary**

### **Part 1: Introduction and Overview**

#### **1. Aims and Objectives**

For refugees, the right to work, buttressed by labor rights *at work*, are vital prerequisites for reducing vulnerability, enhancing resilience, and securing dignity. Harnessing refugees' skills and entrepreneurship can benefit local economic activity and national development. However, there are many obstacles to including refugees in the labor force of their host countries—political economy concerns, labor market structure and capacity, and the capacities of the refugees.

These conditions define the context for this study, which investigates the right to work and access to the labor markets for refugees. It is commissioned and cofunded by the World Bank Global Program on Forced Displacement (GPDFD) and the Global Knowledge Partnership on Migration and Development (KNOMAD) Thematic Working Group on Forced Migration.

Investigating the role and impact of international legal and normative provisions that provide and protect refugees' right to work constitutes the core of the study—specifically, Articles 17, 18, and 19 of the 1951 Convention relating to the Status of Refugees, which sit in a wider framework of rights to work and rights at work under international law. The study also examines refugees' right to work in the significant number of states that are not signatories to the Convention.

Based on a sample of 20 case study countries, the aims and objectives of the study are to

- Document whether and to what extent refugees have the right to work
- Establish a systematic baseline and analytical review of national laws and policies, and implementation of these rights
- Assess conditioning variables that facilitate, constrain, or mediate refugees' right to work and access to labor markets
- Synthesize the findings and provide an overview of significant current and emerging policy challenges in relation to protecting and promoting refugees' right to work and access to labor markets.

Reaching beyond the right to work *per se*, the interplay between this right and the wider range of factors mediating labor market access, and the conjuncture of the three metrics of law, policy, and mediating conditions, constitute the distinctive and unique contribution of this study.

#### **2. Context: the Right to Work, Labor Market Access, and Responding to Refugee Crises**

This report resonates with work streams within the World Bank, the United Nations High Commissioner for Refugees (UNHCR), and the International Labour Organization (ILO), and other intergovernmental organizations including the European Commission Directorate-General for Development and Cooperation [DEVCO] and Directorate-General for European Civil Protection and Humanitarian Aid Operations [ECHO], and the United Nations Development Programme [UNDP], which are developing responses to the costs and impacts of forced displacement on host countries and the refugees themselves.

Globally, the refugee and asylum-seeker population of almost 25 million is a significant but grossly underutilized labor force; at the same time, refugee access to labor markets in host countries constitutes a major challenge. Many host countries, especially emerging economies and those with weak labor markets, are reluctant to allow refugees the right to work. A political economy perspective demonstrates that restrictions are based on concerns of labor market distortion and limited capacity, decreasing jobs available to citizens, reductions in wages, and working conditions. Protracted conditions of refugee displacement and long-term settlement, often enabled by employment, may precipitate claims for citizenship and naturalization that host countries are reluctant to encourage. Yet, in many countries the refugee population accounts for a very small fraction of the host population and workforce, posing negligible impacts from a macroeconomic perspective. Host governments may also be swayed by popular opposition to refugee work rights and security concerns about large-scale refugee populations settling and working.

Some 75 of the 145 states parties to the 1951 Refugee Convention formally grant refugees the right to work. However, this leaves almost half the states parties declaring reservations—often in full, and even states that grant the right to work usually impose some conditions or reservations. The same limitations apply to many of the 48 states that are not party to the Convention. A key argument in this study is that the right to work simply based on the relevant Articles alone is rarely clear cut. There are many layers of constraints and mediating factors revealed by this study.

However, with the right to work, refugees could make potentially significant contributions to their host countries, and they may develop skills and capital that will ease their return to their countries of origin when possible. This right also sits within the UN’s 2030 Sustainable Development Goals to end poverty and fight inequality. Lack of the right to work usually means working (if at all) in the informal sector; this is likely to increase their vulnerability and diminishes their potential contribution to the host country’s economy, especially in conditions of protracted displacement.

Thus, this study directly engages the current international drive for resilience-based responses to refugee crises that bridge the divide between short-term humanitarian assistance and longer-term development strategies. Labor market access for refugees and policies that provide employment are vital mainstays of such strategies. By highlighting the many legal and labor market constraints on the right to work, indicating how these constraints might be unlocked, and demonstrating how the right to work and labor market access can be promoted, the study makes a significant contribution to the design of development strategies.

### **3. Current Research and Analysis**

The study fills an important research gap by documenting and synthesizing current legal, economic, and policy practices on the right to work based on systematic, multicountry, country-level analysis. It complements a number of other studies—within the World Bank, the Organisation for Economic Co-operation and Development, UNHCR, ILO, legal and normative analyses, academic and empirical research, and nongovernmental organization and advocacy studies—that explore, among other topics, the legal provisions and context of the right to work, the relationship between refugee status and employment, the opportunities and barriers to refugee employment, and the wider impact of employment on the economic lives of refugees.

#### **4. Methodology**

The methodology comprises a qualitative comparative case study method using secondary data, combined with external triangulation. The sample of 20 countries includes the largest refugee-hosting countries, accounting for slightly less than 70 percent of the world's refugee population; geographical and regional diversity; signatory and nonsignatory states; protracted and recent refugee crises; and low-, middle-, and upper-income countries, specifically Bangladesh, Chad, Ethiopia, Ecuador, Germany, India, the Islamic Republic of Iran, Italy, Jordan, Kenya, Lebanon, Pakistan, South Africa, Sudan, Turkey, Uganda, the United Kingdom, the United States, República Bolivariana de Venezuela, and Zambia.

The desk study method comprised review of refugee, immigration, employment, and other national legislation on the right to work; related legal provisions on access to protection, residency, visas, and freedom of movement; review of the legal apparatus governing employment conditions and labor rights; review of literature on the policies and practices governing refugees' right to work; review of the literature on economic, labor market, and socioeconomic conditions, and refugees' profiles; and how these variables mediated their right to work and employment opportunities.

The analysis of each country was guided by a standardized template providing a summary profile of the basic legal, demographic, and economic conditions and then a standardized four-part typology of metrics—law, policy and practice, mediating conditions, and outcomes—supporting a narrative account of each country. Each case study has been reviewed by the UNHCR and the ILO, providing independent triangulation and verification of the analysis.

#### **Part 2: Synthesis and Main Findings**

Part 2 analyses the right to work and comprises six sections, the first three of which are (1) a critical overview of refugee and employment legal provisions; (2) policy and practice variables that facilitate or constrain the right to work; and (3) mediating conditions that influence actual access to the labor market. These three metrics analyze the principle determinants of the right to work and access to labor markets. The remaining three sections analyze cross-cutting variables: (4) the outcomes as manifested in refugees' participation in the labor market; (5) conclusions—general findings and overarching reflections on strengths and weaknesses of the legal and policy apparatus related to refugees' right to work; and (6) ways forward.

##### **1. Law**

A restrictive approach to the right to work prevails, and there is reluctance to ease these restrictions. These conditions are closely allied to restrictive status determination and access to protection, and weak legal and institutional capacity for enacting these basic provisions is often replicated in procedures governing the right to work. Even in countries that accede to the relevant Articles of the 1951 Refugee Convention, the legal entitlement to work for refugees is rarely unconditional, and there is little consistency in implementation. The right to work is also conditioned by the wider framework of labor and employment law.



## **2. Policy and Practice**

Because employment rights are usually contingent on refugee status, the low levels, slow duration, and complex processes of status determination are major constraints on access to employment; these constraints are compounded by bureaucratic and administrative hurdles and by situations of mass displacement. Employers' attitudes and perceptions significantly affect refugees' access to employment. Evidence is widespread that refugees work under much less satisfactory conditions of decent work compared with nationals. Refugees often lack the means or the willingness to pursue their legal entitlements to work or protection in the workplace. Their vulnerability is compounded by the lack of knowledge of refugee law and rights by the judiciary and the police.

While there may be greater opportunities for employment in noncamp and urban settings, actual access to work can be more limited and may be exploitative. Movement restrictions limit refugees' access to employment; relaxation of restrictions is reflected in positive gains for rights to work and livelihoods. Opportunities to access education, language training, and skills development, and accreditation of prior skills and qualifications, significantly enhance access to employment for refugees.

Emerging though patchy evidence indicates that governments, international organizations, and nongovernmental organizations (NGOs) are tackling these constraints. Positive results for refugees are generally produced by policies that proactively assist refugees to access employment, for example, by making it easier to obtain work permits and providing incentives for refugees to find employment.

## **3. Mediating Conditions**

In countries with fragile economies—which also often host large numbers of refugees—refugees' right to work and access to labor markets is usually heavily constrained. Countries with proportionately fewer refugees, stronger economies, and potential labor supply gaps provide better entitlements.

Even if they are legally allowed to work, refugees are often not able to find jobs in countries with small formal sectors. Informal labor markets, characteristic of many large-scale refugee-hosting countries, present both opportunities and disadvantages for refugees seeking employment. Pronounced labor market pressures from refugee impacts and rapid domestic labor force growth from demographic increase create labor market conditions that generate competition between refugees and between refugees and host communities.

Negative gender stereotypes, gender-based social discrimination, disadvantageous working conditions, and violence against refugee women are prevalent in labor markets. Youth and child labor is widespread and is increasing in some refugee contexts. Xenophobia and stigmatization have a significant though difficult-to-detect impact on refugees' getting work.

Social capital and networking play an important role in access to labor markets and type of work—a lack of social capital tends to increase vulnerability. Skilled refugees and those with professional certification often face substantial negative impacts in accessing labor markets. Refugees with limited education and few transferable skills struggle to find employment. Integration into local communities, through a common language, similar culture, or marriage, eases refugees' access to work.

#### **4. Outcomes**

Regardless of legislation on the right to work, refugee status, and location, seeking work is vital for most refugees, and the overwhelming majority are employed in the informal sector.

In general, the more favorable employment situation of urban refugees is tempered by less favorable overall socioeconomic conditions. Restrictions on freedom of movement and encampment increase difficulties of access to employment. Yet, despite restrictions, movement from camp and rural settings to urban centers to access work is widespread and increasing.

Refugees face multiple challenges on the right to work and the lack of decent work and protection where they are employed. Lack of rights to work may precipitate secondary migration. Refugees cannot accumulate sufficient capital or skills either to finance their own legitimate pathway to self-reliance or to support their return and reintegration to their home countries.

#### **5. Conclusions**

Refugees' right to work—the legal right to work under Articles 17–19—is a necessary although insufficient condition without corresponding compliance, enforcement, and remedy mechanisms. Once established, the legal framework on the right to work remains inflexible in most countries; conversely, although policies may be more fluid, in general they remain restrictive. There is remarkable diversity in legal provisions and constraints on refugees' right to work: signatory states do not necessarily offer “best practice” or “better practice” than nonsignatory states, and there is no consistent pattern of performance within either signatory or nonsignatory states.

Legal provisions for the right to work are always strongly mediated by political economy and security concerns that motivate protectionist policies to limit refugee access to labor markets. Despite the expansion of protracted refugee situations, the presence of refugees is treated as a temporary phenomenon, and the right to work remains restricted. Protectionist policies characterize countries with limited labor market capacity, more narrowly based and weaker economies, and less resilience to shocks from the mass entry of refugees.

Where there is the right to work, access to formal labor markets is very limited. Legal and policy restrictions mainly concern the formal sector while authorities often “tolerate” refugees working in the informal sector where they provide a source of cheap labor. Even when governments have opened up some employment opportunities for refugees, change may often be marginal and piecemeal.

#### **6. Ways Forward**

- More research on the labor market impacts of refugees and their right to work is needed.
- Governments, with the support of donors and international actors, should establish better conjuncture between rights, law, and economic interests related to refugees' rights to work and access to labor markets, and also better align law and policy to give effect to the right to work.
- Better coordination between ministries involved with refugees' affairs and those responsible for labor rights would enhance implementation of refugees' right to work and labor market inclusion.
- Labor market policies that lead to more sustainable livelihoods and economic conditions for refugees (and their hosts) are advocated.

- National governments, employers, trade unions, and civil society share the responsibility to promote equality of rights and to counter negative discourse and stereotypes of refugees.
- Improved training, education, and language and skills development are critical elements for enhancing access to labor markets.
- Donors and international and intergovernmental organizations should play a more significant role in addressing crises of forced displacement through right-to-work and access-to-labor-markets policies for refugees.
- Employers and trade unions can also contribute to proactive policies that deliver access to labor markets and decent employment.
- All stakeholders should better engage with refugee social capital and networks to improve access to employment and develop better awareness of workplace rights.
- In enhancing laws and policies affording refugees the right to work, it is essential that these initiatives not diminish migrant workers' labor market rights and employment access.

