

Refugees' right to work and access to labour markets: constraints, challenges and ways forward

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For refugees, the right to work and access to labour markets are key for becoming self-reliant, building their lives and securing dignity, and allowing them to contribute to their host communities. Host countries need to assess the potential for opening their labour markets to refugees, and enhancing access to decent work.

The 1951 Convention Relating to the Status of Refugees accords refugees the right to work¹ but many host countries are reluctant to allow this right. This reluctance reflects varying concerns about labour market distortion and limited capacity to absorb new labour, the crowding of certain sectors, availability of jobs for citizens, reduction in wages and decline in working conditions. Host governments may also be swayed by popular opposition to refugee rights to work and by security concerns about large-scale refugee populations settling and working. Of the 145 States Parties to the 1951 Refugee Convention, almost half declare reservations, and even States that grant the right to work usually impose conditions on access to labour markets. The same limitations apply to many of the 48 States that are not States Parties to the Refugee Convention.

For refugees, however, the right to work and access to labour markets are prerequisites for allowing them to secure sustainable livelihoods, thereby reducing vulnerability, enhancing resilience and enabling a dignified life. Acknowledging this, intergovernmental organisations such as the UN Refugee Agency (UNHCR) and the Organisation for Economic Co-operation and Development (OECD) now promote access to labour markets and the right to work as core elements of development-oriented, sustainable refugee programming, especially for those living in protracted displacement.

A desk study and comparative analysis undertaken in 2016² investigated the role and impact of international legal provisions – specifically Articles 17-19 of the 1951 Refugee Convention – that provide and protect refugees' right to work and access

to labour markets. The study covered 20 countries, including low- and middle-income countries that together host the majority of the world's refugees but also upper-income countries. Both signatory and non-signatory States were included.

Frameworks, policies and other factors affecting labour market access

A restrictive approach to the right to work prevails in most countries, even upper-income economies such as the United Kingdom. In many countries that have received greater numbers of refugees, the barriers can be tougher, such as for Colombian refugees in Venezuela, while a formal prohibition exists in many countries, such as Bangladesh (for Rohingya refugees) and Sudan (for Eritrean refugees because of their lack of legal status in the country). These constraints force refugees to use irregular pathways both to enter and to work in the country. Even in countries that adhere to the relevant articles of the 1951 Refugee Convention, the legal entitlement to work for refugees is rarely unconditional. In Iran, for example, refugees can only work in 16 professional categories.

In general, these protectionist policies characterise countries with limited labour market capacity, more narrowly based and weaker economies, and less resilience to economic shocks – such as Chad, Zambia and Pakistan. While in some sense an obvious point, this has a bearing on how international donors should support wider strategic objectives for sustainable development-led responses in countries where the presence of refugees has a significant impact.

There is little consistency in implementing the right to work, and there are significant

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variations between signatory States, for example Italy, UK, Germany and the United States (US), as well as – perhaps less surprisingly – between non-signatory States, such as Pakistan, Lebanon and Jordan. Signatory States do not necessarily offer ‘best’ or ‘better’ practice than non-signatories – demonstrated, for example, by the leadership shown by Jordan (a non-signatory State) in providing a quota of work permits to Syrian refugees as part of the donor-supported Compact.

A key finding of the study is that assessing refugees’ right to work based simply on a country’s legal and normative frameworks and its policies towards refugees is rarely sufficient. Certainly, providing refugees with a legal right to work is insufficient without corresponding compliance and enforcement mechanisms.

Additional constraints and mediating factors

Refugees often need a work permit (usually obtained through a costly and administratively burdensome process) and/or residence permit in addition to their refugee status, or need a job offer from an employer before they can obtain a work permit – as in Lebanon and Zambia, for example. In other countries there are limitations, albeit indirect, on refugees’

entrepreneurship and ability to accumulate capital: in Pakistan, refugees cannot hold real estate or own a business without a Pakistani partner; in Ecuador and Turkey refugees have limited access to financial institutions to obtain loans; and in Zambia there are high fees for refugee business start-ups.

Indirect barriers to the right to work take other forms. Backlogs in status determination, in a country like South Africa, slows down access to formal labour markets, while immigration offices in Venezuela are located in hard-to-access remote border areas. By contrast, the Turkish government now allows Syrian refugees who possess temporary identity cards and have resided in Turkey for six months to apply for work permits.

Restrictions on the right to work force the majority of refugees to work informally. This is evident in Bangladesh and Pakistan, where work outside camps is tacitly accepted despite being illegal, and in countries in the Middle East hosting large numbers of Syrian refugees, where informal economies have expanded. In upper-income countries, refugees also work in the informal sector, although in smaller numbers. Such work entails significant disadvantages and risks – limited livelihood sustainability, marginal wages, lack of decent work, and exploitation.

Other factors affect access and type of work. In Ecuador, Colombian refugees are



UNHCR/Rocco Nuri

A Congolese refugee feeds tilapia at a fish farm collective run jointly by refugees and locals on Lake Rwamunga, western Uganda.

treated the same as economic migrants, who generally experience limited job opportunities and poor working conditions. Negative gender stereotypes, gender-based social discrimination and violence against women are prevalent in labour markets across our sample. For instance, female Myanmar refugees in India are grossly overworked and underpaid; female refugees are harassed in the workplace in Ecuador and Colombia; and refugee widows and unmarried women in Uganda may be targeted for abuse by employers. There is also evidence that the lack of formal employment opportunities and right to work for adults increases levels of youth and child labour, such as in Lebanon, with obvious short- and long-term negative effects.