## Part 1: Introduction and Overview

### 1. Aims and Objectives

For refugees, the right *to* work, buttressed by labor rights *at* work, are vital prerequisites for reducing vulnerability and building individual, household, and community resilience; enhancing the potential for sustainable livelihood strategies while reducing reliance on humanitarian assistance; and supporting social cohesion and securing dignity. The right to work can also help mitigate protection risks. Lack of legal access to employment often results in refugees joining the already sizable informal economy where a majority of the national workforce is to be found in many of the hosting countries. For refugees, and indeed the domestic workforce, the negative outcomes are well-documented, including workplace exploitation, child labor, and gender discrimination. The wider significance of the right to work comes from the recognition that refugees have skills, resources, entrepreneurship, and agency that, if harnessed through legal access to the workplace, can benefit local economic activity and national development and contribute to public revenues and taxes.

However, there are many very real obstacles and challenges to including refugees in the labor force of their hosting countries, ranging from political economy concerns to labor market structure capacity and conditions, and the resources and skills of the refugees themselves.

These conditions of inclusion and constraint define the context for this study, which investigates refugees' right to work. It has been commissioned and cofunded by the World Bank Global Programme on Forced Displacement (GPDFD) and the Global Knowledge Partnership on Migration and Development (KNOMAD) as part of its Thematic Working Group on Forced Migration.

Investigating the role and impact of international legal and normative provisions that seek to provide and protect refugee's right to work constitutes the core of the study. Specifically, Articles 17, 18, and 19 of the 1951 Convention relating to the Status of Refugees<sup>1</sup> require states to accord refugees "the most favourable treatment" accorded to any nonnationals of a foreign country in the same circumstances, with regard to the right to engage in wage-earning employment, and refugees must be allowed to start businesses and practice liberal professions equally with other nonnationals.<sup>2,3</sup> The study also investigates the right to work in states that are not signatory to the Convention.

Whether under the 1951 Refugee Convention or other legal provisions in nonsignatory states, the right to work sits within a wider framework of protection of the right to work (and rights at work) for all categories of workers under international law (applicable to refugees), notably Article 23 of the 1948 Universal Declaration of Human Rights; Articles 6–8 of the 1966 International Covenant on Economic, Social and

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<sup>1</sup> Subsequently abbreviated to the 1951 Refugee Convention.

<sup>2</sup> Furthermore, the Convention requires that "After three years, refugees must enjoy the same rights to wage-earning employment as citizens."

<sup>3</sup> Supporting the principal right to work, under Articles 17–19, the 1951 Refugee Convention also accords refugees the right of association through trade unions (under Article 15) and other labor rights (under Article 24).

Cultural Rights; various ILO conventions, notably Recommendation No. 71 of 1944;<sup>4</sup> and regional instruments that together offer comprehensive protection of workers' rights.

Based on a sample of 20 case study countries and using a desk study method, the aims and objectives of the study are to

- **Document** whether and to what extent refugees have the right to work in sample host countries
- **Establish** a systematic baseline and analytical review of national laws, policies, and implementation of refugees' right to work
- **Assess** conditioning variables (for example, skills recognition, bureaucratic procedures, economic conditions, labor market structure) that facilitate, constrain, or mediate refugees' right to work and access to labor markets
- **Synthesize the findings and provide an overview** of significant current and emerging policy challenges in relation to protecting and promoting refugees' right to work and access to labor markets.

As these aims and objectives make clear, although the baseline and focus of the study are on the right to work under the 1951 Refugee Convention, a distinctive feature of this study is the interplay between this right and the wider range of factors that facilitate, constrain, or mediate access to labor markets. Thus, the study reaches beyond the right to work per se and examines the very real and wide-ranging obstacles to labor market participation in affected countries.

The report deals inclusively with recognized refugees, asylum seekers, and undocumented refugees; it does not include internally displaced persons (IDPs) or stateless persons, with minor exceptions in the latter case.

The report is structured in two main parts. Part 1 discusses the aims and objectives, the context for the report, and the methodology. The main study comprises a Synthesis Report that consolidates the main findings from the case studies. While the individual case studies are important in and of themselves, it is the synthesis of the findings and the discussion of cross-cutting issues and their implications, elaborated in Part 2 that is the primary value of this report. The country case studies are available in the annex.

The Synthesis Report approaches the analysis of refugees' right to work from two complementary perspectives.

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<sup>4</sup> Employment and Decent Work for Peace and Resilience (Transition from War to Peace), Recommendation, 1944 (No. 71), currently at an early stage of revision by the ILO, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_358383.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_358383.pdf), The Migration for Employment Convention (Revised), 1949 (No. 97); and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). These last two conventions apply to migrants "regularly admitted as a migrant for employment." However, in its 2016 General Survey concerning the ILO's migrant worker instruments, the Committee of Experts on the Application of Conventions and Recommendations stated that it was "mindful of the very large numbers of displaced persons, refugees and asylum seekers globally," and that "[t]he migrant workers instruments cover displaced persons and refugees where they are employed as workers outside their country of origin." The ILO developed a set of Guiding Principles on The Access of Refugees and other Forcibly Displaced Persons to the Labour Market at the Tripartite Technical Meeting of the ILO in July 2016, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/meetingdocument/wcms\\_490753.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/meetingdocument/wcms_490753.pdf).

First, it considers whether and to what extent refugees have the legal right to work either under Articles 17–19 of the 1951 Refugee Convention (for countries that are signatories to the Convention and the 1967 Protocol), or under relevant national legislation, or both; national legislation is significant for countries that are not signatories to the Convention. Engagement with regional instruments or other national legal provisions for employment rights is also reviewed. Paralleling the investigation of refugee law and the right to work, the study also documents and examines labor and employment law and labor rights that surround the basic rights to work and how this body of law applies to refugees. Situations in which there is no refugee law but laws related to foreigners apply to refugees are also investigated. The systematic review of current legal provisions governing the right to work in the case study countries provides the data for exploring the many challenges and constraints to implementation of national laws and policies.

Although the 1951 Refugee Convention or other legal apparatus in nonsignatory states may provide a basic legal right to work, how refugees actually gain access to the labor market and employment is mediated by many other factors. Thus, building on the baseline of refugee, employment, and labor laws, the second perspective offers an analysis of how the legal framework, policies, and mediating conditions such as relevant socioeconomic variables interact to facilitate or constrain the actual participation of refugees in the labor market. This interplay lies at the core of this study. In this way, the study connects refugees' right to work with the social, economic, and development agenda that is of central concern to the World Bank.

The conjuncture of the three metrics of law, policy, and mediating conditions provides the framework for a coherent analysis of how refugees' right to work operates in practice, and reveals the challenges in delivering that right. Each metric is important in itself, but it is their interaction that provides the critical conditions for the right to work; investigating their conjuncture is the distinctive and unique contribution of Part 2 of this study.

This analysis is presented in Part 2, the Synthesis and Main Findings, which comprises six main sections: (1) a critical overview of refugee and employment legal provisions; (2) policy variables that facilitate or constrain the right to work; (3) mediating conditions that influence actual access to the labor market; (4) outcomes—refugees' participation in the labor market; (5) conclusions, that is, general findings and overarching reflections on strengths and weaknesses of the legal and policy apparatus related to refugees' right to work; and (6) ways forward.

## **2. Context: The Right to Work, Labor Market Access, and Responding to Refugee Crises**

### ***Setting the Scene***

By the end of 2015 there were an estimated 21.3 million refugees (the highest level in more than 20 years), and 3.2 million more claiming asylum, from a global total of 65.3 million people documented<sup>56</sup> as forcibly displaced. Millions more people forcibly displaced by violence, conflict, and human rights

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<sup>5</sup> In addition to the refugees and those claiming asylum, there were 5.2 million Palestinian refugees and an estimated 40.8 million internally displaced people (IDPs) (UNHCR 2015; IDMC 2016; UNWRA in Figures 2015, [http://www.unrwa.org/sites/default/files/unrwa\\_in\\_figures\\_2015.pdf](http://www.unrwa.org/sites/default/files/unrwa_in_figures_2015.pdf).

<sup>6</sup> IDMC (2015) estimate of IDPs for 2014, <http://www.internal-displacement.org/global-figures>.

violations, as well as trafficking, are undocumented or fall outside the legal and normative definitions in the 1951 Refugee Convention and 1967 Protocol, the 1998 Guiding Principles on Internal Displacement, and the UN Relief and Works Agency protection of Palestine refugees. At least 169 countries worldwide host refugees, and 23 countries individually host more than 200,000 refugees. In addition, protracted displacement—the World Bank recently calculated that refugees are displaced, on average, for 10 years—characterizes virtually all current humanitarian emergencies. These conditions reflect the persistence of conflicts that drive forced displacement and for which durable political solutions remain elusive.

***Locus of the Study: Refugee Impacts, Refugee Livelihood, the Right to Work, and Development Strategies***

This report resonates with work streams within the World Bank, the UNHCR, and the ILO, among other international organizations that are developing responses to the costs and impacts of forced displacement on host countries and the refugees themselves. These work streams reflect a paradigm shift that is taking place among intergovernmental and international humanitarian and development actors (for example, the European Commission Directorate-General for Development and Cooperation [DEVCO] and Directorate-General for European Civil Protection and Humanitarian Aid Operations [ECHO], UNDP, UNHCR, and the World Bank) in tackling protracted refugee crises. Alongside the long-established model of humanitarian assistance, development-oriented policies and resilience-based programs are the hallmark of the emerging paradigm.

Globally, the refugee and asylum-seeker population of nearly 25 million, and millions more who are undocumented, constitutes a significant but grossly underutilized labor force. One of the critical challenges in promoting development strategies in such circumstances is the extent to which refugees enjoy the right to work and can access labor markets in host countries; the impacts of this right (or the withholding of this right) on the refugees themselves and the labor markets of the host country are a central concern.

A political economy perspective sheds light on why many host countries, especially emerging economies and those with weak labor markets, are reluctant to open their labor markets to refugees. Restriction is sometimes based on the fear that refugee participation will distort labor markets by reducing the number of jobs available to citizens and drive down wages and working conditions for all workers. Additionally, the protracted conditions of refugee displacement, and the fact that, despite increased mobility, the majority of forcibly displaced persons and refugees still remain and settle in their country of first asylum, further compound host governments' propensity to frame the problem as temporary and to prevent refugees from long-term settlement—and ultimately to reject claims for citizenship and naturalization—which they are afraid might result from participation in local social and economic development such as through the workplace. Yet, in many countries that declare reservations to Articles 17–19 of the 1951 Refugee Convention, and in nonsignatory states that also limit the right to work, the refugee population accounts for a very small percentage of the host population (noted in the country case study profiles) and thus its workforce, with obvious exceptions at the present time, as in Lebanon and Jordan (both nonsignatory states). Although in some cases it is true that the proportion of refugees may be significant

at the local level, the impact of refugee populations is, with obvious exceptions, negligible from a macroeconomic perspective.

Underlying these constraints, host government officials and politicians may also be swayed by popular opposition to refugee work rights, which, in turn, derives from a perception of refugees as “takers” of local services and economic opportunities rather than as contributors. Security concerns about large-scale refugee movements projecting the effects of conflict across borders add to the resistance to refugee settlement that stems from working.

Thus, there is a plethora of very real obstacles to labor market participation by refugees, and these obstacles often hinge on countries declaring reservations to Articles 17–19 of the 1951 Refugee Convention.

Some 75 of the 145 states parties to the 1951 Refugee Convention formally grant refugees the right to work either through accession to Articles 17–19 or through domestic employment laws. However, this leaves almost half the states parties declaring reservations, often in full, and even states that grant the right to work may impose some conditions or reservations to this right.<sup>7</sup> Alongside the states parties are 48 nonsignatory states, many of whom also limit refugees’ right to work.

In short, a key argument in this study is that in very few instances is the right to work simple and clear cut based on the relevant Articles alone, or on other related legal apparatus in nonsignatory states. Beyond the right to work per se, this study reveals many layers of constraints and mediating factors.

However, although much research remains to be done and there is enormous spatial and temporal variation in the socioeconomic impacts of refugees, refugees could make potentially significant contributions to their host countries if they were given the right to work.<sup>8</sup> Some sectors may experience growth as some refugee populations bring a different range of skills to the workforce and businesses benefit from increased demand and a larger workforce, while there is no obvious correlation between unemployment rates of nationals and areas of large influx of refugees. Refugees may develop skills and accumulate capital that will ease their return to, and make them development agents in, their countries of origin when returning becomes possible (for example, Harild, Christensen, and Zetter 2015). The right to work for refugees bridges both economic development and poverty reduction goals in the context of large-scale and protracted forced displacement. It is from this perspective that the right to work sits within the wider framework of the UN’s Sustainable Development Goals set out in the 2030 Agenda for Sustainable Development to end poverty and fight inequality.<sup>9</sup>

In contrast, lack of employment rights, and thus formal livelihood opportunities, leaves working in the informal sector (if at all) as the only option, an outcome that also increases refugees’ vulnerability

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<sup>7</sup> UNHCR Accession, Succession, Ratification of the 1951 Refugee Convention - Reservations and Declarations, <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention> and Morris and Voon (2014).

<sup>8</sup> These social and economic arguments for, and objectives of, the right to work—as well as objections—are not discussed in detail in this report but are elaborated in many other studies and reports; see, for example, Zetter 2014; OCHA, UNDP, UNHCR, UNICEF, WFP, and World Bank 2015; Crisp 2003; Asylum Access and the Refugee Work Rights Coalition 2014; De Vriese 2011; Women’s Commission 2012; Council of Europe, Parliamentary Assembly 2012; OECD 2015a; along with Barrios 2010.

<sup>9</sup> Notably, Sustainable Development Goals 1, 10, and 16.



notwithstanding any form of humanitarian aid they may receive. Lack of access to legal documentation, as well as banking and financial services that might allow capital investment, limits the potential of refugees to start their own businesses. Furthermore, given that forced displacement is increasingly protracted, prolonged exclusion from work opportunities has negative effects on the livelihoods and self-sufficiency of the refugees and the wider search for solutions. Moreover, lack of work opportunities may precipitate secondary movement of refugees, which has protection implications such as trafficking.

Overall, policies that treat the refugee presence as temporary and solely a humanitarian problem may substantially diminish their potential contribution to the host country's economic growth and public sector revenues, and the potential for integration on return. These outcomes impede the economic opportunities for more equitable and productive investments that assist both refugees and host communities.<sup>10</sup> However, more empirical research is needed on the effects of the socioeconomic and labor market inclusion of refugees. Such research will likely be critical in helping dispel the more populist assumptions about the alleged negative consequences of refugee situations.

In conclusion, this study directly engages the current international drive for resilience-based responses to refugee crises that bridge the divide between short-term humanitarian assistance and longer-term development strategies. Labor market access for refugees and policies that provide employment for them are a vital linchpin to such strategies; clearly, the right to work is instrumental in delivering this potential. However, although these strategies are predicated on refugees' right to work, the factors that mediate this right are poorly understood. It is this major gap that the current study partially fills.

This study does not, therefore, provide recommendations or policy guidance on the design of labor market strategies and employment policies as direct inputs into economic, social, and development strategies for the World Bank or other actors. Nor, for example, does the study examine the impact of the right to work on host country labor markets and the wider political economy outcomes of such participation. And it does not analyze the wider outcomes of right-to-work law and policies as measured by the economic well-being of refugees, for example, household livelihood strategies or levels of economic integration.

Instead, by highlighting the many legal and labor market constraints on the right to work, indicating how these constraints might be unlocked, and demonstrating how the right to work and labor market access can be promoted, this study is a significant contribution to the design of these wider development strategies. Sections 5 and 6 of the Synthesis Report (respectively, Conclusions and Ways Forward) offer guidance on how these strategic policies and operational programs can be developed.

### **3. Current Research and Analysis**

The study fills an important gap in current research on the theme by documenting current practice and synthesizing legal, economic, and policy analysis of the right to work based on systematic, country-level analysis and a multicountry framework. By doing so it complements a number of other studies that explore, among other topics, the legal provisions for, and context of, the right to work; the relationship

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<sup>10</sup> op. cit. 9. For further arguments for and against integration of refugees in labor markets see Bevelander (2016).

between refugee status and employment; the opportunities for and barriers to refugee employment; and the wider impact of employment on the economic lives of refugees.

Within the World Bank, this study complements several work streams and internal studies that analyze labor market and wider social and economic impacts of refugees. This work touches on the policies and frameworks that govern refugees' access to labor markets and their implementation, but it provides neither a systematic evidence base on the right to work nor a baseline at a country level.

In 2015, the Organisation for Economic Co-operation and Development (OECD) made a valuable contribution to the analytical and methodological literature on refugees' right to work (OECD 2016, 2015a, 2015b). Using extant data to indicate positive economic outcomes from the integration of refugees into labor markets, the OECD research provides robust advocacy for labor market integration policies. Written in response to the European "migration crisis" of 2015, there are obvious temporal and geographical limitations to the data analysis and policy recommendations. The OECD research applies to advanced economies that have very different socioeconomic profiles and labor market capacity from the major refugee-hosting countries globally.

With regard to international legal and normative provisions, the 2010 Michigan Guidelines on the Right to Work<sup>11</sup> provide a detailed generic account of refugees' right to work but do not offer country-based or policy analysis. Edwards (2006) similarly provides a legal and normative account of refugees' right to work that is linked to a single country, Australia.

Turning to the role of intergovernmental organizations, the UNHCR's urban refugee policy (UNHCR 2009), with its focus on protection, did not specifically address refugees' right to work but it did open the way for subsequent UNHCR policy development aimed at enhancing the economic empowerment of refugees. Thus, in 2011 a UNHCR study advocated refugees' rights to work, providing at the same time examples of obstacles and constraints to the right to work in urban contexts, focusing on three countries, India, the Republic of Yemen, and the Arab Republic of Egypt (Umlas 2011). Subsequently, another UNHCR study, completed in 2013, provided detailed evidence of labor market integration but related specifically to refugee resettlement in Australia, Canada, New Zealand, Sweden, the United Kingdom, and the United States (Ott 2013). Produced most recently, the UNHCR's Global Strategy for Livelihoods is a strong affirmation and reinforcement of refugees' right to work, promoting the scaling up of livelihoods programming and implementation, and providing guidance for the development of national and local livelihoods strategies (UNHCR 2015).

The ILO has a mandate to protect the interests of all workers "when employed in countries other than their own," including refugees.<sup>12</sup> Accordingly, in November 2016, ILO's Governing Body agreed to the publication and dissemination of the Guiding Principles on Access of Refugees and other Forcibly Displaced Persons to the Labour Market and their integration into future work plans, marking a strengthening of the ILO's role in promoting decent work for refugees within a broader protection framework.<sup>13</sup>

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<sup>11</sup> Michigan Guidelines on the Right to Work (Barrios 2010).

<sup>12</sup> ILO: Constitution of the International Labour Organisation, Preamble, [http://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62\\_LIST\\_ENTRIE\\_ID:2453907:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO).

<sup>13</sup> This role is expected to be further highlighted during the revision of ILO Recommendation 71 in 2017 (see ILO 2015).

Field-based, empirical evidence and analysis of refugees' right to work is limited. Exemplifying a well-developed genre of research that provides a more general assessment of economic context combined with the specific conditions of refugee livelihoods are Jacobsen (2005), Conner (2010), and Campbell (2006). Recent research by the Humanitarian Innovation Project, strongly focused on the agency of refugees in promoting their own livelihoods, recognizes that the right to work is a conducive element in this process (Betts and others 2014). Overall, extensive though this genre of livelihood research is, it is often based on single-country studies and does not provide the systematic synthesis of economic, legal, and policy variables supporting refugees' right to work that this current study aims to provide. A notable gap in research in this field is assessment of the differences between labor market outcomes of refugees and of migrants over time (for example, Cortes 2004).

Complementing the OECD research noted above, Legrain (2016) assembles wide-ranging data on the economic benefits of integrating refugees into labor markets. The report stresses the legal, institutional, and bureaucratic barriers to this objective. Like the OECD research, it addresses only advanced, postindustrial economies that, in general, have greater capacity to absorb refugees into their labor markets than do highly affected middle-income or emerging economies. Compelling though the report is, it takes as its starting point very strong advocacy of refugee labor market integration, thus supporting its case with a highly selective evidence base and neglecting the political and societal resistance found in many states.

A study by Asylum Access and the Refugee Work Rights Coalition (2014) parallels the present report. However, the Asylum Access study was largely designed to provide recommendations for international and national advocacy for refugees' right to work; it offers only a very brief snapshot of legal provisions on the right to work in 15 countries and does not synthesize wider policy, labor market, and socioeconomic data.

#### **4. Methodology**

The methodology for the study comprises a qualitative comparative case study method, using secondary data sources combined with external triangulation, as follows:

First, a case study method was adopted. A sample of 20 countries was selected comprising top refugee-hosting countries; geographical and regional diversity; signatory and nonsignatory states; protracted and recent refugee crises; and low-, middle-, and upper-income countries. The selection of case study countries is as follows:

- Asia: Bangladesh, India, Pakistan
- Middle East: The Islamic Republic of Iran, Jordan, Lebanon, Turkey
- Africa: Chad, Ethiopia, Kenya, South Africa, Sudan, Uganda, Zambia
- South America: Ecuador, República Bolivariana de Venezuela
- Europe and North America: Germany, Italy, the United Kingdom, the United States

This sample covers the 6 largest refugee-hosting countries<sup>14</sup> and the top 12 hosting countries when taking into account the cumulative numbers of refugees, people in refugee-like situations, and asylum seekers. The 20 countries include slightly less than 70 percent of the world's population of refugees and those in refugee-like situations,<sup>15</sup> and 72 percent of asylum seekers.<sup>16</sup>

Second, a desk study method was used as the principle means for collecting and analyzing data on each of the sample countries. The desk study comprised the following:

- A review of refugee, immigration, employment, and other national legislation and, more specifically, whether and to what extent refugees have the right to work; related legal provisions on access to protection, residency, visas, and freedom of movement; and review of the legal apparatus governing employment conditions and labor rights
- An extensive review of secondary literature and documentation on the policies and practices regarding refugees' right to work, including academic research, analytical studies, reports from NGOs and advocacy organizations, and documentation from international organizations such as the UNHCR, the ILO, and the World Bank
- An extensive review of secondary literature on the economic, labor market, and socioeconomic conditions in each country as well as on the refugees' profile and how these variables mediate the right to work and the employment opportunities available to refugees.

Additional or more detailed data have been supplied by staff from the UNHCR and the ILO and from NGOs.

The data analysis for each country was guided by a standardized template that provides a summary profile of the basic legal, demographic, and economic conditions of each country along with a standardized four-part typology of metrics. The template is used to frame and elaborate a narrative account of each case study country, as follows:

- *Law.* Overview of the legal provisions that cover relevant refugee laws that influence who has access to refugee status and is thus entitled to the labor rights granted to refugees (national refugee legislation, institutions, access to protection, freedom of movement), right to own property and other rights important for the right to work, and employment rights under refugee and labor and employment laws
- *Policy and practice.* Factors that facilitate or constrain the right to work that countries can influence directly through their policies (for example, bureaucratic procedures, skills recognition or training, and skills development programs)
- *Mediating conditions.* Variables that influence actual access to the labor market, including the socioeconomic context, macro- and microeconomic conditions, labor market structure (formal and informal markets and demand and supply), the number of refugees and migrants already in the country, public perceptions, and refugee profiles and attributes (including factors such as skills match, social capital, language proficiency, access to productive assets, business ownership, and gender dimensions)

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<sup>14</sup> Turkey, Lebanon, the Islamic Republic of Iran, Ethiopia, Jordan, Chad.

<sup>15</sup> 10.94 million out of 16.1 million; these percentages are based on figures in UNHCR (2016).

<sup>16</sup> 2.25 million out of a total of 3.2 million.

- *Outcomes.* Summarizes key aspects of actual refugee participation in the labor market.

The typology was developed in an iterative process interrogating the literature for consistently appearing metrics that govern refugees' right to work and access to the labor market. It was revised several times during the drafting of the case studies to cover the different variables that influence implementation of the legal provisions and actual labor market outcomes for refugees.

The amount of information available on these different criteria varied among the country case studies and was sometimes challenging to locate and triangulate. Evidence from the country case studies is used to exemplify and elaborate the findings, where this evidence is most explicit and to ensure a geographic balance.

The standardized template and typology not only provide a clear and coherent structure for analyzing each case study country, they also facilitate comparisons between countries and provide a systematic basis for the Synthesis Report.

Third, the typology used to produce the country case studies is replicated in the structure of the Synthesis Report and Main Findings. The three metrics of law, policy and practice, and mediating conditions are used to analyze the principle determinants of the right to work and access to labor markets. The remaining three metrics (outcomes, conclusions, and ways forward) analyze cross-cutting variables. Each of these six metrics is subdivided into a number of more detailed variables that condition the right to work and labor market access. Like the overarching metrics, these more detailed variables were also derived by an iterative process that cross-examined the case study evidence to identify significant trends and recurring indicators that describe and explain the phenomena, processes, constraints, and opportunities determining refugees' right to work and labor market access. This "coding" process provided the more detailed metrics by which the deeper content analysis of the Synthesis Report and Main Findings was organized.

Fourth, the draft analysis of each case study was reviewed by the UNHCR (HQ Division of International Protection, Programme and Policy, and also country desks) and the ILO (country desks, technical labor migration specialists, headquarters). This review allowed for independent triangulation and verification of the analysis as well as the inclusion of additional data where available from these sources.