A significant implication of all these limitations – and others beyond those mentioned here – is that refugees are rarely able to accumulate sufficient capital or skills either to finance their own legitimate pathway to self-reliance (and possible integration) or to support their return and reintegration to their home countries.

Tackling the constraints

There is some evidence that governments, international organisations and non-governmental organisations are beginning to tackle some of these constraints, albeit unsystematically, such as through easing processes for obtaining work permits, providing incentives for refugees to find employment, recognising qualifications and improving skills training.

In Chad and Uganda refugees are allowed to settle in host communities and some are granted arable land for agricultural production. The International Labour Organization (ILO), UNHCR and the government of Ethiopia are collaborating on an 'out-of-camp' policy which allows some relaxation of restrictions on movement and place of residence and eases access to employment/self-employment in camps and surrounding host communities. Community-based organisations in Kenya provide fellow refugees with practical assistance and language lessons and facilitate links to labour opportunities. Germany's National

Integration Plan, adopted in 2012, covers language tuition, education provision and social and labour market integration for refugees, aiming to maximise the contribution of refugees to German society.

Proactive policies, usually in upper-income economies, often reflect strict government expectations for refugees to become economically self-sufficient as soon as possible, as in Germany and the US. However, this may mean that refugees miss out on training opportunities or are compelled to take work that does not reflect their skills and qualifications. Unsurprisingly, accreditation of prior skills and qualifications and opportunities to access education, language training and skills development can significantly enhance access to employment for refugees. Countries such as Ecuador, Germany, the US and Zambia all have procedures to recognise foreign professional diplomas.

The more recent efforts towards enabling refugees to contribute to the economy of host countries and to achieve greater self-reliance have been triggered by the response towards the Syrian 'crisis'. Once the host countries in the region and donors realised the protracted nature of the displacement they attempted to adopt a coherent response with development objectives alongside the humanitarian response, as illustrated in the Syrian Regional Refugee and Resilience Plan (3RP). Receiving significant support from the international community, countries like Jordan shifted their policy towards refugees, opening up access to employment by providing a quota of work permits.³ This model is also being tested in other contexts such as Ethiopia with the creation of a Jobs Compacts, an ambitious endeavour given the poor record of industrial parks across Africa on job creation.⁴

Positive attitudes among employers can of course improve the conditions for decent work for refugees and can help reduce xenophobia. Many employers, however, may be reluctant to employ refugees because of lack of clarity over the legal provisions allowing refugees to work. In Ecuador, for example, there appears to be confusion among employers over the varying right to work for refugees

and for foreign nationals, while the study found that in South Africa refugee documents state that they are allowed to work but employers do not recognise this entitlement.

Social capital and ethnic or linguistic ties play an important role in access to labour markets and type of work. In Uganda and Kenya these networks help refugees, notably Somali refugees, obtain employment from co-national businesses, while there is some evidence that Somali refugees in South Africa find work with South African Muslim businesses. Common language and culture or marriage may ease access to work; Eritrean refugees from the Tigrinya ethnic group now in northern Ethiopia have a strong advantage over other Eritreans in securing employment opportunities.

Ways forward

Governments, with the support of donors and international actors, should better align refugee law and practice with national employment policies. Often, these seem to work in opposite directions. Better coherence would enhance access to labour markets and make the right to work a reality for many more refugees. To this end, better coordination between ministries involved with refugee/immigration affairs and those responsible for labour rights would enhance implementation of refugees' right to work and labour market inclusion, removing some of the administrative and bureaucratic barriers discussed above.

Labour market policies that lead to more sustainable livelihoods and better economic conditions for refugees (and their hosts) are essential. Too often the lack of the right to work or constraints on this right prevent refugees from engaging in decent work in the formal sector, leaving them more exposed – in the informal sector – to precarious incomes, the absence of contractual rights, and greater risks of exploitative working conditions.

Employers, employers' organisations and trade unions can also contribute to proactive policies that deliver access to labour markets and decent employment. They can promote good practice among their membership and work with governments and local authorities

to promote effective legislation, regulation and compliance. At the same time, national governments, employers, trade unions and civil society all share the responsibility to promote equality of rights and to counter negative discourse or stereotypes of refugees which limit their participation and integration. These initiatives should also include developing a better awareness, among refugees as well as among judiciary and regulatory agencies, of refugees' workplace rights; too often refugees are unaware of or frightened to exercise their rights and are poorly protected by the authorities.

Improved training, education and language/skills development are critical elements for enhancing refugees' access to labour markets, and employers and training providers need to design innovative ways of promoting and delivering these.

Donors and international and intergovernmental organisations should play a more significant role in addressing crises of forced displacement through introducing policies providing for refugees' right to work and access to labour markets, especially in poorer countries hosting large numbers of refugees where labour markets are most constrained. Here the international funding and underwriting of labour market developments and job promotion should be buttressed by support for legislation, policies and standards for decent work.

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1. See Articles 17-19 www.refworld.org/docid/3be01b964.html
2. Zetter R and Ruauzel H (2016) *Refugees' Right to Work and Access to Labor Markets – An Assessment, Part 1*, World Bank Global Program on Forced Displacement (GFPD) and the Global Knowledge Partnership on Migration and Development (KNOMAD) Thematic Working Group on Forced Migration <http://bit.ly/KNOMAD-Zetter-Ruauzel-2016-1>
3. See articles on the Jordan Compact in FMR 57 www.fmreview.org/syria2018
4. Ruauzel H and Morrison-Métouis S (2017) 'Responding to Refugee Crises in Developing Countries, What Can We Learn From Evaluations', OECD Working Paper 37 <http://dx.doi.org/10.1787/ae4362bd-en>