## Part 2: Synthesis and Main Findings

### 1. Law

The metrics in this section establish the grounding in legal provisions of the right to work in the overall framework of refugee and employment law and institutions. Key metrics highlighting the legal conditions are protection and refugee status determination; the variety of legal conditions related to the right to work; and other legal restrictions on the right to work such as work permits, restricted sectors, encampment, and restrictions on freedom of movement.

#### ***Headline Findings***

- Overall, the synthesis finds that a generally restrictive approach to the right to work prevails and there is clear reluctance to ease conditions restricting this right. Conditions governing the right to work are closely allied with the core components of refugee law—notably status determination and access to refugee protection—and the extent to which these provisions comply with international law and norms.
- A variety of “formulae” are related to refugees’ right to work and there is little consistency in how the right to work is implemented. Even in signatory countries that accede to the relevant Articles of the 1951 Refugee Convention, the legal entitlement to work for refugees is rarely unconditional.
- The findings emphasize how the right to work is also conditioned by the wider framework of labor and employment law governing matters such as work permits, subsidiary employment rights such as contractual protection and social benefits, restricted sectors, and preference for nationals.
- Many countries retain a strict policy of encampment or apply movement restrictions, thereby increasing refugees’ difficulties in accessing employment and livelihood opportunities.

#### **1.1. Access to Protection and Refugee Status Determination**

The wider conditions on refugees’ rights, especially protection for refugees and refugee status determination procedures, constitute a formative context for and link to provisions for refugees’ right to work. Asylum systems and institutional capacity in many countries remain weak, sometimes failing to recognize genuine refugees; providing refugees with insufficient protection; restricting entry; and leaving many asylum seekers undocumented and vulnerable to round-ups, detention, deportation, and *refoulement*. These difficult conditions, evidenced in the case of Eritrean refugees in Sudan, who are routinely subject to deportation and denied access to asylum procedures, and Colombian refugees in República Bolivariana de Venezuela, whose recognition rates are very low, are replicated in conditions surrounding the right to work.

The situation of undocumented refugees and stateless people is particularly challenging because they are invisible to the law, fall outside formal procedures for refugee status determination, and may not be covered by existing bilateral legal frameworks that provide for legitimate economic migration. As such, they are de facto excluded from accessing the formal labor market and are thus even more vulnerable to exploitation and abuse. Yet in many of the case study countries, undocumented refugees and stateless people outnumber registered refugees (for example, according to government estimates, in the Islamic Republic of Iran there are 1.4 million to 2.0 million undocumented Afghans in addition to the nearly 1

million registered refugees; in República Bolivariana de Venezuela there are slightly more than 5,000 registered refugees compared with an estimate of almost 175,000 who are undocumented). In these two countries the authorities differentiate—as does the UNHCR—between registered refugees and undocumented migrants, even though some of these undocumented migrants would qualify as refugees. However, the Islamic Republic of Iran has a system for determining eligibility for refugee status but activates it sparingly. There is, however, no bilateral migration framework that would allow Afghans to work in the Islamic Republic of Iran legally, which forces large numbers of young men to use irregular pathways to enter and work in the country.

## **1.2. Variety of Legal Conditions Related to the Right to Work**

There is remarkably little consistency in legal provisions for refugees' right to work, either between signatory states of the 1951 Refugee Convention and 1967 Protocol (such as the United Kingdom and Germany) and nonsignatory states (such as Pakistan, Lebanon, and Jordan), which are among the top refugee-hosting countries, or within either category. Even in states acceding to Articles 17–19, and among OECD countries where economic conditions are more favorable, specific conditions of the right to work vary.

A variety of formulae are applied to refugees' right to work and to the links between Articles 17–19 and national refugee and labor law. Thus, refugee and labor legislation refers specifically to refugees' right to work in some countries (for example, Uganda and the United States) while in other countries, such as Chad, Ecuador, and India, there is no specific reference to refugees' right to work, which is often covered by provisions applicable to foreigners at large. Even in countries that apply an open door policy, like Ethiopia, refugees' right to work can be highly restrictive.

Refugees who are not granted formal legal status as refugees, but are instead receiving temporary protection, experience a further variety of conditions that usually restrict the right to work. For example, in Jordan and Lebanon, Syrians are registered by the UNHCR and are issued documentation that the authorities recognize. In Lebanon, however, the government is now preventing further registration, which has led to an increased number of undocumented persons, including those who were once registered but whose registration has now lapsed.

Registered asylum seekers also face a variety of different formulae on the right to work as well as significant variations and conditions, although in most of the case study countries, asylum seekers are not legally allowed work. In Germany, asylum seekers may work three months after arrival but only for up to three years; in the United Kingdom, asylum seekers can only work after one year; in South Africa, asylum seekers in possession of appropriate documentation have the right to work and study, although a draft amendment to its refugee law proposes to curtail asylum seekers' right to work.

There is often confusion about whether refugee status entitles refugees to work without a work permit. However, in practice, where refugees are entitled to work, work permits are usually required in addition to refugee status. This requirement may de facto limit the right to work because permits are usually granted under certain restrictive criteria, impose costs that may be difficult to afford, and may be time limited and thus require regular (often yearly) renewal or extension. A valid resident work permit may be required in addition to the work permit. Moreover, the law in certain countries requires refugees to apply

for and obtain a job offer from an employer before they can obtain a work permit (as in Lebanon and Zambia). There are exceptions to the need for work permits, such as in the United Kingdom and the United States.

Many states restrict refugees from employment in certain professions. At a minimum, refugees are excluded from professions related to security and defense and also often from government employment, but the restrictions can extend to a much wider range of work. In the Islamic Republic of Iran, refugees are only permitted to work in 16 professional categories, and until recently, Germany restricted asylum seekers to jobs for which no German national or person with equal rights was available. Access to work in restricted sectors may be granted if no qualified nationals are available.

### **1.3. Other Legal Restrictions to the Right to Work**

Access to subsidiary employment rights, such as social security benefits, unemployment payments, disability insurance, general labor rights protection, and the freedom to join unions, all of which would complement refugees' right to work, may be precluded. In general, and not surprisingly, the beneficial conditions are most extensive in advanced economies. Those refugees who do not have the right to work are thus doubly disadvantaged by not being able to access employment and the frequently contingent benefits and rights. The principle of reciprocity that applies in some legislation may penalize certain nationalities (for example, in Jordan, stateless Palestinians are ineligible for social security benefits).

Restrictions on the right to work are often paired with other supplementary legal limitations on access to livelihoods. Such limitations may apply to opening a business, owning property or capital, or entering into contracts. For example, in Pakistan refugees cannot hold immovable property or own a business without a Pakistani partner. In Ecuador and Turkey, refugees have limited access to financial institutions to secure loans, while in Bangladesh refugees are denied access to credit and are prohibited from engaging in trade and owning property. Laws in India and Sudan prohibit refugees from purchasing land, presenting an additional legal barrier to refugees' economic integration and self-reliance.

### **1.4. Freedom of Movement and Encampment**

Restrictions on freedom of movement, strict encampment, or both compound the difficulty of access to employment by limiting the range of possible work opportunities or occupations. About two-thirds of the territory in the Islamic Republic of Iran is designated as a "no-go area" for foreigners, whereas in Germany, the United Kingdom, and the United States, freedom of movement is granted to all persons, including refugees, but is more limited for asylum seekers. With appropriate identification and permits, refugees are generally freer to move across the countries in which they reside and to settle in the places of their choice. Despite these opportunities, there are many instances in which refugees' movements are restricted, and obtaining relevant permits and authorizations may be difficult in itself.

Legal provisions for transborder mobility are important for the livelihoods of refugees. For example, refugee mobility was facilitated in West Africa with the introduction of an Economic Community of West African States (ECOWAS) passport that has abolished entry visas and resident permit payments for member citizens, which additionally serves as a means for opening up livelihood opportunities.



## 2. Policy and Practice

Legal provisions provide the baseline for the right to work. But how legal provisions are enacted and implemented reveal the extent to which refugees can exercise the right to work and the ease with which they are able to access labor markets. Among the policy and practice metrics found to be most significant are the procedural, bureaucratic, administrative, and practical complexity and constraints of establishing and exercising the right to work; the attitudes of employers and conditions of employment; the scope of and extent to which refugees have information about legal entitlements and access to legal advice and justice with respect to the right to work and employment conditions; the differential employment opportunities offered by camps and noncamp or urban settings; the availability of educational opportunities to develop language proficiency and professional skills, and recognition of qualifications from countries of origin.

### ***Headline Findings***

- Because employment rights are usually contingent on refugee status recognition, the complex processes and low levels of status recognition are major constraints on access to employment. These constraints are compounded by bureaucratic and administrative hurdles (including in contexts of mass influx where individual refugee status is replaced by prima facie recognition,<sup>17</sup> or subsidiary protection),<sup>18</sup> such as whether refugees also need work permits, residence permits, or both; financial costs of permits; and registration and banking regulations that negatively affect self-employed refugees and impede payment of wages. Nevertheless, there is evidence that some countries are removing or simplifying the impact of these bureaucratic hurdles.
- Employers' attitudes and perceptions significantly affect refugees' access to employment. These attitudes may often be due to uncertainty or mistaken assumptions about refugees' legal right to work. As a consequence, although not solely attributable to employers' attitudes, there is widespread evidence that refugees work under much less satisfactory conditions of decent work—type of work, wage levels, exploitative conditions—compared with nationals.
- Because conditions governing the right to work are usually complex, refugees should have access to information and due legal process. However, the evidence shows that refugees often lack the means or the willingness to pursue their legal entitlements to work or protection in the workplace. Vulnerability to injustice and unfair treatment is compounded when the judiciary and police lack knowledge of refugee law and rights.
- Although refugees may be subject to fewer restrictions relating to work in camps, and although assistance and support are still often only provided to refugees in camps, the opportunities for

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<sup>17</sup> The UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status describes group determination on a prima facie basis as follows: "[s]ituations have [...] arisen in which entire groups have been displaced under circumstances indicating that members of the group could be considered individually as refugees. In such situations the need to provide assistance is often extremely urgent and it may not be possible for purely practical reasons to carry out an individual determination of refugee status for each member of the group. Recourse has therefore been had to so-called "group determination" of refugee status, whereby each member of the group is regarded prima facie (i.e. in the absence of evidence to the contrary) as a refugee" (UNHCR 2015b).

<sup>18</sup> UNHCR Executive Committee, "Conclusion on the Provision on International Protection Including through Complementary Forms of Protection," No. 103 (LVI). <http://www.refworld.org/docid/43576e292.html>.

employment are also usually more limited. Movement restrictions and prohibitions on taking up work outside camps limit refugees' access to employment and accentuate their vulnerability; relaxation of restrictions on movement, although often conditional, results in positive gains for refugees' rights to work and their livelihoods.

- Opportunities to access education, language training, and skills development, as well as accreditation of previous skills and qualifications, significantly enhance refugees' access to employment. Even where countries make positive provisions, refugees are often not aware of existing recognition mechanisms.
- Although policy and practice constraints on refugees' right to work and access to labor markets prevail, emerging evidence, though patchy, suggests that governments, international organizations, and NGOs are tackling these constraints. Policies that proactively assist refugees in accessing employment by providing work permits or that provide incentives to refugees and supporting NGOs to find employment and become economically self-sufficient as soon as possible generally produce positive results for refugees.

### **2.1. Procedural, Bureaucratic, Administrative, and Practical Complexity and Constraints**

In instances where refugee status is determined on an individual basis and employment rights are contingent on status recognition, several factors constrain access to employment: the slow pace of the process and backlogs in status determination; the physical distance between refugees and responsible institutions; and in some cases, the low level of refugee status recognition. Backlogs in status determination are widespread, up to a decade in South Africa. Even if asylum seekers are allowed to work, employers might be hesitant to employ them because their duration of stay in the host country may be uncertain. Access to government offices may be difficult when refugees live in remote areas (for example, in República Bolivariana de Venezuela, even though registration offices are provided in the three main border towns). Evidence of some or all of these constraints appears in all of the case study countries.

Other bureaucratic and administrative hurdles are present in many case study countries, including in situations of mass influx where individual refugee status is replaced by prima facie recognition by the government or the UNHCR as well as by subsidiary or temporary protection. For example, prohibitive costs of permits, at least in relation to refugees' generally low incomes, and excessive investment premiums for self-employment and starting a business, such as in Zambia, may limit access to work even if refugees are legally entitled to employment. In some countries, such as Jordan and Lebanon, there is uncertainty as to whether refugees need a work permit and refugee status or if just the latter is sufficient, or whether they also require a residence permit. Confusion arises concerning how and where to apply for permits, the time limits on applying for permits and the duration of their validity, and the procedures and required documents, as in Sudan.

With international encouragement some countries are removing or simplifying the impact of these bureaucratic hurdles. For example, beginning in April 2016 the Minister of Labour in Jordan provided a three-month grace period during which all fees relating to 12-month work permits for Syrian refugees were waived. In February 2016, the Turkish government permitted Syrian refugees in possession of temporary identity cards and residing in Turkey for six months to apply for work permits.

Self-employed refugees face particular difficulties. Not only might they have problems registering their businesses because of bureaucratic, financial, and social challenges, but they also might be the target of unfair treatment and malpractice; for example, in Pakistan refugees have reported incidents of extortion by the police.

Banking regulations may limit refugees' access to formal employment. Legal constraints on refugees (and often other migrants) opening bank accounts, and banking regulations, such as identification requirements, often impede refugees' access to formal employment. These constraints may prevent refugees from receiving wages by direct bank transfer, which many employers insist on (as in República Bolivariana de Venezuela). In addition, access to loans may be impossible, thus relegating refugees who want to start their own businesses to the informal sector (as in a number of case study countries).

Heavy financial penalties for employing undocumented workers render employers reluctant to hire recognized refugees for fear of violating the law. In the Islamic Republic of Iran, beginning in 2001 the Ministry of Labour and Social Affairs subjected employers to heavy fines and imprisonment and shut down many small businesses that employed undocumented Afghan refugees. Similar constraints have been applied in South Africa, and in the United Kingdom employers face large fines if convicted of employing irregular migrants. Conversely, authorities in some countries, like Bangladesh and Lebanon, have chosen to tolerate refugees working informally.

## **2.2. Employers' Attitudes and Employment Conditions**

Employers' attitudes and perceptions have a significant, though difficult-to-detect, impact on refugees' obtaining employment. There are many reasons why employers do not hire refugees: fear of detection if a law is violated; mistaken assumptions that the law prohibits them from hiring refugees (as in Zambia); lack of understanding of whether permits allow employers to hire refugees; high financial costs and bureaucracy (as in Turkey); and confusion about the difference in rights to work between refugees and foreign nationals. Employers may also be reluctant to employ refugees because of social stigma and stereotypes. For example in South Africa, even when refugee documents clearly state that they are allowed to work (in the case of Zimbabweans, for example), employers very often will not recognize their status and consider them to be illegal migrants; in Ecuador, Colombian refugees are stigmatized as economic migrants.

There is widespread evidence that refugees are not able to access decent work compared with nationals. They are hired for less attractive types of work, and are subject to higher levels of exploitation, poorer remuneration, and poorer working conditions, and they work for longer hours and lack contracts without which welfare benefits cannot be accessed. Permits or refugee identity cards may not be recognized by the police or local authorities, often leading to further exploitation and irregular and dangerous economic activities. Varying from country to country, these outcomes often happen in spite of labor regulations, within the bounds of labor regulations, or where labor regulations do not exist or do not apply.

## **2.3. Information about Legal Entitlements and Access to Legal Advice and Justice**

Refugees often lack the means to pursue their legal entitlements to work or protection in the workplace. They may lack information about their legal entitlements or may be reluctant to exert their rights. Therefore, refugees cannot easily access legal advice and remedies if they face discrimination and

exploitation, as is evident in the case studies of India and Pakistan among other countries. In addition, governments' information policies on refugee employment rights tend not to be effective, although Germany, for example, proactively informs employers about refugees' right to work through direct communication, and encourages them to employ refugees.

The judiciary and police frequently do not have knowledge of refugee law, which can make refugees vulnerable to injustice and unfair treatment with respect to their rights in many sectors, including the labor market. However, in some countries, for example, South Africa, the judiciary has on several occasions confirmed refugees' and asylum seekers' right to work, often in response to violent events where the right to work (and other basic rights) had been flouted.

#### **2.4. Accessing Employment in Camps and in Urban Settings**

In general, policies on refugees' right to work in camps are more flexible, but opportunities for employment are more limited and wages may be exploitative. Because camps are generally in more secluded and often isolated areas, refugees are perceived to be less of a threat to local labor markets. However, it is often precisely their very isolation that results in the lack of opportunities for employment, which leads to a very low level of self-reliance and is often one of the main reasons given by refugees for leaving or avoiding camp life altogether.<sup>19</sup>

Even if refugees are legally free to move, state policies often restrict the provision of assistance and support to refugees in camps. Institutional support for improving refugees' access to livelihood activities, including through vocational training and income-generating activities, has limited reach if only offered to refugees in camp settings where there are more limited long-term livelihood opportunities. Such restrictive state policies are mostly linked to concerns that allowing livelihoods access will impede repatriation and have a negative impact on local public opinion. For example, in Uganda, Kampala has the second-largest concentration of refugees, after Nakivale camp, which hosts about 100,000 people, but with 72,000 refugees, it has only one operational refugee NGO.

Movement restrictions and prohibitions on taking up work outside camps may accentuate refugees' vulnerability. Although refugees may have the right to work, this right may be confined to camps. Attempting to work outside camps is deemed illegal (although tacitly accepted) in a number of countries (as in Bangladesh and Pakistan), putting refugees who work "illegally" in danger of abuse, arrest, imprisonment, or deportation.

Where refugees are permitted to move outside camps, their mobility may still be restricted, which limits their access to employment. Constraints on movement may be self-generated, such as lack of resources; for example, in Uganda even though permits to move outside the settlements are free, many refugees cannot afford to pay for transportation. More often, informal constraints may limit or prevent refugees from moving to locations for better economic opportunities; for example, although refugees have freedom of movement in República Bolivariana de Venezuela, military and police checks tend to confine rural refugees to mostly remote rural areas.

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<sup>19</sup> Many refugees working in camp settings are given a "stipend" or "incentive" much below the national minimum wage for what is often described as "volunteering" rather than employment with full compensation for their labor. However, this widespread practice has been the object of a critical self-assessment by UNHCR (Morris and Voon 2014).

There are some positive developments on freedom of movement. Ethiopia's implementation of an "out-of-camp" policy demonstrates a conditional relaxation of legislative restrictions on movement and place of residence for refugees. In Chad and Uganda, through efforts to seek alternatives to camps, refugees have been allowed to settle in host communities in rural and urban areas and some have been granted arable land for agricultural production; this has contributed to social and economic integration of refugees.

## **2.5. Education Opportunities, Language and Skills Proficiency, and Recognition of Qualifications**

The significance of skills, including financial literacy and business development skills, and of language and capacity-building training, in accessing employment is widely evidenced in the case study countries. Some efforts have been made by several governments to expand refugees' access to education, language courses, and training (as in Ecuador, Germany, Turkey, and the United States); but this may not be sufficient to advance their transition to work if market conditions are not favorable. Generally it is the higher-income countries with fewer refugees that are more proactive (as in Germany and the United States). Other countries may make similar provisions in principle, but usually on a very limited scale and with scant resources (as in Ecuador).

Lack of accreditation imposes significant constraints on refugees' access to work. The failure to recognize or validate degrees, diplomas, professional qualifications, and skills acquired through nonformal learning in other countries may be motivated by a variety of reasons, including of a political or socioeconomic nature. (For instance, Turkey only recognizes diplomas from countries with whom it has diplomatic relations.) This constrains access to labor markets, especially for professionally qualified and semiskilled refugees who are unable to find work to match their professional experience. Refugees also often lack documentation of their diplomas or qualifications because they were not able to bring them while fleeing.

Conversely, some countries already have or are adopting procedures to provide this recognition. For example, Zambia has procedures in place for the recognition of foreign professional diplomas for refugees on the same basis as other nationals. Ecuador's National Secretariat for Higher Education, Science, Technology and Innovation is also developing a recognition process for foreign degrees and diplomas. However, refugees are often not aware of existing recognition mechanisms, and easier access to labor markets may not ensure equality of access compared with nationals.

## **2.6. Proactive Policies and Strategies**

Although many policies directly or indirectly constrain refugees' right to work, the case study countries also provide examples of governments, international organizations, and NGOs assisting refugees in accessing employment. These efforts involve policies that promote income-generating activities, including in the informal sector; wage employment and self-employment; and economic self-sufficiency for refugees (and often host communities). Examples include the following: The ILO and the UNHCR have partnered with Ethiopia's Administration for Refugees and Returnee Affairs to promote self-employment in camps and surrounding host communities. Community-based organizations in Kenya have provided fellow refugees with social support, including through language lessons and by facilitating links to labor opportunities. Paradoxically, both of these examples are in countries where, overall, the right to work is limited. Somali refugees have promoted self-help micro enterprise among themselves in South Africa.

Several initiatives have been undertaken in Zambia to provide access to markets while promoting community cohesion through the formation of networks and cooperatives. Through advocacy efforts in Sudan, some 30,000 work permits were delivered to refugees in 2013 in Kassala state in eastern Sudan. In countries where refugees do not have the right to work, organizations like the UNHCR and NGOs may still promote self-reliance and some form of employment (in the informal sector, or voluntary work in aid organizations).

Some countries have adapted to rapidly changing circumstances by implementing labor market reforms that replace their policies of restricting the right to work, or only providing aid and assistance in camps, with temporary mechanisms for labor market integration. With large populations of Syrian refugees, Jordan and Turkey provide notable examples of innovative though different policy responses. With support from external donors such as the World Bank and the European Union and intergovernmental organizations such as the UNHCR and the ILO, Jordan aims to provide up to 200,000 work permits for refugees, thereby creating new work opportunities for refugees and Jordanians in selected labor market sectors and locations (mainly Special Economic Zones), and regularizing the situation of refugees working in the informal economy. In Turkey, again with external assistance from the European Union, the government has undertaken labor law reform to allow refugees to work, but with temporal restrictions and in low-skilled labor sectors.

Proactive policies usually reflect strict government expectations for refugees to find employment and become economically self-sufficient as soon as possible, as in Germany and the United States. In the United States, government funding strategies provide incentives to NGOs—the settlement agencies for refugees—to find jobs for refugees. The majority of those assisted are resettled refugees who benefit from specific settlement and integration programs. However, the refugees are sometimes placed in entry-level jobs that do not match their high-level skills, experience, or education.

Effective labor market participation may be a protracted process. Some evidence from high-income countries such as Germany and the United States indicates that refugees' labor market participation reaches the level of other migrants only after a significant number of years.

Programs to support refugee labor market access often lack traction. Grant programs in some countries help refugees establish their own businesses and cover equipment and start-up needs (as in India). However, the programs are usually too small or lack continuity for sustainable employment. In other countries, initiatives to enable refugees to earn an income and acquire skills have not been implemented or are suspended, sometimes because of lack of sustained funding, but often without explanation.

### **3. Mediating Conditions**

The legal framework (section 1), together with policies and practices (section 2), provide the foundations for refugees' right to work and govern the extent to which that right is effectively delivered. However, it is the interplay between these foundations and a wider range of factors that facilitate, constrain, or mediate access to labor markets, which is a crucial and distinctive feature of this study. The aim of this section is to explore these mediating conditions, focusing on key metrics such as the socioeconomic context (macro- and microeconomic conditions, labor market conditions, gender, child labor, public

perceptions) and the profile of the refugees (social capital, skills match, language proficiency, and cultural links).

### ***Headline Findings***

#### ***A. Socioeconomic Conditions***

- Countries with proportionately fewer refugees, stronger economies, and potential labor supply gaps provide better entitlements for refugees to work. Conversely, in countries where the economy is fragile—which often also host large numbers of refugees—refugees’ right to work and access to labor markets is usually heavily constrained.
- Informal labor markets, characteristic of many large-scale refugee-hosting countries, present both opportunities and disadvantages for refugees seeking employment. Conversely, in countries with small formal sectors refugees are often not able to find jobs even if they are legally allowed to work.
- Many case study countries are facing pronounced labor market pressures from the combination of refugees and rapid growth of the domestic labor force from demographic increase. Labor market conditions accentuate these pressures and often generate competition between refugees and between refugees and host communities.
- Negative gender stereotypes, gender-based social discrimination, disadvantageous working conditions, and violence against refugee women are widespread in labor markets.
- Youth and child labor is widespread in some contexts and is increasing in most of the countries hosting large numbers of refugees from the Syrian crisis.
- Xenophobia and stigmatization have a significant though difficult-to-detect impact on refugees getting work in most of the case study countries, noticeably in urban areas.

#### ***B. Refugee Profiles***

- Social capital and networking and their variation between different national groups play an important role in access to labor markets and type of work. Refugees lacking social capital tend to be more vulnerable.
- Skilled refugees and those with professional certification often face substantial downward socioeconomic mobility in accessing labor markets.
- Refugees with limited education, few transferable skills, and limited language skills struggle to find employment. Integration into local communities, through a common language, similar culture, or marriage, when this is permitted, eases refugees’ access to work.

### **3.1. Socioeconomic Conditions**

#### **i) Importance of Contextual Macro- and Microeconomic Conditions**

In general, countries with proportionately fewer refugees, stronger economies, and potential labor supply gaps provide better entitlements for refugees to work. It is little surprise that it is easier for refugees to access labor markets in countries such as Germany, the United Kingdom, and the United States, which have relatively full employment and may have skill shortages. These countries, the United States in

particular, also tend to have much more proactive policies, procedures, and incentives for encouraging early access of refugees to work (for those permitted), usually within four to six months.

Conversely, countries with fragile economies are challenging for refugees' right to work and access to labor markets. Most emerging economies in the sample, such as Chad, Pakistan, and República Bolivariana de Venezuela, have low Human Development Indicators and GDP. These indices are reflected, to different degrees, in labor markets that are static, oversupplied, and of more limited diversity; informality is high; wage rates may be severely depressed; and working conditions may be poorly regulated. These countries generally have a larger number of refugees, already host a large labor migrant population, or both, and accordingly are much more restrictive.

Until recently, most highly affected countries received little assistance from donor countries to mediate the negative socioeconomic impacts. Without support, poorer countries receiving large numbers of refugees have been reluctant to provide rights to work and create employment and livelihood opportunities for refugees, preferring to protect their labor markets. There is evidence, noted above in countries like Jordan and Turkey, that policies more conducive to refugees accessing labor markets are gaining traction.

#### **ii) Labor Market Conditions**

The balance between formal and informal labor markets influences the prospects for refugee employment. Countries with large informal sector economies tend to have a small formal sector, and refugees are often not able to find jobs in this sector in countries like Ecuador, Uganda, and Zambia, even if they are legally allowed to work.

Informal labor markets present both opportunities and disadvantages for refugees seeking employment. The presence of large numbers of refugees, notably in Middle Eastern countries at the current time, generally leads to the expansion of the informal economy, which offers relative ease of entry, especially where refugees do not have the right to work and are thus not allowed to work in the formal sector. However, the evidence shows that refugees working in the informal sector experience low and declining wages (often because of oversupply of labor), longer working days, poorer working conditions and less protection, and increased labor exploitation irrespective of overall economic conditions, for example, in Italy as much as in República Bolivariana de Venezuela.

Locations where refugees reside may also condition the quality of access to work in both the formal and informal sectors. Limited employment opportunities in remote locations are a challenge for local inhabitants as well as refugees, but nationals may have more licence to move to where better economic opportunities may be found. For example, Syrians in remote parts of Lebanon and Colombians in remote parts of República Bolivariana de Venezuela have more limited employment options. Refugees in the Islamic Republic of Iran who are constrained to work within their areas of residence have difficulties finding employment.

#### **iii) Population and Labor Market Pressure**

Many case study countries are facing pronounced labor market pressures from the combination of refugee inflows and rapid growth rates in the domestic labor force from demographic increase. For



example, Kenya's population has tripled in the past 35 years; Zambia's population is growing fast; Ethiopia is the second most populous country in Sub-Saharan Africa and has very rapid population growth; and Pakistan's labor force is growing at more than 3 percent per year, among the highest in the world. The rapid rise in those seeking employment (for example, in Lebanon and Jordan refugees make up 25 percent and 9 percent of the population, respectively) gives insufficient time for the labor market to expand and adapt at the pace needed to absorb these populations.

Labor market conditions often generate competition between refugees and between refugees and host communities. Competition is most marked in lower-skilled sectors and may lead to downward mobility, which has been the experience of Colombian refugees in República Bolivariana de Venezuela and Ecuador. In India, refugees are in competition with both poor urban workers who migrated en masse to the capital from poorer Indian states and with a great number of labor migrants. Refugees in the United States are engaged in entry-level jobs despite their previous skills and qualifications.

Refugees are also in competition with nonnationals in sectors employing migrant workers and earlier refugee arrivals. Typically, in refugee-hosting countries such as Jordan and South Africa, the main sectors for such competition are agriculture, construction, food service, and retail.

The presence of a large internally displaced population or of many "returnees" may also limit employment opportunities. For example, Sudan has about 2 million IDPs exerting severe pressure on labor market capacity, and large scale returns to Chad, triggered by the Libyan conflict, caused the saturation of the labor market.

#### **iv) Gender Discrimination**

Gender-negative stereotypes, gender-based social discrimination, and violence against refugee women are widespread in labor markets. Environments in which protection is poor severely affect refugee women's right to work given that they are more likely than their male counterparts to be exploited, to endure sexual harassment or assault as a condition of employment, be denied certain types of employment, be underpaid, and work under poor working conditions even by local standards. Evidence from many case studies exemplifies discrimination: In India, refugee women from Myanmar working in the informal sector are often overworked, underpaid, and reportedly regularly harassed at work, but most are unable or unwilling to obtain police protection given their precarious status in the country. In Ecuador, exploitation of Colombian women refugees results from their unwillingness or inability to obtain police protection combined with police failure to enforce protection. In Uganda, widows and unmarried women are targeted for abuse by national or refugee employers.

In some countries there is double gender discrimination. Gender discrimination in the culture of the country of origin, for example, isolation in the home of Somali women, is compounded by gender discrimination in the asylum country.

Despite these generally constraining factors, in some instances female-headed households have higher employment rates than local women and a higher employment rate than they would have in their country of origin, for example, Rohingya refugee women in Bangladesh.

#### **v) Child Labor**

Youth and child labor is widespread in certain refugee contexts, increasing in other contexts, and more widespread than among host populations. This is symptomatic of the economic insecurity and livelihood vulnerability of refugee households without the right to work. Examples include Pakistan, where children work to increase household income, and Bangladesh, where children are also sometimes trafficked for domestic work. While it is difficult to measure the scale of the phenomenon because it is informal and may be concealed, there is evidence, for example, from Lebanon and Jordan, that where refugees are prohibited from working and where increased poverty affects refugee communities, children are taken out of school and sent to work or beg to support household income in the hope that they would be treated more leniently than adults if apprehended.

#### **vi) Public Perceptions**

In general, xenophobia and stigmatization have a significant though difficult-to-detect impact on refugees' getting work in most of the case study countries. Although not always the case, xenophobia may be compounded by poor or declining socioeconomic conditions among host populations. Competition between refugees and nationals for work opportunities, housing, land and natural resources (important in rural and camp settings), and social services also often leads to rising tensions and xenophobic attitudes toward refugees, as in South Africa with xenophobic riots and prejudice against Colombians in República Bolivariana de Venezuela. Despite the size of the demographic shock in countries hosting the largest numbers of refugees, such as Jordan, Lebanon, and Turkey, the scale of tension or conflict still remains limited, but there is nevertheless a trend toward negative perception of Syrian refugees as the Syrian conflict drags on. These emerging tensions feed through to the workplace and the generally poorer working conditions for refugees (noted above in the section on "Employers' attitudes and employment conditions").

While hostility toward refugees may exist in rural settings, it is most noticeable in urban areas. Notwithstanding examples of peaceful coexistence between refugees and host urban communities, urban areas are more susceptible to the emergence of hostile behavior. The concentration of both the urban poor and refugees is high, and the locations in which they often reside may not have benefited from economic growth or poverty reduction measures. For example, Cox's Bazar, where refugees and other forcibly displaced persons are concentrated, remains one of the most remote and impoverished areas of Bangladesh. Similar evidence is found in other case studies, such as in eastern Sudan, which is where most of the refugee camps are located and which is today one of the poorer regions of the country. Likewise, this is the experience of Colombian refugees in República Bolivariana de Venezuela and Ecuador, although concerted poverty reduction measures have helped nationals in these countries.

Local authorities and the media tend to amplify prejudice toward refugees. Hosts' perception that refugees "take the jobs" of nationals is widespread and is sometimes reflected or amplified by local authorities and the media, rendering access to employment even more difficult. There is very little evidence that governments in the case study countries provide strong counter messages to the negative media and public stereotypes about refugees.

Conversely, more favorable conditions exist where there is little competition from asylum seekers and refugees in areas with ample land and employment and trade opportunities. This is the case in Kitengela, a growing economic hub located near Nairobi that has attracted both local Kenyan workers and refugees.

Community leaders' attitudes may be conducive to employment. Despite the prevailing hostility to refugees, occasionally community leaders and sometimes authorities give tacit approval for employers to provide work for refugees without status, although this tactic may also lead to exploitation. For example, the Rohingyas in Bangladesh often receive tacit approval to access livelihood activities.

### **3.2. Refugee Profiles**

#### **i) Social Capital**

The case studies highlight the importance of social capital and networking (and how it varies between different national groups in a country) for access to labor markets and type of work. In the face of employment policies that give priority to nationals (as in the Islamic Republic of Iran), such networks reduce the time refugees spend in securing their first employment. In Uganda and Kenya, refugees rely on ethnic ties to obtain employment from conational owners of businesses, a trend especially at play among Somali refugees. Refugees may also draw on ethnic and religious affiliations to establish and set up work partnerships with hosts; for example, in South Africa, some Somali refugees work for South African Muslim businesses.

Refugees lacking social capital tend to be more vulnerable. While some refugees possess strong capital bonds and solidarity networks in exile, others may be without human or social capital and are more prone to being involved in underpaid jobs and are more vulnerable because of precarious income streams, and are more likely to become impoverished, especially through loss of employment or income shocks.

Preexisting links with the country of asylum may facilitate access to employment. For instance, Syrians who had been employed in Lebanon before the crisis have better chances of finding employment as refugees. Informal transborder mobility may help sustain refugee livelihoods. ECOWAS mobility, noted earlier, exemplifies how legal provisions may facilitate livelihoods through transborder mobility. Colombian refugees, who are predominantly not recognized in República Bolivariana de Venezuela and thus have great difficulty accessing labor markets, use transborder trade as a livelihood activity.

#### **ii) Skills Match and Educational Levels**

Skilled refugees and those with professional certification often face a double negative impact. They lose out if there is no refugees' right to work; or, if they have the right to work, they may be marginalized because their qualifications are not recognized. As a result, they are often subject to downward social and skills mobility in entry-level jobs, which has been the experience of refugees in India and the United States.

Refugees with limited education and few transferable skills are even more likely to struggle to find employment. These conditions tend to increase their dependency on assistance and perhaps lead to a downward spiral into poverty. Refugees from rural areas may find survival in urban environments particularly harsh because they lack the skills for and experience of urban employment. Similarly, refugees from urban areas may have more limited opportunities in camps and are likely to be the ones moving from camps to cities and urban centers. For example, the bulk of the refugees found in the Zambian

capital, Lusaka, resided and worked in cities in their countries of origin and had no incentives or skills to live in refugee settlements as subsistence farmers.

While it is plausible that the skills that some refugees bring with them may be complementary to those of nationals and in demand on the labor market, thus easing entry into employment, we found no evidence for this. In the majority of the case study countries, refugees either have skills that do not match the needs of the labor market, or they duplicate existing labor supply. This makes their participation in the labor market difficult, even if they are legally granted the right to work, and often precipitates downward social mobility and entry into the informal sector.

### **iii) Language Proficiency and Cultural Links**

Integration into local communities through a common language, similar culture, or marriage, when permitted, eases refugees' access to work. For example, along the border between Chad and Sudan many Sudanese refugees share history, culture, resources, and even family ties with Chadians. Likewise, in Ethiopia, Eritrean refugees from the Tigrinya ethnic group who share language and culture with the population in northern Ethiopia have a strong advantage for employment opportunities. Conversely, different languages and cultural barriers can accentuate negative perceptions that locals may have of refugees and limit their interactions. Language barriers are not only a hindrance to getting a job, they may also prevent refugees from accessing the justice system if abused by an employer.

In contexts in which refugees have no right to work and suffer discrimination, they may find alternative ways to blend into the population. For example, in Bangladesh, some Rohingyas have fraudulently obtained Bangladeshi national ID cards, birth or school certificates, and passports to buy land or travel abroad; or they blend in through intermarriage with local Bangladeshis.

## **4. Outcomes**

This section summarizes a number of key outcomes of refugee participation in the labor market.

### **Headline Outcomes**

- Regardless of legislation on the right to work, status, and location, seeking work is vital for most refugees.
- The overwhelming majority of refugees (regardless of status and right to work) are employed in the informal sector.
- Refugees face multiple challenges surrounding constraints on the right to work and the lack of decent work and protection where they are employed.
- Despite restrictions, refugee movement from camp and rural settings to urban centers is widespread and increasing. In general, the more favorable economic situation of urban refugees in employment is tempered by less favorable overall socioeconomic conditions. Lack of the right to work may precipitate secondary migration.

#### **4.1. Work: Vital for Most Refugees**

Regardless of their status and their locations (camps or otherwise) and the prevailing legislation, most refugees seek primary or supplementary income through work. Because undocumented refugees and those in urban areas are generally excluded from humanitarian assistance or governmental support, work

is vital for meeting their basic needs. But even refugees receiving assistance, including through remittances, attempt to work to improve their standards of living and secure their livelihoods.

#### **4.2. Predominance of the Informal Economy**

Regardless of whether refugees have the right to work, the combination of legal constraints and the weak economic conditions of many host countries results in the overwhelming majority of refugees (documented or undocumented, employed or self-employed) working in the informal sector, a situation that mirrors a majority of the host population. In high-income economies, employment in the informal sector is much lower (for refugees and hosts), but still significant, especially for refugees who do not have the right to work (as in Italy). Refugees' involvement in the informal economy puts them at greater risk of exploitation and discrimination, which they have little recourse to redress.

#### **4.3. A Group Faced with Multiple Challenges**

In low-income countries, refugees in general cannot accumulate sufficient capital or skills either to finance their own legitimate pathway to self-reliance or to support their return and reintegration into their home countries. Whether documented or undocumented, whether working or not, whether in the informal or formal sector, employment and income-earning opportunities are precarious.

In low-income countries, refugees are usually living with and susceptible to the same daily livelihood and work challenges as the majority of their impoverished hosts and are confronting the same obstacles. Living conditions for refugees and host communities alike are very difficult and accentuate the levels of impoverishment caused by the lack of decent work; food insecurity is a persistent feature.

Registered refugees are better protected than undocumented refugees. Generally, registered refugees tend to engage in higher-skilled and less risky employment for overall higher wage rates. Undocumented refugees, however, engage in jobs considered to be of higher risk for their health and security, for example, deep-sea fishing in Bangladesh. For all refugees, especially those that are undocumented, the lack of effective rights protection in relation to work, as well as other socioeconomic factors, accentuates their poor or unsatisfactory employment and working conditions.

One of the effects of right-to-work restrictions often associated with other rights deprivations (and also the limited prospects of return to the country of origin or resettlement) is secondary movements of refugees, with its protection implications. This is one factor in a mix of drivers that underpins the high-risk strategies of refugees seeking to cross the Mediterranean Sea, the Aegean, and the South China Sea.

#### **4.4. Urban and Camp Economies**

Despite restrictions, refugee movement from camp and rural settings to urban centers is widespread and increasing. Moving is often a strategy undertaken to increase the chances of finding employment; these internal exoduses sometimes occur when camp-based assistance is reduced or eliminated, like in Chad where food rations in camps were significantly reduced in 2014 because of a funding shortage. Refugees moving from camps predominantly work in the urban informal economy. However, there are many ways in which social networks and economic activities connect urban and camp populations, with camps acting as a base or safety net for some members of a family while others seek work in the city.

Because living costs are higher in urban areas, employment becomes a priority for urban refugees. Nevertheless, in Kenya, for example, the better-off urban refugee households are those who earn income from employment and receive remittances. Those able to access capital for business investment can attain more financial security. In some urban centers, refugee communities have colonized the economy of entire sectors or areas; for example, in Pakistan, Peshawar has been named “mini-Kabul” because of the concentration of Afghan refugees working as mechanics, welders, painters, and apprentices, and Eastleigh in Nairobi has been dubbed “Little Mogadishu.”

The relatively more favorable employment situation of urban refugees is often tempered by less favorable overall socioeconomic conditions. There is high exposure to exploitation and different forms of rights abuses in urban employment. The case study evidence from many countries reveals that although informal employment is widespread and can be accessed in urban centers, decent work is scarce. Refugees are not necessarily well off in their overall socioeconomic conditions because they experience the pressure of high living costs, such as the rising costs of housing in Ethiopia, India, and Lebanon.

The restrictions on freedom of movement or strict encampment policies adopted by many countries increase difficulties of access to employment. These restrictions limit the range of possible occupations and sectors of the labor market that refugees might access, often reducing levels of self-reliance and increasing aid dependency and the adoption of negative coping mechanisms, such as child labor and prostitution.

## **5. Conclusions**

This section draws together general findings of the study and highlights the strengths and predominant weaknesses of the legal and policy apparatus related to refugees’ right to work as revealed in the case studies. It reflects on the interplay between the right to work and the wider range of factors that facilitate, constrain, or mediate access to labor markets. It provides conclusions on dominant political and economic factors that condition the generally restrictive attitudes that governments have toward refugees’ right to work. Where available, it demonstrates good practice, but in the main demonstrates the need for substantial reconfiguration of national and international policies and practices.

### ***Headline Conclusions***

- Refugees’ right to work—the legal right to work under Articles 17–19 of the 1951 Refugee Convention—is a necessary although insufficient condition without corresponding compliance, enforcement, and remedy mechanisms.
- The legal provisions and constraints on refugees’ right to work are remarkably diverse, but remain inflexible. The policy apparatus may be more fluid but still is restrictive.
- Legal provisions for the right to work are always strongly mediated by political economy and security concerns that motivate protectionist policies.
- Where the right to work exists, access to formal labor markets is very limited, even though authorities often tolerate refugees’ working in the informal sector. In instances in which governments have opened up some employment opportunities for refugees, change is often marginal and piecemeal.

### **5.1. Refugees' Right to Work – a Necessary but Insufficient Condition**

Overall, the case studies have first shown that to be meaningful, the legal right to work under Articles 17–19, or relevant legislation in nonsignatory countries, needs corresponding compliance processes; the right to work has limited reach in the absence of enforcement and remedy mechanisms. In assessing whether countries have met their obligations under Articles 17–19, there are many gaps between the law on paper and in practice, and the UNHCR's supervisory responsibility does not extend to specific enforcement powers.

The legal right to work alone is rarely sufficient; it is always mediated by economic and employment opportunities and constraints, even for nationals. Even though a meaningful legal right is necessary as the basis for access to work, it is rarely a sufficient condition since access is mediated by many other factors and socioeconomic conditions.

The legal right to work is characterized by widespread inconsistencies. Even where refugees' right to work exists, there is little consistency in legal, policy, and practice provisions, either between signatory and nonsignatory states or within either category.

### **5.2. Rigid Laws with Fluid but Restrictive Policies**

The legal provisions and constraints on refugees' right to work are remarkably diverse. Among the case studies, signatory states do not necessarily offer “best practice” or “better practice” than nonsignatory states with respect to refugees' right to work. Moreover, there is no consistent pattern of performance within either signatory or nonsignatory states. However, there is also little documented evidence that allowing refugees to work has the necessary political upside for host governments to promote such rights.

Once established, the legal framework on refugees' right to work remains inflexible. In general, governments are unwilling to change or modify legal provisions in response to either practical experience with the law or economic conditions.

Policy frameworks around refugees' right to work may be more fluid but, in general, remain restrictive, and refugees themselves lack the capacity and wherewithal to influence policy on this issue. With few exceptions, policies on the right to work seem immune to modification in many countries. Where change takes place, many countries have moved from being rather tolerant of refugees' access to the labor market to a more restrictive stance, often in relation to declining economic conditions. Conversely, as noted above, a very small number of countries that have resisted labor market reform are now conditionally opening up labor markets to refugees.

### **5.3. The Politics of the Right to Work – the Dominance of Protectionist and Restrictive Policies**

Unique conditions for refugees' right to work exist in each country, regardless of whether the country is a signatory state, because of a combination of legal frameworks and political and economic conditions. Even for countries that are signatories, Articles 17–19 are a minimum baseline for access to employment, with no standard pattern or practice emerging. The right to work is, however, rarely provided as a human right for refugees as envisaged in the 1951 Refugee Convention. Rather, provision is invariably mediated by political economy considerations.

Although not explicitly stated, widespread and dominant political, security, and economic concerns motivate protectionist policies that limit refugee access to labor markets. Governments' restrictive policies may be driven by concerns about the risk of a mass influx of refugees, the fear of encouraging the long-term stay of refugees, and concerns about accentuating already highly competitive or congested job markets. Security fears are frequently invoked as a wider problem with refugees, which may further accentuate reluctance to give refugees the right to work.

Despite the expansion of protracted refugee situations, many governments continue to treat the presence of refugees as a temporary phenomenon and do not clearly confer on them the right to work. With no immediate prospects for return in many contemporary conflicts, many refugee-hosting countries are faced with the prolonged stay of their refugee populations, but resist providing the right to work because it is associated with a form of longer-term integration that many states reject. Denying refugees the right to work or applying more restrictions increases the vulnerability of refugees despite evidence that employment improves self-reliance in the country of asylum and strengthens prospects of finding work on return to the country of origin.

Countries that invoke protectionist policies are generally those where labor markets have limited capacity, the economies are more narrowly based and less resilient to shocks from the mass entry of refugees, and economic performance is weak. At the same time, the lack of right to work for refugees is a major constraint on the economic and social well-being of refugees (and asylum seekers and those with subsidiary status) and potentially a significant lost opportunity to invest in the economic potential and productivity of the hosting country and its revenue streams.

#### **5.4. Labor Markets and Policy Constraints**

Overall, even where there is the right to work, access to formal labor markets and employment is very limited. Many countries apply specific criteria or requirements, such as fees to obtain work permits for employment or self-employment, that militate against refugees' working in the formal sector; and retaining stable employment is difficult because employers are also reluctant to provide work contracts on the assumption that refugees are only temporarily present.

Legal and policy restrictions mainly concern the formal sector, while authorities often tolerate refugees working in the informal sector where they provide a cheap source labor. These double standards are often in the economic interests of employers, but it is precisely their "preference" for refugee workers that fuels negative sentiments among local workers.

Even when governments have opened up some employment opportunities for refugees, change is often marginal and piecemeal. With few exceptions, relaxation of restrictions is not coherent; it usually applies to specific nationalities and is limited by quotas, and there is substantial evidence that states restrict refugees from employment in certain professions. Sometimes these conditions are explicit, but often they are hard to verify in practice and thus easily used arbitrarily. Therefore, seemingly progressive policies providing access to the labor market are not implemented in the face of political or popular opposition, which leads to inequality and segmentation of the labor force.



## **6. Ways Forward**

This section proposes ways forward to address the many challenges to affording refugees the right to work that this study highlights.

### ***Headline Ways Forward***

- The need for more research on the labor market impacts of refugees and their right to work is emphasized as a basis for enhancing law and policy.
- Establishing better conjuncture between rights, law, and economic interests and improving coordination between all stakeholders are key requirements for enhancing refugees' rights to work and access to labor markets.
- Better coordination between ministries involved with refugees' affairs and those responsible for labor rights would enhance implementation of refugees' right to work and labor market inclusion.
- National governments have a duty to regulate decent working conditions and to ensure equality of opportunity and treatment for all employees, including refugees, nationals, and migrant workers.
- National governments, employers, trade unions, and civil society share the responsibility to counter negative discourse and stereotypes of refugees.
- Improving training, education, and language and skills development are critical elements in enhancing access to labor markets.
- International development actors, intergovernmental organizations, and donors are critical stakeholders in securing conditions of economic stability and sustainable economic activity upon which refugees' right to work and livelihoods can be based. They have a role in encouraging governments to promote right-to-work policies.
- Employers are key stakeholders in ensuring that refugees' right to work is delivered in practice, that refugee rights are protected in the workplace, and that discrimination is combated.
- Trade unions have an important role in promoting and protecting refugee rights in the workplace, especially in assisting their inclusion in labor markets.
- All stakeholders are encouraged to better engage with refugee social capital and networks to improve access to employment and develop better awareness of workplace rights.
- Enhancing law and policy affording refugees the right to work should not compromise migrant workers' labor market rights and access.

### **6.1. An Underresearched Topic**

More research studies are needed to provide a comprehensive picture of refugees' right to work covering law, practice, and outcomes that could better inform legal provisions and policy making. At present, few (as yet embryonic) studies address the labor market impacts of refugees and asylum seekers on local economies and communities, while the role of employers' organizations, trade unions, and the private sector is scarcely mentioned. In addition, very few data are available on refugee enterprise and self-employment, and more empirical research and studies are needed to document the scale and impact of refugees working in the informal economy, as well as the positive effects of the socioeconomic inclusion of refugees. Such research would better inform governments (as well as donors and development and

humanitarian actors) of the actual and potential economic impacts (and likely contributions) of refugees to their host communities and of the social, political, and security implications; highlight the pressure points on labor markets; identify blockages in law and legal practice; and identify skills training and development that would better enable refugees to access employment. Successful research dissemination could help dispel more populist assumptions about the alleged negative consequences of refugees on economies and the labor market.

## **6.2. Rights, Law, and Economic Interests**

Government policies (with donor and international support) should assess the economic impacts of granting refugees the right to work so that they can maximize the overall gains and establish policies to compensate potential losers.

Although refugee integration provides the most effective long-term conditions for and outcomes of the right to work, this durable solution is often not acceptable to refugee-hosting countries. Providing conditions for refugees to participate in the labor market in sustainable ways, but without the presumption of formal refugee integration, is a viable and meaningful response to these challenges.

Governments can support safe, sustainable economic activity in the form of market-driven and participatory livelihood programs such as through microfinance, enterprise development, and agrarian interventions to boost economic activity in areas with high displacement concentration.

Governments should ensure that refugees are incorporated into strategies that shift their informal economies to more formal structures. Doing so would leverage the potential found in the informal sector into productive engagement in the formal sector.

Banking and savings and lending institutions could better facilitate refugees' access to labor markets by enhancing refugees' access to finance to enable them to start up or expand businesses and self-employment, subject to the same due diligence safeguards as nationals.

## **6.3. Aligning Law and Policy**

A whole-of-government approach provides the most beneficial conditions for enhancing refugees' right to work and labor market inclusion. Thus, current practice would be improved by closer coordination and communication between different ministries and institutions "governing" the world of work (ministries of labor, employment, trade, commerce, and sometimes social affairs or social security) and other ministries or parts of government that are commonly managing refugee affairs. Better coordination would address refugee needs and expectations alongside those of host communities more effectively and efficiently.

National governments in affected countries should better align legal provisions and regulations with more effective policy implementation, for example, easing access to registration and expediting refugee status determination; reducing fees for work permits (where required); clarifying right-to-work provisions with employers' organizations, in particular, clarifying the situation vis-à-vis work permit requirements; using clear language or visuals in documentation that explicitly indicates refugees' permission to work; and ensuring freedom of movement.

The involvement and coordination of all stakeholders (public authorities, employers and employers' organizations, trade unions, and education and training organizations), especially at the local level, are essential in aligning law and policy and facilitating the right to work.

#### **6.4. Inclusive and Holistic Processes**

Aligning law and policy for refugees' right to work and enhancing their access to labor markets must be considered alongside the conditions, rights, and needs of the national and the migrant workforce. It is imperative that law and policy not discriminate against or exclude the interests of national or migrant workers.

Changes or adjustments to national laws require the involvement of trade unions, social partners, and social dialogue, especially to safeguard access to basic workplace rights such as freedom of association and collective bargaining.

Governments and employers should promote early access to labor markets because doing so improves refugees' long-run employment and economic prospects. At the same time these actors should seek to ensure that such access does not lead to downward social mobility, poor skills match, and low wages (compared with locals).

#### **6.5. Equality of Opportunity and Treatment**

Governments have a duty to regulate decent working conditions, nondiscrimination in hiring, and legal contracts for all employees including refugees. Therefore, governments should engage with employers and employers' organizations to ensure that where refugees have the right to work they enjoy the same conditions as nationals, for example, in wage rates, workplace conditions, and employment contracts.

National governments, employers, trade union, and civil society share the responsibility to counter negative discourse and stereotypes regarding refugees and promote positive public rhetoric about refugees and their economic contributions.

A high priority is to ensure that national laws and policies tackling discrimination, including gender discrimination, are better aligned to address gender discrimination and exploitation of refugee men and women in the workplace. A high priority for labor market interventions is to address the economic insecurity that compels refugee households to resort to child labor. In this way, giving adult refugees the right to work and granting them access to the labor market is both a vital protection tool for child refugees and a means of encouraging households to keep their children in school.

#### **6.6. Training, Education, and Language and Skills Development**

Greater policy coherence is critical to improving access to employment, particularly school-to-work transition, social protection, and education.

Proactive initiatives by governments and employers are needed to better align training, education, and skills development of refugees with labor market needs.

Many refugees have appropriate skills and qualifications, but they are usually acquired in different labor markets and education systems. Thus, governments and employers need a sharper focus on improving the procedures and methods for recognizing and accrediting refugees' previous training, skills, and

professional qualifications. This recognition would substantially improve refugees' access to labor markets and ensure that refugees are not underemployed based on their prior qualifications.

Greater emphasis should be placed on supplementary and up-front education and training to ensure that refugees meet the standards required in the host country.

Governments should renew their commitments to providing language training by strengthening partnerships with employers who benefit from employees with language proficiency. Literacy and numeracy programs, alongside vocational training, improve access to labor markets but are decreasingly supported by governments.

Access to vocational training and opportunities to pursue secondary and tertiary education, especially for youth, should be addressed more systematically. Neglecting these sectors predestines refugees to low- and middle-skilled employment and professions.

### **6.7. The Role of Donors and International and Intergovernmental Organizations**

International development actors and donors have a key role to play in securing the economic stability, sustainable economic activity, employment-generating policies and programs for refugees and hosts, and investment in the poorer countries affected by refugees (where the vast majority of refugees are to be found) as the basis for promoting refugee livelihoods through the right to work.

These objectives could be achieved by (1) donors working more closely with private and business sectors, as well as national investment commissions, Ministries of Trade, Commerce and Employment, the World Bank, and others involved in trade-related activities; and (2) supporting participatory livelihood programs, microfinance provision, and enterprise development that leverages the skills of refugees, which can underpin and strengthen government commitment to refugees' right to work.

International and intergovernmental organizations also have crucial roles to play in addressing the challenges inherent in refugees' rights at work and in encouraging government commitment to these rights. These roles include, among others, promoting decent work, ensuring the regulation of employment standards and practices, supporting training and skills development, and promoting the specific protection needs of working refugees.

International actors and donors could also have an important role in strengthening domestic advocacy to promote refugees' right to work.

### **6.8. The Role of Employers**

Employers have a key role to play in ensuring that refugees' right to work is delivered by engaging with refugee networks; providing or encouraging language training; recognizing previous training; countering discrimination, including gender discrimination; and ensuring workplace rights. These initiatives should be better linked (that is, as a value chain) to activate refugees' skills, which will benefit both refugees' and employers' interests.

Employers need to be more clearly informed about the legal provisions governing refugees' right to work. Employers in refugee-hosting countries could exercise their political influence to allow refugees to work

lawfully, since this might be in their business interests or aligned with their commitments to corporate social responsibility.

Appropriate measures are needed to combat employer discrimination when considering the quality of refugees' prior skills, training, and competences.

Employers' representative organizations should play a more significant advocacy and awareness-raising role to resolve refugee exploitation by employers in the workplace.

### **6.9. The Role of Trade Unions**

Given that most refugees work in the informal sector, little evidence was found in the case studies about the role of trade unions; nonetheless, they have an important role to play in promoting and protecting refugee rights in the workplace, especially in assisting in their inclusion in labor markets; expressing solidarity with coworkers; ensuring that collective bargaining on employer-worker agreements includes refugees; and guaranteeing freedom of association and promoting social dialogue, including to reassure local workers that their wages and conditions will not be undermined. These rights sit alongside the rights of *all* workers, and there should be no discrimination between refugees and the national workforce.

### **6.10. Engaging Refugee Networks and Social Capital**

International and intergovernmental organizations and, more especially, national and local actors—governments, employers' organizations, and trade unions, as well as NGOs—should better engage with refugee community organizations and social capital to improve and accelerate refugees' access to employment, discern training needs, and help refugees become more aware of their workplace rights.

### **6.11. Migrants and Refugees**

In enhancing laws and policies that afford refugees the right to work, governments should also ensure that these initiatives neither diminish access for migrant workers arriving on regular migration programs—for example, provision of work visas—nor their rights.

It is essential that policies promoting refugees' right to work do not create situations in which refugees and migrant workers are set in competition with each other, with the likely outcome that downward pressure is exerted on working conditions and wages and all workers are at risk of exploitation.

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# Country

## Profile<sup>20</sup>

- Indicate whether the country is party to the 1951 Convention relating to the Status of
- Refugees (mentioning if with reservations), the 1967 Protocol, and regional instruments
- xxx refugees, xxx people in refugee-like situations, and xxx asylum seekers: Use UNHCR Global Trends Forced Displacement in 2015 ([www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html](http://www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html)) = Percentage of the 2015 total population estimates (<http://databank.worldbank.org/data/download/POP.pdf>); percentage is calculated using the sum of refugees, people in refugee-like situations, and asylum seekers
- Top refugee origin countries: List top three countries of origin
- Indicate whether refugees are encamped, self-settled, mainly rural or urban (multiple possible sources)
- Human Development Index classification (2014): Include rank and value (<http://hdr.undp.org/en/composite/HDI>)
- GDP growth rate (2015): Annual percentage growth rate of GDP (<http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG>) and per capita GDP (US\$) (<http://data.worldbank.org/indicator/NY.GDP.PCAP.CD>)
- Country classification (2015): Indicate whether the country has a lower-middle- or upper-middle-income economy ([http://data.worldbank.org/about/country-and-lending-groups#Low\\_income](http://data.worldbank.org/about/country-and-lending-groups#Low_income))
- Unemployment rate (2014): Percentage of total labor force, modeled on ILO estimate (<http://data.worldbank.org/indicator/SL.UEM.TOTL.ZS/countries>)

<sup>20</sup>. The first four bullets (left box) contain information on refugees and migration; the last four (right box), socioeconomic-related information.

## CONTEXT

One or two short paragraphs with

- Main geopolitical information about the regional or country context (for example, whether the country is an unstable region, at war)
- Explanation about the source of the refugee caseload
  - Mass arrival of refugees at once, in different waves, protracted displacement
  - Types of refugees (for example, fleeing conflict, persecution, political unrest, natural disasters, mixed migration)
  - Whether border issues or relations between neighboring states might be germane to the context
- General approach toward refugees (for example, open-door policy; whether it is a transit or destination country)
- Prospects (or lack of prospects) for durable solutions (voluntary return, local integration, resettlement)

## 1. LAW

### *Refugee Law*

- **National legislation:** Information about relevant national legislation (and eventual reservations to the 1951 Refugee Convention)
- **Institutions:** Institutions responsible for refugee affairs
- **Access to protection:** Government position toward refugees and legal frameworks related to access to protection
- **Freedom of movement:** Information on whether refugees are free to move and choose their place of residence or whether there are constraints on the freedom of movement (for example, encampment or detention)

### *Right to work – refugee and labor and employment law*

Elaborate on specific laws (national, regional, international) applicable in the country, highlighting similarities and differences between refugees, other migrants (if the information is easily available and relevant), those with other forms of protection, and asylum seekers; covering access to work, self-employment, and various rights related to work conditions (for example whether refugees benefit from social security or pensions).

## 2. POLICY AND PRACTICE

Assessment of the following factors that may facilitate or constrain the right to work:

- Inclusion policies (for example, issuance of work permits, implementation of regulations regarding access to formal employment)
- Education, vocational training, language training opportunities
- Start-up finance

- Support projects by host country or organizations
- Recognition of skills
- Discrimination, including gender discrimination
- Exploitation
- Information about legal entitlements and access to legal advice and justice
- Freedom of movement
- Dispersal or encampment policies

### 3. MEDIATING CONDITIONS

#### *Socioeconomic conditions*

- Description of socioeconomic context (for example, developed or poor country)
- Macro- and microeconomic conditions, including economic performance, prospects for economic growth (World Bank 2015)<sup>21</sup>, investment climate, informal employment (ILO 2013)<sup>22</sup>, unemployment, underemployment,<sup>23</sup> and wage rates
- Urban economic conditions that may offer more diverse livelihood opportunities but also include broader challenges, including oversupply of unskilled labor, irregular work and income
- Scale of migration: Number of refugees and number of migrants in the country<sup>24</sup>

#### *Refugee profiles*

- Skills match with needs of labor market; complements to or substitutes for local labor force
- Social capital
- Knowledge of legal entitlements
- Language proficiency

### 4. OUTCOMES

#### *Participation in the labor market*

Analyze refugees' actual access to and participation in the labor market (both formal and informal; also self-employment and creation of businesses) and, where information is readily available and relevant, compare it with the labor market participation of other foreigners.

### SUMMARY AND CONCLUSION

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<sup>21</sup> Global Economic Prospects of the World Bank

<http://pubdocs.worldbank.org/pubdocs/publicdoc/2015/9/961521443473555360/Global-Economic-Prospects-June-2015-Global-economy-in-transition.pdf>

<sup>22</sup> ILO (2013) Women and Men in the Informal Economy: A Statistical Picture,

[www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms\\_234413.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/publication/wcms_234413.pdf)

<sup>23</sup>. Refer to ILO Key Indicators of the Labour Market database, which has data on informal employment and underemployment for a number of countries, [www.ilo.org/empelm/what/WCMS\\_114240/lang--en/index.htm](http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm).

<sup>24</sup>. Refer to World Bank's bilateral migration matrix 2013

[http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/Bilateral\\_Migration\\_Matrix\\_2013.xlsx](http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/Bilateral_Migration_Matrix_2013.xlsx)

Short paragraph with main features of the situation related to the law, policy, and other key variables, highlighting any new legislation or policies.

**KEY SOURCES**

List four to five most relevant and recent publications with url (where existing).



